

United States Court of Appeals
For the Eighth Circuit

No. 25-2480

United States of America

Plaintiff - Appellee

v.

Steville D. Burns

Defendant - Appellant

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: May 12, 2026

Filed: October 29, 2026

Before COLLOTON, Chief Judge, SHEPHERD and KOBES, Circuit Judges.

KOBES, Circuit Judge.

During a traffic stop, officers found 25 pounds of methamphetamine and 31,000 fentanyl pills in Steville Burns's rental car. Burns moved to suppress the evidence, arguing that Officer Jeffrey Vaughn unconstitutionally prolonged the stop.

After the district court¹ denied the motion, Burns pleaded guilty to possessing methamphetamine and fentanyl with the intent to distribute, 21 U.S.C. § 841(a)(1) and (b)(1). We affirm the denial of the motion to suppress.

Around 12:55 p.m., Officer Aaron Anderson saw an SUV with Colorado plates driving east on I-80 between Lincoln and Omaha near mile marker 430. The driver caught Anderson's attention because he was driving under the speed limit, sitting upright, and gripping the steering wheel with his hands at ten and two. When the registration came back as expired, Anderson called Vaughn, who was a few miles down the road. Anderson encouraged him to stop the SUV, saying, "I'll do all the work."

Vaughn ran the plates himself and confirmed the registration was expired. He pulled Burns over near mile marker 438 just after 1:03 p.m. Burns handed over his driver's license and registration, which said it was "permanent" and did not list an expiration date.

What happened next is the crux of this appeal. Instead of relying on the permanent registration, Officer Vaughn asked to see the rental agreement and as he looked it over, he asked where Burns was coming from and whether his Omaha address was current. Burns confirmed the address and said that he went shopping at the outlet mall. Vaughn thought the timing didn't add up because the outlet mall was near mile marker 432. He also was suspicious because Burns said he was on a local errand, but he was driving a rental car with a suitcase, a duffle bag, and a variety of fast food wrappers inside, suggesting a long trip. At Vaughn's request, Burns got out of the SUV at 1:06 p.m., and the two went to the patrol car.

¹The Honorable Brian C. Buescher, now Chief Judge, United States District Court for the District of Nebraska, adopting the findings and recommendations of the Honorable Ryan C. Carson, United States Magistrate Judge for the District of Nebraska.

Officer Vaughn showed Burns his computer screen with the National Crime Information Center data indicating the SUV's registration was expired. For about a minute and a half, Vaughn asked Burns questions about his driving record, where he was from, whether his license was suspended, and whether he'd been arrested before. Burns said that he was arrested years before on a gun conspiracy charge but there were no guns in the SUV. Vaughn radioed dispatch at 1:08 p.m. for a data check on Burns. He then got out of the patrol car, opened the back door where his police service dog MJ was waiting, and walked her around the SUV. Officer Anderson arrived on the scene.

MJ indicated for drugs at 1:09 p.m., before dispatch returned the results of the data check. Anderson searched the SUV and found the methamphetamine and fentanyl.

Burns concedes the initial stop was supported by reasonable suspicion of driving an unregistered vehicle. See Neb. Rev. Stat. § 60-362(1) (2006) (amended 2026) (requiring motor vehicles operated on state highways to be registered). But he argues that Vaughn strayed from the stop's mission throughout the first four and a half minutes—before running the data check—to give Officer Anderson time to arrive. Burns says the permanent registration card should have resolved the investigation and that Vaughn prolonged the stop when he asked Burns to step out, showed him his computer screen, asked him whether there were guns in the SUV, and repeated certain questions.²

A traffic stop is a seizure under the Fourth Amendment, so it must not “last[] longer than necessary to effectuate its mission—to address the traffic violation that warranted the stop and attend to related safety concerns.” *United States v. Johnson*, 166 F.4th 1116, 1118 (8th Cir. 2026) (citations omitted). That mission “includes ‘ordinary inquiries incident to [the traffic] stop,’” like “checking the driver’s license,

²During the suppression hearing, defense counsel told the magistrate judge that Burns did not challenge Vaughn's directive to exit the SUV and sit in the patrol car. Burns tries to challenge that directive on appeal, but the argument is waived.

determining whether there are outstanding warrants against the driver, and inspecting the automobile's registration and proof of insurance.” *Rodriguez v. United States*, 575 U.S. 348, 355 (2015) (citation omitted).

