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Case No. 25-2047

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Sep 30, 2026
KELLY L. STEPHENS, Clerk

SCOTT HYTTINEN, et al.,
Plaintiffs - Appellants,

v.

KIRBY FRANTTI, et al.,
Defendants - Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

OPINION

BEFORE: SILER, DAVIS, and RITZ, Circuit Judges.

RITZ, Circuit Judge. Annette and Scott Hyttinen live in Ishpeming, Michigan, with their son Gabriel and niece Jennifer Vaughan. Annette and Scott were away on vacation when they received a call from Michigan State Troopers, who were at the Hyttinens' house with a warrant for Vaughan's arrest. After Annette informed the officers that Vaughan was not at the house, the officers admitted that they were really looking for Vaughan's boyfriend Jesse Paris. Annette told the officers that Vaughan and Jesse were at Jesse's sister's house. The Hyttinens' assurances did not deter the officers, who decided to search the Hyttinens' house anyway. But the house was empty—just as Annette had told them.

The Hyttinens sued the officers, claiming they illegally entered and searched their home. The district court granted summary judgment to the defendants, concluding that they did not violate a clearly established constitutional right. We agree and affirm.

BACKGROUND

I. Search of the Hyttinens' home

After Jennifer Vaughan failed to appear before a Marquette County Circuit Court for a hearing in a civil case, the court issued a bench warrant for her arrest. A few months later, Michigan State Troopers Andrew Peterson and Tyler Vargo went to the residence listed on the warrant. That address was the home of Vaughan's aunt and uncle, Annette and Scott Hyttinen, who allowed Vaughan to stay with them and their son.

No one responded when Vargo knocked on the door, but Vargo noticed that there were lights on inside. He told Peterson that he "heard a female voice." RE 13-4, Vargo Body Camera Footage, 00:42-00:46. After knocking again, Vargo decided to contact the Hyttinens. He called Scott and told him that the officers were looking for Vaughan, that there were lights on inside, and that he heard a dog and someone in the house. Scott told Vargo that he would try to speak to Vaughan, but shortly after, Annette called the officers back. She reported that "right now" Vaughan was at the house of her boyfriend's sister Angel Paris, their son was out of town, and only the dog was inside the house. *Id.* at 06:43-07:10. Annette admitted that she was last in contact with Vaughan the day before, and Vaughan was at Angel's house then. When Vargo reported hearing a voice inside, Annette explained that they "leave the TV on for the dog." *Id.* at 06:50-06:54.

After Annette again insisted that Vaughan was at Angel's house, Vargo admitted that the officers were looking for Vaughan so that she would "lead [them]" to Vaughan's boyfriend Jesse, their "main concern." *Id.* at 07:30-07:38. Annette repeated that Vaughan would be at Angel's house. The call ended, and the officers conferred. They remained convinced that Vaughan was inside the house, Annette's "very defiant" denials having had no effect on them. *Id.* at 09:00-

09:04. Peterson told Vargo that they were "good, so long as [Vargo had] reasonable belief that [Vaughan] live[d] here." *Id.* at 09:11-09:14. Vargo confidently agreed, because "it's [Vaughan's] address . . . and the warrant's here." *Id.* at 09:15-09:18.

Shortly after, Annette called Vargo back to tell him where in Angel's house Jesse would likely be hiding. She added that Jesse would likely flee out of the back door, watch the officers with a camera outside of the house, and be armed. Even so, the officers continued searching the Hyttinens' home. They described the house as "frickin' huge" and decided to contact Ishpeming Police for backup. *Id.* at 10:28-10:48. In the meantime, the troopers kept discussing whether Vaughan was inside the house. Vargo started to "doubt [him]self," but he insisted to his colleagues that he "heard somebody." *Id.* at 10:51-10:55. Peterson reassured him, saying that he "believe[d] that [Vargo] heard somebody." *Id.* at 10:55-10:57. Given that the "parents [were] gone," "no one else live[d] [t]here," "[Vargo] hear[d] a female voice inside,"—and that there was "a dog inside too, which if [the Hyttinens] were in Vegas, there would not be a dog inside"—Peterson concluded that the officers had "everything" they needed to believe that Vaughan was in the house. *Id.* at 10:58-11:10.

