

**NONPRECEDENTIAL DISPOSITION**

To be cited only in accordance with FED. R. APP. P. 32.1

**United States Court of Appeals**

**For the Seventh Circuit  
Chicago, Illinois 60604**

Argued June 5, 2024

Decided June 14, 2024

**Before**

FRANK H. EASTERBROOK, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 23-2183

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

DONTA D. BRIDGES,  
*Defendant-Appellant.*

Appeal from the United States District  
Court for the Northern District of  
Indiana, South Bend Division.

No. 3:19CR102-001

Jon E. DeGuilio,  
*Judge.*

**ORDER**

Donta Bridges was convicted after a jury trial of controlled substance offenses and being a felon in possession of a firearm. On appeal, Bridges argues that the court erred by denying him leave to file a motion to suppress nearly a year after he had the information needed to file the motion and more than two years after the deadline for pretrial motions had passed. Because the court did not abuse its discretion in concluding that Bridges lacked good cause for his untimeliness, *see* FED. R. CRIM. P. 12(c)(3), we affirm.

Relying on a tip from a confidential informant, police officers executed three controlled drug purchases from a drug dealer known as “Man Man” who sold drugs from a home on Brighton Street in La Porte, Indiana. The first two purchases occurred on September 4 and September 24, 2019, both at 510 Brighton Street, where Man Man, later identified as Bridges, lived.

The third controlled buy occurred on November 1. This time, Bridges instructed the informant to meet him in a lot on the corner of Brighton Street and Heinz Street. Bridges left 510 Brighton Street and met the informant in her car, where he gave her a folded bag in exchange for \$120. That bag contained 0.71 grams of a mixture of heroin, fentanyl, and monoacetylmorphine.

Police officers then obtained a warrant to search 510 Brighton Street. (The warrant, issued by an Indiana judge, and the affidavit of probable cause are not in the record.) According to a summary that Bridges provided to the district court, the affidavit of probable cause relied only on information from the controlled buy on November 1.

On the morning of November 8, officers executed the search warrant. Bridges was sitting on a recliner. Officers found a loaded firearm in a holster on the recliner. On a nearby table, officers found a fake soda can with a hidden compartment that stored three bags containing methamphetamine, fentanyl mixed with diphenhydramine, and a mixture of fentanyl and heroin. In a kitchen drawer, officers discovered digital scales, a syringe, and small bags. And a cell phone on the floor near Bridges contained selfies of Bridges and communications with the informant about the third drug purchase.

Bridges was indicted on three counts of distributing and one count of possessing with intent to distribute controlled substances, 21 U.S.C. § 841(a)(1); one count of being a felon in possession of a firearm, 18 U.S.C. § 922(g)(1); and one count of possessing a firearm in furtherance of a drug trafficking offense, 18 U.S.C. § 924(c)(1)(C)(i). At Bridges’s arraignment, a magistrate judge entered a scheduling order setting a trial for February 10, 2020, and requiring all pretrial motions to be filed no later than January 13, 2020. *See* FED. R. CRIM. P. 12(c)(1). The government was required to file notice of evidence it intended to offer under Rule 404(b) of the Federal Rules of Evidence no later than four business days before the final pretrial conference.

Bridges did not file any pretrial motions or ask for an extension of the deadline before it passed. On January 23, 2020, he moved to continue the trial, and the district court pushed it back to May. Bridges filed seven more requests for continuance between

April 2020 and October 2021, citing the difficulty of counsel-client communications amid COVID-19 restrictions, the need to review additional discovery from the government, and the need to investigate. The district court granted each request. After the eighth continuance, the court set the trial for February 14, 2022, and the final pretrial conference for February 3. Throughout this period, Bridges never sought leave to file a pretrial motion.

On February 3, 2022, Bridges moved to continue the trial for the ninth time. The court granted the motion and set the trial for June 6. The government filed a superseding indictment on February 9. This indictment did not significantly alter the charges against Bridges: it amended count two (stemming from the sale of xylazine) to an attempt charge; changed the period of firearm possession in count six; and added forfeiture allegations. On May 23, the court granted Bridges's tenth motion to continue the trial. The court set the trial for October 24 and the final pretrial conference for October 13. Unprompted, the court ordered the government to file its Rule 404(b) evidence by October 11 (less than four business days before the conference).

