

25-654

United States v. Acevedo

United States Court of Appeals For the Second Circuit

August Term 2025
Argued: June 8, 2026
Decided: October 2, 2026

No. 25-654

UNITED STATES OF AMERICA,

Appellee,

v.

MIGUEL ACEVEDO,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Connecticut
No. 23-cr-35, Kari A. Dooley, *Judge*.

Before: WALKER, ROBINSON, and NATHAN, *Circuit Judges*.

Defendant-Appellant Miguel Acevedo appeals from a judgment of the United States District Court for the District of Connecticut (Dooley, J.) convicting him, after a guilty plea, of possessing cocaine with intent to distribute it. On appeal, Acevedo argues that federal agents needed a warrant to seize his car from his private driveway for civil asset forfeiture purposes. And because the warrant the agents had did not name “vehicles” among the things to be seized, Acevedo argues that the drugs and gun found inside of that car should have been suppressed as the fruits of a warrantless seizure. We reject these arguments and **AFFIRM** the judgment of the district court.

RONALD S. JOHNSON, Law
Office of Ronald S. Johnson &
Associates, Hartford, CT, *for*
Defendant-Appellant.

LAUREN CLARK (Conor M.
Reardon, Elena Lalli
Coronado, *on the brief*),
Assistant United States
Attorneys, *for* David X.
Sullivan, United States
Attorney for the District of
Connecticut, New Haven, CT,
for Appellee.

NATHAN, *Circuit Judge*:

This case concerns whether federal agents who have a lawful warrant to search the grounds surrounding an individual's home need a warrant to seize the cars they find on those grounds—so long as the cars themselves were used to facilitate drug sales or purchased with their proceeds.

After Miguel Acevedo sold cocaine to a source cooperating with the Drug Enforcement Administration (DEA), DEA agents obtained a warrant to search his home and the “grounds” surrounding it for evidence of his drug crimes. App'x 140. That search warrant did not list “vehicles” among the things to be seized. Nevertheless, while executing that search warrant, agents seized Acevedo's blue Toyota Sienna minivan from his private driveway for civil asset forfeiture purposes. Based on pole camera footage and information from their cooperating source, the agents claimed that Acevedo had used that minivan to sell drugs. Later, they found six kilograms of cocaine and a loaded gun inside of it.

After the district court denied Acevedo's motion to suppress the drugs and gun that were recovered from his minivan, Acevedo pled guilty to possessing cocaine with intent to distribute it. He reserved his right to appeal the suppression issue.

On appeal, Acevedo argues that the district court erred when it denied his suppression motion. Specifically, he contends that the agents needed a warrant to seize his minivan from his private driveway. And because the warrant they had did not include “vehicles” among the things to be seized, Acevedo argues that the

drugs and gun found inside of that minivan should have been suppressed as the fruits of a warrantless seizure. Applying *Florida v. White*, 526 U.S. 559 (1999), we conclude that the seizure did not involve an “invasion of [Acevedo’s] privacy” because the agents had a warrant authorizing them to stand exactly where they were when they seized his minivan. *Id.* at 566. As a result, the seizure of the minivan, though formally warrantless, was reasonable under the Fourth Amendment. We therefore **AFFIRM** the judgment of the district court.

BACKGROUND

I. Factual Background

For months, DEA agents suspected that Miguel Acevedo was using his auto garage as a front to sell narcotics. Acevedo had spent most of the past twenty years in prison, on parole, or on supervised release for distributing crack cocaine. He had been arrested again for possessing narcotics six months after his latest term of supervised release ended. And a few weeks after that arrest, Acevedo had registered a new auto detailing business with the state of Connecticut—but he had not hired anyone to work at that business, and he had not applied for the licenses needed to run it.

The DEA agents therefore sent a cooperating source to talk to Acevedo at his auto garage. During that conversation, Acevedo told the source that he sold marijuana and cocaine in addition to cars. He also told the source that he knew a local “trap-maker”: someone who builds secret compartments (“traps”) in cars, which are used to hide drugs. App’x 119.