As the troopers waited for the Ishpeming Police, a neighbor walked by the house and reported that, the night before, he heard a woman "yelling for the chihuahua to come in." *Id.* at 12:15-12:20. Shortly after, two additional troopers and two Ishpeming Police officers arrived. The six officers searched the house's basement, ground floor, second floor, and attic. Roughly halfway through the search, the officers found a cell phone lying on the kitchen counter. The Hyttinens' son Gabriel, who appeared at the house during the search, told the officers that the phone belonged to Vaughan, but that Vaughan had not been in the house since 10 p.m. the previous

day. Despite searching for roughly an hour, the officers did not find Vaughan or Jesse in the home. They left shortly after.

II. Procedural history

Annette, Scott, and Gabriel sued the four State Troopers and two Ishpeming Police officers under 42 U.S.C. § 1983, alleging they illegally entered and searched the Hyttinens' home in violation of the Fourth Amendment. The State Troopers moved for summary judgment, which the district court granted on the basis of qualified immunity. The court reasoned that although the troopers had a reasonable belief that Vaughan was present in the residence when they attempted to execute the warrant, they did not have probable cause. However, the court concluded, case law did not "clearly establish[]" that the officers needed probable cause to enter the residence. RE 43, Order Granting Summ. J., PageID 307-08. The Hyttinens appeal.

ANALYSIS

I. Standard of review

We review a district court's grant of summary judgment de novo. *Willard v. Huntington Ford, Inc.*, 952 F.3d 795, 805 (6th Cir. 2020). Summary judgment is appropriate if "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). When evaluating a summary judgment motion, "[w]e must view all of the facts in the light most favorable to the nonmoving party and draw all justifiable inferences in the nonmoving party's favor." *Willard*, 952 F.3d at 805-06.

II. Discussion

On appeal, the Hyttinens argue that we must: (1) consider the troopers' subjective intent in assessing their entry into the home; (2) consider the legality of the entry under *Steagald v. United States*, 451 U.S. 204 (1981), because the officers sought to locate Jesse, a third party; (3) find the

troopers did not have "sufficient cause to enter" the home; and (4) conclude the officers were not entitled to qualified immunity. CA6 R. 17, Appellant Br., at 11.[1] These arguments are unavailing. Notwithstanding the troopers' subjective intent, because the officers had a reasonable belief that Vaughan was present in the residence, they are entitled to qualified immunity.

A. The applicable standard

"[F]or Fourth Amendment purposes, an arrest warrant founded on probable cause implicitly carries with it the limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within." *Payton v. New York*, 445 U.S. 573, 603 (1980). "This is a two-part inquiry, whereby the officers must have reason to believe the home is the subject's dwelling *and* that the subject is inside." *United States v. Essex*, No. 21-6137, 2022 WL 17078717, at *2 (6th Cir. Nov. 18, 2022) (citing *El Bey v. Roop*, 530 F.3d 407, 416 (6th Cir. 2008)). Here, the parties contest only the second prong.

The meaning of *Payton*'s "reason to believe" language has been the subject of debate. Our court has "at times vacillated between a 'probable cause' and a lesser 'reasonable belief' standard to define whether an officer fairly had 'reason to believe the suspect is within [the dwelling].'" *United States v. Cammon*, 849 F. App'x 541, 544 (6th Cir. 2021) (alteration in original) (quoting *United States v. Baker*, 976 F.3d 636, 642 (6th Cir. 2020)); *see also Essex*, 2022 WL 17078717, at *2 ("[T]he meaning of *Payton*'s 'reason to believe' language (which, importantly, guides our review of these two factors) has eluded our review."). To illustrate, in *United States v. Pruitt*, 458 F.3d 477 (6th Cir. 2006), we concluded that officers need only satisfy the "lesser reasonable belief

[1] The Hyttinens also suggest that the officers violated the Fourth Amendment by searching the home for "nearly an hour," CA6 R. 17, Appellant Br., at 10. They do not, however, develop this argument on appeal. Therefore, we decline to address it. *See Buetenmiller v. Macomb Cnty. Jail*, 53 F.4th 939, 946 (6th Cir. 2022).

standard, and not probable cause . . . to enter a residence to enforce an arrest warrant," and that "[r]easonable belief is established by looking at common sense factors and evaluating the totality of the circumstances." 458 F.3d at 482. But we later stated in *United States v. Hardin*, 539 F.3d 404, 412-15 (6th Cir. 2008), that *Pruitt*'s validation of the reasonable belief standard was dicta. *But see id.* at 428 (Batchelder, J., concurring in part) ("*Pruitt*'s 'lesser reasonable belief standard' is the controlling law in this Circuit."). Such differing statements regarding *Payton*'s status highlight the unsettled nature of this issue in our circuit.

