

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUL 14 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

v.

JOSHUA JAMES COOLEY,

Defendant-Appellee.

No. 17-30022

D.C. No.

1:16-cr-00042-SPW-1

ORDER

On Remand from the United States Supreme Court

Before: BERZON, THACKER,* and HURWITZ, Circuit Judges.

The Supreme Court reversed our judgment in this case and remanded to this Court for further proceedings. *United States v. Cooley*, 141 S. Ct. 1638 (2021). The District Court did not decide the following question: If—as the Supreme Court held—the tribal officer otherwise possessed the relevant authority, “whether the officer had probable cause for a search or arrest, or reasonable suspicion for an investigatory detention.” *United States v. Cooley*, 919 F.3d 1135, 1145 (9th Cir. 2019). Accordingly, the case is hereby REMANDED to the District Court to address that question. *See id.* (“We rely on Fourth Amendment jurisprudence to

* The Stephanie Dawn Thacker, United States Circuit Judge for the U.S. Court of Appeals for the Fourth Circuit, sitting by designation.

analyze the validity of a search or seizure under [the Indian Civil Rights Act].”)
(citing *United States v. Becerra-Garcia*, 397 F.3d 1167, 1171 (9th Cir. 2005)).

IT IS SO ORDERED.