Twice during the three months that followed, Acevedo sold the cooperating source a few ounces of cocaine. He also set a date to sell the source five more kilograms. Based on those two controlled buys, the third planned one, and the surveillance that accompanied them, the DEA agents secured a warrant for Acevedo's arrest on narcotics charges. They also obtained two warrants to search Acevedo's property for evidence of his drug crimes. One of those search warrants covered the garage at Acevedo's auto detailing business. The other covered his house and the "grounds" surrounding it. App'x 140.

The search warrant for Acevedo's auto garage directed the agents to seize any "vehicles" related to Acevedo's drug crimes that they might find there. App'x 149. The search warrant for Acevedo's house did not. That omission was notable because, thanks to the pole cameras they set up outside of Acevedo's house and auto garage, the DEA agents knew that Acevedo drove a blue Toyota Sienna minivan to pick up some of the cocaine that he sold to their cooperating source. They also knew that Acevedo often parked that minivan in front of his house.

The DEA agents executed those search and arrest warrants one week later. When they did so, they found two cars parked in the driveway next to Acevedo's home: the blue Toyota Sienna minivan, and a red Ford F-150 truck. The agents searched both cars for drugs or other contraband but found nothing. Then, they seized them anyway. They insisted that the cars were "forfeitable property" — that Acevedo had used the minivan to sell drugs, and that he had used drug proceeds to buy the truck.

Two weeks after Acevedo's minivan was put into storage to await asset forfeiture proceedings, the agents received another tip. This time, they were told that the minivan had a "trap" with narcotics inside of it, and that they had not found it yet. App'x 108. The agents used that tip to obtain a search warrant for the minivan. When they executed that search warrant, they found a hidden compartment near the minivan's rear bumper. Six kilograms of powder cocaine, 100 grams of crack cocaine, and a loaded revolver were inside.

II. Procedural History

Acevedo was charged with distributing cocaine, possessing at least five kilograms of cocaine with intent to distribute it, and being a felon in possession of ammunition. He then moved to suppress the drugs and gun that were recovered from his minivan. As relevant here, Acevedo argued that the DEA agents needed a warrant to seize his minivan from his private driveway. And because the warrant they did have did not include "vehicles" among the things to be seized, the drugs and gun found inside of that minivan had to be discarded as the fruits of a warrantless seizure.¹

The district court disagreed. *See generally United States v. Acevedo*, No. 23-cr-35, 2024 WL 2941664 (D. Conn. June 11, 2024). It explained that, under *Florida v. White*, 526 U.S. 559 (1999), law enforcement officers do not need a warrant to seize forfeitable cars from public places. *Acevedo*, 2024 WL 2941664, at *3. And although

¹ Below, Acevedo also challenged the warrantless seizure of his Ford F-150 truck. But no contraband was ever found inside of that truck, and Acevedo does not appear to contest its seizure on appeal. As a result, in what follows, we focus our analysis on the seizure of the blue minivan.

Acevedo's minivan was seized from his private driveway, the Fourth Amendment draws "little distinction between a public parking lot or street and a private driveway . . . when law enforcement officers are legally on the private property pursuant to valid arrest and search warrants." *Id.* The court denied Acevedo's suppression motion accordingly.

Acevedo pled guilty to possessing cocaine with intent to distribute it, but he reserved his right to appeal the suppression ruling. This appeal followed.

DISCUSSION

Before this Court, Acevedo does not contest that the agents had probable cause to believe that his minivan was forfeitable property. Nor does he dispute that the search warrant the agents did have gave them the right to search the area in the private driveway where his minivan was found. Nevertheless, Acevedo contends that his Fourth Amendment rights were violated when his minivan was seized from that driveway without being listed in the search warrant. We hold that they were not.

I. The Automobile Exception and Civil Asset Forfeiture

The Fourth Amendment protects against "unreasonable searches and seizures." U.S. Const. amend. IV. Generally, warrantless searches are "*per se* unreasonable." *California v. Acevedo*, 500 U.S. 565, 580 (1991) (quotation marks omitted). Warrantless seizures are, too. *United States v. Casado*, 303 F.3d 440, 443 (2d Cir. 2002).