B. Whether the officers had reason to believe Vaughan was present

The Hyttinens argue the officers' search was unreasonable even under the lesser "reasonable belief" standard. We disagree. The officers had a reasonable belief that Vaughan was in the home when they attempted to execute the warrant.

1. The officers' subjective motive

As an initial matter, the Hyttinens argue the district court erred by failing to consider the officers' subjective motives in executing the arrest warrant for Vaughan. An entry is "'reasonable' under the Fourth Amendment, regardless of the individual officer's state of mind, 'as long as the circumstances, viewed *objectively*, justify [the] action.'" *Brigham City v. Stuart*, 547 U.S. 398, 404 (2006) (alteration in original) (quoting *Scott v. United States*, 436 U.S. 128, 138 (1978)). The Hyttinens attempt to create an exception to this rule that does not exist, arguing that "[i]f police convey a different subjective intent to the person confronted, that subjective intent becomes relevant" to the reasonableness of the search. CA6 R. 17, Appellant Br., at 12.

The Hyttinens are correct that courts sometimes consider the subjective intent of officers when reviewing Fourth Amendment claims. This exception, however, applies only when considering whether the subject of a seizure understood she was seized. For instance, in *United*

States v. Taylor, 956 F.2d 572, 576 n.2 (6th Cir. 1992) (en banc), we declined to consider an officer's subjective belief that he had seized the defendant, because he did not communicate this understanding to the defendant. Similarly, in *Michigan v. Chesternut*, 486 U.S. 567, 574-75 (1988), the Supreme Court explained that "the subjective intent of the officers is relevant to an assessment of the Fourth Amendment implications of police conduct only to the extent that that intent has been conveyed to the person confronted." 486 U.S. at 575 n.7; *see also id.* (citing 3 Wayne R. LaFave, *Search and Seizure* § 9.2(h), at 407 (2d ed. 1987 and Supp. 1988) (noting the "uncommunicated intent of police [is] irrelevant to determin[ing] whether seizure occurred")).

The Hyttinens do not cite to any cases where we have considered the subjective motives of a police officer to determine the constitutionality of an entry. They also fail to acknowledge that the officers' intent, even if communicated to Annette, was never communicated to Vaughan, the subject of the bench warrant. Therefore, in assessing the reasonableness of the officers' actions we do not consider that the officers were trying to locate Jesse when they executed the warrant.

2. Facts known to the officers at the time of the entry

Next we turn to the facts that justified the officers' entry of the home. In evaluating the reasonableness of an entry, we consider what the officers knew at the time. *See Essex*, 2022 WL 17078717, at *3. And we analyze whether the officers had a reasonable belief the subject of an arrest warrant was present at her residence "by looking at common sense factors and evaluating the totality of the circumstances." *Pruitt*, 458 F.3d at 482. For example, "an anonymous tip coupled with information collected a month prior to arrest about the subject's presence around the premises" can meet this requirement. *Id.* (discussing *United States v. McKinney*, 379 F.2d 259, 264 (6th Cir. 1967), *overruled on other grounds by Steagald*, 451 U.S. 204). Probable cause, on the other hand, generally requires "recent, eyewitness evidence connecting the suspect to the

residence, and often even conduct by the suspect that demonstrates a tie to the residence." *Hardin*, 539 F.3d at 421.

Here, the facts known by the officers at the time of the entry were sufficient to give them a reasonable belief that Vaughan was present in the house. First, the Hyttinens' address matched the residence listed as Vaughan's on the bench warrant. *See El Bey*, 530 F.3d at 416 (finding it reasonable to believe a suspect lived at a residence after he "listed [it] as his residence" with the marshals). Second, Vargo heard a dog barking and what he believed to be a woman's voice, as well as lights on, suggesting a person was present. Next, the officers confirmed that the Hyttinens were away on vacation and that Vaughan had stayed behind. Although Annette claimed Vaughan was away from the home, the last time she had been in touch with Vaughan was the prior day. Finally, a neighbor reported hearing a woman calling for a dog the previous night.