Eighteen days before trial, on October 6, Bridges moved for leave to file a motion to suppress all evidence obtained from the search of his home. In a proposed motion to suppress, Bridges asserted that the search violated the Fourth Amendment because officers delayed executing the search warrant for several days, and the information supporting probable cause had become stale. The district court ordered Bridges to supplement his motion for leave with an explanation of any good cause for the lateness of his suppression motion. Bridges's counsel explained that he had assumed the search warrant had been issued one or two days before the search on November 8, 2019, but counsel had learned in October 2022 (when he contacted the clerk of the county circuit court to inquire about the signature on the warrant) that this assumption was incorrect. In fact, the warrant had been signed on November 2, 2019. Thus counsel had only recently identified a potential staleness issue. The government opposed Bridges's motion for leave, arguing that he had not shown good cause and that considering a suppression motion would require yet another postponement of the trial.

The district court denied leave to file the untimely motion to suppress. The court determined that Bridges lacked good cause because he had sufficient information to file a motion to suppress on staleness grounds by October 2021 when the government produced the affidavit and redacted warrant. The affidavit revealed that the warrant was based on the November 1 transaction, and Bridges already knew that the home was

searched on November 8. But it took him another year to move for suppression. The court also considered that the trial had already been delayed ten times.

The case proceeded to a jury trial without further delay. Bridges was convicted on all charges except possessing a firearm in furtherance of drug trafficking. The district court sentenced him to 210 months' imprisonment and 6 years' supervised release.

On appeal, Bridges argues that the district court erred by denying him leave to file a motion to suppress. We review such a decision for abuse of discretion. *United States v. Johnson*, 47 F.4th 535, 540 (7th Cir. 2022), *cert. denied*, 143 S. Ct. 813, 215 L. Ed. 2d 68 (2023). A motion to suppress generally must be filed within the deadline set by the district court, but the court may accept an untimely motion if there is good cause for the late submission. *See* FED. R. CRIM. P. 12(b)(3)(C), (c)(1), (c)(3); *United States v. Jackson*, 5 F.4th 676, 682 (7th Cir. 2021). Good cause under Rule 12(c)(3) is a "flexible standard." *See* FED. R. CRIM. P. 12(c) advisory committee's notes to 2014 amendments. We have said that there is no good cause for an untimely motion if a defendant delays filing it after he knew all he needed to know to make his argument. *See United States v. Daniels*, 803 F.3d 335, 352 (7th Cir. 2015).

Bridges raises four challenges to the conclusion that he lacked good cause. The government asserts that he failed to raise them in the district court, but Bridges is not prohibited from "appellate amplification" of his argument that he had good cause for the lateness of his suppression motion. *See Lawson v. Sun Microsystems, Inc.*, 791 F.3d 754, 761 (7th Cir. 2015) (citing *Yee v. Escondido*, 503 U.S. 519, 534 (1992)). In any event, none of Bridges's arguments is persuasive.

Bridges first argues that home searches are entitled to enhanced protection under the Fourth Amendment, and the district court erred by not factoring the location of the search into its good-cause analysis. But this argument goes to whether the search was reasonable, not whether there was good cause. *See United States v. Tepiew*, 859 F.3d 452, 456 (7th Cir. 2017). Indeed, we have not previously discussed the location of the search as a relevant factor when reviewing a good-cause determination. *See Johnson*, 47 F.4th at 540–41.

Bridges also argues that the district court erred by failing to consider when his motion for leave was filed in relation to the superseding indictment filed in February 2022. But the superseding indictment was irrelevant to the timing of a suppression motion based on staleness. The court did not enter a new scheduling order after the superseding indictment, which was largely the same, and the charges were still based

on evidence discovered in the search. Further, Bridges still waited six months before seeking leave to file the late motion. Months of unexplained delay do not support a finding of good cause. *See Jackson*, 5 F.4th at 682.