But cars are different. Under the automobile exception, police

officers typically do not need a warrant to search cars or the things inside of them. *United States v. Navas*, 597 F.3d 492, 497 (2d Cir. 2010). They just need probable cause to believe that a car contains contraband or evidence of a crime, and a “lawful right of access” to the car itself. *Collins v. Virginia*, 584 U.S. 586, 596 (2018). Sometimes, that same exception also allows officers to *seize* cars without a warrant. *See, e.g., Chambers v. Maroney*, 399 U.S. 42, 52 & n.10 (1970). For example, if officers have probable cause to believe that a particular car was used to commit a crime, they can tow that car from a public street to a police station in order to facilitate a search of it. *Id.*; *see also Cardwell v. Lewis*, 417 U.S. 583, 592–95 (1974) (plurality opinion); *United States v. Swanson*, 341 F.3d 524, 532–33 (6th Cir. 2003).

The logic of the automobile exception is twofold. First, cars are “readily mobile.” *California v. Carney*, 471 U.S. 386, 391 (1985). They can be “quickly moved out of the locality or jurisdiction in which the warrant must be sought.” *Carroll v. United States*, 267 U.S. 132, 153 (1925). And the same is true of the contraband or evidence they carry. It, too, can be “spirited away” before officers can secure a warrant to seize it. *Florida*, 526 U.S. at 565. Second, people have a reduced expectation of privacy in cars themselves. *United States v. Jones*, 893 F.3d 66, 70–72 (2d Cir. 2018). After all, cars have “little capacity for escaping public scrutiny”: They tend to travel on “public thoroughfares” in plain view of others. *Cardwell*, 417 U.S. at 590. And they are subject to the kinds of “pervasive and continuing governmental regulation”—licensing and registration requirements, regular inspections, and the like—that undermine any legitimate expectation that their contents will be kept private. *South Dakota v.*

Opperman, 428 U.S. 364, 368 (1976). So they can often be seized and searched for contraband without anything more than probable cause to believe they contain it.

Sometimes, though, the automobile itself is the contraband. That is where civil asset forfeiture comes in. Civil asset forfeiture is the process by which the Government seizes property that is in some way “tainted by criminal activity.” *United States v. Elias*, 154 F.4th 56, 62 (2d Cir. 2025). Ordinarily, the kinds of property that may be seized for civil asset forfeiture purposes are dictated by statute. See *United States v. Ursery*, 518 U.S. 267, 288–91 (1996). Under 21 U.S.C. § 881, the forfeiture statute at issue here, all “vehicles . . . used . . . to transport, or in any manner facilitate the transportation, sale, receipt, possession, or concealment of” controlled substances are “subject to forfeiture.” 21 U.S.C. § 881(a)(1), (4). All “proceeds traceable to” drug transactions are, too. *Id.* § 881(a)(6).

When cars themselves are the contraband, police officers do not need a warrant to seize them from public parking lots, or highways, or other quintessentially “public places.” *White*, 526 U.S. at 565–66. That is true even if the car’s owner has been stopped for reasons unrelated to the conduct that made the car forfeitable. See *id.* at 561–63. And that is because the need to seize contraband before it is transported elsewhere is “equally weighty” when the car itself “is the contraband that the police seek to secure.” *Id.* at 565.

Acevedo accepts all of this. He argues, however, that the fact that his minivan was parked in his private driveway when it was seized makes all the difference. Under the circumstances of this case, we disagree.

The Fourth Amendment “accord[s] law enforcement officials greater latitude” when they “exercis[e] their duties in public places.” *Id.* But the Supreme Court’s decision in *White* does not afford “talismanic significance” to the word “public.” *Cf. id.* at 566–67 (Souter, J., concurring). Instead, *White* explains that what really matters in the Fourth Amendment asset forfeiture context is whether the warrantless seizure involves an “invasion of privacy.” *Id.* at 566 (majority opinion) (quoting *G.M. Leasing Corp. v. United States*, 429 U.S. 338, 351 (1977)).

Given the automobile exception and the rationales underpinning it, however, we do not ask whether a person’s (reduced) expectation of privacy in the car itself forbids the seizure. We already know that it does not. *See Jones*, 893 F.3d at 70–72. Instead, we ask whether the warrantless seizure would infringe a person’s Fourth Amendment interest in the place where the car sits. *See Collins*, 584 U.S. at 596. If the answer is no, a warrant is not required to seize the car for asset forfeiture purposes. *Cf. White*, 526 U.S. at 566; *see also Collins*, 584 U.S. at 596; *Horton v. California*, 496 U.S. 128, 137 (1990).