So, the officers were aware of only two women who resided at the home, one of whom (Annette) confirmed she was not present. Using "common sense factors and evaluating the totality of the circumstances," the officers could have reasonably believed that, with the Hyttinens away, Vaughan, who had stayed behind, was in the house taking care of the dog. *Pruitt*, 458 F.3d at 482.

On the other hand, it is not clear the troopers had probable cause to enter the home. Although a neighbor reported that an unidentified woman called to the Hyttinens' dog the night before, the officers lacked "the requisite recent and firsthand knowledge" of Vaughan's presence in the home. *Essex*, 2022 WL 17078717, at *2 (citation modified). And the facts suggesting Vaughan was present in the house were directly called into question by Annette. On this record, it is questionable whether there was probable cause to believe Vaughan was present in the home. *Cf. United States v. Block*, 378 F. App'x 547, 550 (6th Cir. 2010) (holding officers had probable cause to execute an arrest warrant where they saw the suspect in the second-floor window,

confirmed the address was rented to a woman associated with the suspect, and received a tip that the suspect was staying in the area).

C. Whether the officers are entitled to qualified immunity

Even if the officers lacked probable cause, though, that does not help the Hyttinens. The officers are entitled to qualified immunity because they did not violate clearly established law.

State officials are entitled to qualified immunity from a 42 U.S.C. § 1983 suit "unless the evidence, viewed in the light most favorable to the plaintiff, would permit a reasonable juror to find that (1) the defendant violated a constitutional right; and (2) the right was clearly established." *Raimey v. City of Niles*, 77 F.4th 441, 447 (6th Cir. 2023) (citation modified). We may address these questions in either order. *Linden v. City of Southfield*, 75 F.4th 597, 602 (6th Cir. 2023).

Even assuming that the officers violated a constitutional right by entering the home without probable cause to believe Vaughan was present, that right was not clearly established. For a right to be clearly established, "[t]he contours of the right must be sufficiently clear that a reasonable official would understand that what he is doing violates that right." *Clemente v. Vaslo*, 679 F.3d 482, 490 (6th Cir. 2012) (alteration in original) (quoting *Anderson v. Creighton*, 483 U.S. 635, 640 (1987)). "Although a case directly on point is not necessary to overcome qualified immunity, existing precedent must have placed the constitutional question beyond debate." *Linden*, 75 F.4th at 602 (citation modified).

The Hyttinens cannot make this showing. They first argue that "[t]he right to be free from an unlawful entry into one's home is a clearly established constitutional right." CA6 R. 17, Appellant Br., at 20. But "[t]he general proposition, for example, that an unreasonable search or seizure violates the Fourth Amendment is of little help in determining whether the violative nature of particular conduct is clearly established." *Clemente*, 679 F.3d at 490 (citation modified).

Second, the Hyttinens argue that it is clearly established that officers "must have a search warrant to enter the home of a third party where they believe a suspect is inside." CA6 R. 17, Appellant Br., at 20 (citing *Steagald*, 451 U.S. 204). But although the officers subjectively intended to search for Jesse, the subject of their warrant was Vaughan, who resided in the home. Thus, *Steagald* does not apply to "the specific context of the case." *Linden*, 75 F.4th at 602 (citation modified).

Rather, the core constitutional question is whether the officers needed probable cause or a reasonable belief that the subject of an arrest warrant was inside of her residence in order to enter that home without a search warrant. As discussed, the answer to that question is far from "clearly established." And although we often resolve this question "using the higher probable-cause standard," *Essex*, 2022 WL 17078717, at *2, we have done so in unpublished opinions, which "cannot clearly establish law for purposes of qualified immunity," *Linden*, 75 F.4th at 605. Thus, even if the officers violated the Hyttinens' Fourth Amendment rights by entering the house without probable cause, we have not clearly established that a lack of probable cause under these circumstances is a constitutional violation.

CONCLUSION

For these reasons, we affirm.