population for questioning.[358] This view on prison interrogations evidences the Court's continuing movement toward individualized analyses of *Miranda* issues based on particular circumstances and away from the more categorical decisions announced soon after *Miranda*. Still, some of the early decisions may retain vitality. One example is the 1969 decision in *Orozco v. Texas*, which held that questioning a person upon his arrest in his home is custodial.[359] On the other hand, the fact that a suspect may be present in a police station does not necessarily mean, in the absence of further restrictions, that questioning is custodial,[360] and the fact that he is in his home or other familiar surroundings will ordinarily lead to a conclusion that the inquiry was noncustodial.[361] Also, if a person has been subjected to *Miranda* custody, that custody ends when he is

---

[358] Howes v. Fields, 565 U.S. ___, No. 10–680, slip op. (2012) (taking a prisoner incarcerated for disorderly conduct aside for questioning about an unrelated child molestation incident held, 6–3, not to constitute custodial interrogation under the totality of the circumstances in the case), distinguishing Mathis v. United States, 391 U.S. 1 (1968) (questioning state prisoner about unrelated federal tax violation held to be custodial interrogation). While the *Howes* Court split 6–3 on whether a custodial interrogation had taken place for Fifth Amendment purposes, the case was before it on *habeas* review, which requires that a clearly established Supreme Court precedent mandates a contrary result. All the *Howes* Justices agreed that *Mathis* had not, for purposes of *habeas* review of a state case, "clearly established" that all private questioning of an inmate about previous, outside conduct was "custodial" *per se*. Rather, *Howes* explained that a broader assessment of all relevant factors in each case was necessary to establish coercive pressure amounting to "custody." *Cf.* Maryland v. Shatzer, 559 U.S. ___, No. 08–680, slip op. (2010) (extended release of interrogated inmate back into the general prison population broke "custody" for purposes of later questioning); *see also* Illinois v. Perkins, 496 U.S. 292 (1990) (inmate's conversation with an undercover agent does not create a coercive, police-dominated environment and does not implicate *Miranda* if the suspect does not know that he is conversing with a government agent).

[359] 394 U.S. 324 (1969) (police entered suspect's bedroom at 4 a.m., told him he was under arrest, and questioned him; four of the eight Justices who took part in the case, including three dissenters, voiced concern about this "broadening" of *Miranda* beyond the police station).

[360] Oregon v. Mathiason, 429 U.S. 492 (1977) (suspect came voluntarily to police station to be questioned, he was not placed under arrest while there, and he was allowed to leave at end of interview, even though he was named by victim as culprit, questioning took place behind closed doors, and he was falsely informed his fingerprints had been found at scene of crime); Salinas v. Texas, 570 U.S. ___, No. 12–246, slip op. (2013) (voluntarily accompanying police to station for questioning). *Cf.* Stansbury v. California, 511 U.S. 318 (1994). *See also* Minnesota v. Murphy, 465 U.S. 420 (1984) (required reporting to probationary officer is not custodial situation); Yarborough v. Alvarado, 541 U.S. 652 (2004) (state court determination that teenager brought to police station by his parents was not "in custody" was not "unreasonable" for purposes of federal *habeas* review under the standards of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA)).

[361] Beckwith v. United States, 425 U.S. 341 (1976) (IRS agents' interview with taxpayer in private residence was not a custodial interrogation, although inquiry had "focused" on him).