Considering that question, this case is straightforward. Acevedo’s minivan was parked in his private, residential driveway when federal agents seized it.² But those agents were standing in that

² Acevedo emphasizes that his minivan was parked in his private driveway, but he does not argue that it was located within the curtilage of his home and thus subject to the heightened protections that apply within the curtilage. *See United States v. Dunn*, 481 U.S. 1024, 1139–40 (1987) (identifying factors relevant to assessment of the scope of a home’s curtilage); *Florida v. Jardines*, 569 U.S. 1, 7 (2013) (explaining that the curtilage is “intimately linked to the home, both physically and

driveway by virtue of a warrant that allowed them to search the “grounds” surrounding Acevedo’s home. App’x 140. As a result, at the moment the agents seized the minivan, Acevedo’s driveway was not “‘private’ in the same sense as would be private property to which officers had no lawful access.” *Trent v. Wade*, 776 F.3d 368, 386 (5th Cir. 2015); *see also Collins*, 584 U.S. at 596. So the warrantless seizure did not involve an invasion of Acevedo’s privacy. *Cf. White*, 526 U.S. at 566. And it did not run afoul of the Fourth Amendment accordingly.³

II. *Lasanta*

Acevedo protests that this holding is nevertheless at odds with this Court’s decision in *United States v. Lasanta*, 978 F.2d 1300 (2d Cir. 1992). There, law enforcement officers seized a limousine from a private driveway without a warrant after arresting its driver on narcotics charges. *Id.* at 1303. And there, too, the limousine that was seized had been “used in connection with narcotics trafficking.” *Id.* In *Lasanta*, the Government thus tried to argue that the federal civil forfeiture statute authorized the limousine’s warrantless seizure. We held that it did not. *Id.* at 1304–06.

Given those facts, Acevedo argues that this case is *Lasanta* all

psychologically,’ and is where ‘privacy expectations are most heightened.’” (quoting *California v. Ciraolo*, 476 U.S. 207, 213 (1986)). We express no view as to whether Acevedo’s minivan was located within the curtilage when it was seized.

³ We need not and do not decide whether the same logic applies when an officer has some other basis for walking across private property, or when a car is seized not as forfeitable property but instead as the evidence or instrumentality of a crime.

over again. And in *Acevedo's* telling, whatever *White* says about warrantless civil asset forfeitures in public places, *Lasanta* holds the line as far as private property is concerned.

But this Court decided *Lasanta* some seven years before *White*. And while the Supreme Court in *White* did not expressly overrule *Lasanta*, it did cite *Lasanta* as an example of how not to do the requisite Fourth Amendment analysis. *White*, 526 U.S. at 563. So it is not clear how much of *Lasanta* survives *White*. See *United States v. Gaskin*, 364 F.3d 438, 458 (2d Cir. 2004).

Regardless, we need not decide just how much *White* abrogated *Lasanta* in order to decide this case, because the facts of *Lasanta* are not the facts of this case. The agents in *Acevedo's* driveway had a warrant authorizing them to search the “grounds” surrounding *Acevedo's* home. App'x 140. The officers in *Lasanta* did not. See 978 F.2d at 1305–06. They had only an arrest warrant authorizing them to arrest the limousine driver himself, and they executed it on the doorstep of his house. *Id.* at 1303, 1305. And *that* fact makes all the difference. Because of the search warrant, *Acevedo's* driveway was no longer private in the way the *Lasanta* limousine driver's continued to be. Cf. *Trent*, 776 F.3d at 386. So even if some piece of *Lasanta* survives *White*, *Lasanta* does not bind us here. *White* does.

CONCLUSION

The DEA agents seized a minivan they could lawfully take from a driveway that a warrant allowed them to lawfully search. Given the agents' warrant to search the grounds surrounding *Acevedo's* home, their warrantless seizure did not invade *Acevedo's*

privacy in a constitutionally significant way, and *Lasanta* does not compel us to hold otherwise. Accordingly, we **AFFIRM** the judgment of the United States District Court for the District of Connecticut.