Vaughn's mission was to address the expired registration. The permanent registration card did not resolve his investigation because it conflicted with the NCIC database. *Cf. United States v. Mitchell*, 171 F.4th 1049, 1052 (8th Cir. 2026) (“[A]n ‘unconfirmed’ or ‘not found’ database response is sufficiently ambiguous to justify a brief investigatory traffic stop and is consistent with Supreme Court precedent allowing officers to detain an individual to resolve ambiguous conduct.”). So Vaughn had not completed the “tasks tied to the traffic infraction” when he showed Burns the NCIC results after they sat down in the patrol car. *See United States v. Salkil*, 10 F.4th 897, 898 (8th Cir. 2021) (“[A]uthority for the stop ‘ends when tasks tied to the traffic infraction are—or reasonably should have been—completed.’” (quoting *Rodriguez*, 575 U.S. at 354)).

Burns claims that Vaughn started “an unrelated criminal investigation” when he asked whether there were any guns in the SUV. We disagree. Immediately after Burns said he had a gun-related arrest, Vaughn asked, “Do you have any guns in the car?” Burns replied, “no,” and Vaughn moved on, saying he was probably going to give Burns a warning. That one follow-up question related to Burns's criminal history and to the safety concern of releasing him back to an SUV that might have guns in it. *See Rodriguez*, 575 U.S. at 356 (“Traffic stops are ‘especially fraught with danger to police officers,’ . . . so an officer may need to take certain negligibly burdensome precautions in order to complete his mission safely.” (citation omitted)). And while Vaughn asked Burns how he was doing and whether his driver's license was suspended a few times, Burn's argument that he did so to “wait for Anderson to do the work” is unfounded. The district court credited Vaughn's testimony that he sometimes asks the same question more than once when trying to be conversational during traffic stop. *See United States v. Williams*, 39 F.4th 1034, 1041–42 (8th Cir. 2022) (credibility determination after a suppression hearing is “virtually unassailable on appeal.” (citation omitted)).

The dog sniff did not prolong the stop because it took place while Vaughn was waiting for dispatch to respond with results from Burns’s data check. *See United States v. Nguyen*, 59 F.4th 958, 964 (8th Cir. 2023) (“An open air dog sniff that does not prolong the initial purpose of a stop is permissible.”); *see also United States v. Baker*, 108 F.4th 1241, 1248 (10th Cir. 2024) (“[W]hen a dog sniff is conducted contemporaneously with an officer’s ‘reasonably diligent pursuit’ of the traffic stop’s mission—i.e., while traffic-related tasks are ongoing—the search does not add time to the traffic stop.” (citation omitted)). And it is undisputed that MJ’s alert provided probable cause to search the SUV. *See United States v. Gonzalez*, 781 F.3d 422, 430 (8th Cir. 2015) (a court may presume probable cause “when a well-trained dog gives an alert”). Nothing in the record suggests Vaughn delayed the stop or otherwise lacked diligence. *United States v. Hamdan*, 168 F.4th 1087, 1091 (8th Cir. 2026) (concluding that officers “must be reasonably diligent,” but “that does not mean they have to conduct traffic stops as efficiently as possible” (citation omitted)).

When Officer Vaughn took the SUV to an impound lot, he told some officers, “Lancaster [County] is like me, they see a homeboy in a rental and they don’t want anything to do with it.” For the first time on appeal, Burns argues that this statement means the drugs should have been suppressed because the traffic stop was racially motivated and violated his equal protection rights. Because Burns failed to make this argument below, we review for plain error. *See United States v. Evans*, 63 F.4th 1157, 1159 (8th Cir. 2023). The district court’s credibility finding that race was not a factor in Vaughn’s decision to stop or detain Burns is virtually unreviewable on appeal. And even assuming otherwise, we have never held that the proper remedy would be the suppression of otherwise lawfully obtained evidence. *See United States v. Williams*, 431 F.3d 296, 299–300 (8th Cir. 2005) (per curiam). Because current law did not clearly or obviously require suppression of the evidence, the district court did not plainly err. *See United States v. Poitra*, 648 F.3d 884, 887 (8th Cir. 2011).

Affirmed.