Bridges next argues that it was impossible for him to comply with the district court's January 2020 deadline for pretrial motions because the government did not produce the affidavit and search warrant in discovery until October 2021. Therefore, Bridges says, the court should not have held that earlier deadline against him. But this argument misconstrues the court's reasoning. The court did not determine that he lacked good cause simply because the motion was filed after the January 2020 deadline. Instead, the court concluded that Bridges did not have good cause to file a motion to suppress in October 2022 because he had all the information required to file that motion by October 2021.

That conclusion was not an abuse of discretion. When considering a staleness argument like the one that Bridges wanted to make, the relevant question is whether the inculpatory information was too stale to establish probable cause when the warrant was issued or when it was executed. *See United States v. Mitten*, 592 F.3d 767, 775 (7th Cir. 2010). Bridges concedes that, by October 2021, he knew that the inculpatory information in the affidavit was from November 1 or earlier, and that the warrant was executed on November 8. But he does not attempt to justify the yearlong delay that followed; nowhere does he claim to have "good cause" for the delay that occurred *after* October 2021. Instead, he insists that the district court had to grant his motion for leave—irrespective of good cause—because the court accepted late filings from the government.

That leads into Bridges's fourth argument: that the district court unevenly enforced deadlines by letting the government, but not him, make late filings. Bridges says that the court owed him equal leeway. Indeed, he says that his whole appeal comes down to this "principal error."

Bridges's argument that the court unfairly allowed the government to belatedly disclose the evidence it sought to introduce under Rule 404(b) is unpersuasive because the government's Rule 404(b) notice was not untimely. The deadline, four business days before the final pretrial conference, was tied to the dates of trial and the final pretrial conference. And because the trial and pretrial conference dates kept moving, the government's deadline moved also. On January 14, 2022, more than four business days before the pretrial conference then scheduled for January 30, the government timely designated as Rule 404(b) evidence text messages recovered from Bridges's phone that

showed his drug dealing activity. At a later status conference, the court ordered the government to identify specific messages, try to reach an agreement with Bridges about admitting those messages, and explain why any contested messages were admissible. The court ordered a status update by the end of the week, which the government supplied. Then the trial date moved twice more, and the final pretrial conference was rescheduled for October 13. The government's deadline thus became October 6 (or October 7, according to Bridges). But on October 4, before the deadline passed, the court changed the deadline sua sponte and ordered the government to file its Rule 404(b) evidence by October 11. The government complied. Nowhere in this sequence is a missed deadline.

Bridges takes issue with the government's nine-month delay between its status update in January 2022 and its identification of the text messages in October 2022 as well as the court's unprompted extension of the government's deadline until two days before the final pretrial conference. Bridges compares the government's nine-month delay to his yearlong delay in filing a motion to suppress, but that comparison is inapt because the government complied with the court's disclosure schedule and subsequent scheduling orders. As for the unsolicited extension of the government's deadline until after the three-day weekend, that was an exercise of the court's "considerable discretion" over case management. *See Stevens v. U.S. Dep't of State*, 20 F.4th 337, 341 (7th Cir. 2021) (quoting *Keeton v. Morningstar, Inc.*, 667 F.3d 877, 884 (7th Cir. 2012)).

Bridges also argues that the government's deadline for 404(b) evidence and his deadline for pretrial motions are interrelated, and the court could have resolved both motions before his trial. But under our heavily deferential standard of review, he cannot prevail. Further, Bridges unreasonably looks to a single unfavorable decision in accusing the district court of unfairness. The "record as a whole" shows that the court was indulgent of Bridges when it came to extensions of time, most notably the continuances of the trial date. *See Blue v. Hartford Life & Accident Ins. Co.*, 698 F.3d 587, 595 (7th Cir. 2012). Had Bridges ever asked the court for an extension of the deadline for pretrial motions, perhaps the court would have been similarly indulgent of that request. But Bridges did not seek such an extension until he filed his motion nearly a year after he had the information needed to file the motion and more than two years after the deadline had passed. The district court did not abuse its discretion in finding no good cause to accept the untimely motion.

AFFIRMED