FOURTH AMENDMENT — CANINE SNIFFS — FOURTH CIRCUIT HOLDS THAT A CANINE SNIFF AT AN APARTMENT FRONT DOOR IS NOT A "SEARCH." — *United States v. Johnson*, 148 F.4th 287 (4th Cir. 2025).

Drug detection dogs are critical tools in the fight against drug trafficking.[1] However, law enforcement canines are imperfect: They sometimes incorrectly alert when performing their drug-sniffing duties.[2] False alerts can be used to support more invasive searches of persons, luggage, and vehicles.[3] These unjustified searches are particularly concerning when they invade the home, where "*all* details are intimate details."[4] Recently, in *United States v. Johnson*,[5] the Fourth Circuit held that conducting a warrantless canine sniff at an apartment front door does not constitute a "search"[6] under the Fourth Amendment.[7] In doing so, the court improperly extended the Supreme Court's canine-sniff precedent to the home without considering the unique privacy issues implicated. The Fourth Circuit thus failed to pick up where the Supreme Court left off in *Florida v. Jardines*,[8] in which the Court implicitly left lower courts to grapple with complex, fact-intensive questions of privacy.[9]

In 2019, state and federal agents in Maryland were investigating Eric Tyrell Johnson and others for trafficking fentanyl and heroin out of an apartment in a multiunit complex.[10] At approximately 3:00 AM on August 7, agents approached the apartment front door with a drug-detection canine, which alerted while sniffing near the door's lower seam.[11] At this point, the agents had not obtained a search warrant.[12] But based in part on the dog's alert, agents applied for and received a warrant for the entire apartment, which they executed several nights

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[1] *See* Ted Hesson, *America's Front Line Against Fentanyl Is a Golden Retriever Named Goose*, REUTERS (July 13, 2024, at 13:24 ET), https://www.reuters.com/world/us/americas-front-line-against-fentanyl-is-golden-retriever-named-goose-2024-07-13 [https://perma.cc/7S3H-PJY6].

[2] *See, e.g.*, Tadeusz Jezierski et al., *Efficacy of Drug Detection by Fully-Trained Police Dogs Varies by Breed, Training Level, Type of Drug and Search Environment*, 237 FORENSIC SCI. INT'L 112, 114 (2014) (finding 16.7% of canine alerts to amphetamine, 13.4% to cocaine, and 17.7% to heroin were false, all during an experimental study).

[3] *See, e.g.*, Horton v. Goose Creek Indep. Sch. Dist., 690 F.2d 470, 474 (5th Cir. 1982) (per curiam) (describing officers searching students, their lockers, and their vehicles after alerts, and one search finding only "a small bottle of perfume").

[4] Kyllo v. United States, 533 U.S. 27, 37 (2001).

[5] 148 F.4th 287 (4th Cir. 2025).

[6] *Id.* at 289.

[7] U.S. CONST. amend. IV.

[8] 569 U.S. 1 (2013).

[9] *See id.* at 11.

[10] *Johnson*, 148 F.4th at 289.

[11] *Id.* at 289–90.

[12] *Id.* at 289.

later.[13] They found drugs and a handgun.[14] Johnson was indicted[15] with several co-defendants on charges of possession with intent to distribute fentanyl and heroin,[16] participating in a drug-trafficking conspiracy,[17] and possessing a firearm.[18]

Johnson moved to suppress the evidence obtained from his apartment during the search warrant execution, arguing it was fruit of an illegal search.[19] Johnson contended that the canine sniff at his front door constituted a Fourth Amendment search — presumptively unconstitutional absent a warrant[20] — for two distinct reasons.[21] First, Johnson argued the sniff constituted a search because it was akin[22] to the thermal camera used by the officers in *Kyllo v. United States*,[23] where the Supreme Court found a Fourth Amendment violation because the homeowner's "reasonable expectation of privacy"[24] had been violated.[25] Like the thermal camera, Johnson argued, the drug-detection dog was "a specialized device, 'not in general public use,'" that allowed agents to explore the details of his home.[26] Second, Johnson claimed that the canine sniff "involved an unlicensed physical intrusion onto the 'curtilage' of [the] home,"[27] which the Supreme Court found to be a Fourth Amendment search in *Jardines*.[28] For each reason, Johnson argued, the canine sniff required a warrant.[29]

The District Court rejected Johnson's motion on both grounds.[30] The court cited an unpublished Fourth Circuit opinion that had rejected a similar canine-sniff privacy argument.[31] The court also dismissed Johnson's property argument, explaining that the common-use hallway — to which management quickly granted access — was not within the curtilage.[32] The case proceeded to trial, where a jury convicted

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13 *Id.* at 290.
14 *Id.*
15 *Id.*
16 *See* 21 U.S.C. § 841(a)(1).
17 *See id.* § 846.
18 *See* 18 U.S.C. § 922(g)(1).
19 *Johnson*, 148 F.4th at 290.
20 *See* Katz v. United States, 389 U.S. 347, 361 (1967) (Harlan, J., concurring).
21 *Johnson*, 148 F.4th at 290.
22 *Id.*
23 533 U.S. 27 (2001).
24 *Katz*, 389 U.S. at 360 (Harlan, J., concurring).
25 *See Kyllo*, 533 U.S. at 40.
26 *Johnson*, 148 F.4th at 292 (quoting *Kyllo*, 533 U.S. at 40).
27 *Id.* at 290 (quoting Florida v. Jardines, 569 U.S. 1, 6, 7, 11 (2013)).
28 *See Jardines*, 569 U.S. at 11–12.
29 *See Johnson*, 148 F.4th at 290.
30 United States v. Nelson, No. 20-0038, 2022 WL 2484143, at *18 (D. Md. July 6, 2022).
31 *Id.* (quoting United States v. Legall, 585 F. App'x 4, 6 (4th Cir. 2014) (per curiam)).
32 *Id.*

Johnson on all three counts.[33] He was sentenced to twelve-and-a-half years in prison and appealed the denial of his motion to suppress.[34]

The Fourth Circuit affirmed.[35] Writing for the unanimous panel, Judge Harris[36] rejected both of Johnson's Fourth Amendment arguments, holding that the canine sniff at the apartment door did not violate Johnson's reasonable expectation of privacy nor intrude upon the protected curtilage of his home.[37]

Starting with Johnson's reasonable expectation of privacy theory, Judge Harris distinguished the thermal camera in *Kyllo* from the canine sniff at hand.[38] First, Judge Harris invoked the contraband exception, which declares that individuals do not have a "legitimate" privacy "interest in possessing contraband."[39] Second, Judge Harris reasoned that the scope of each search tool differs: Canine sniffs "'*only* reveal[]' . . . 'the possession of contraband,'"[40] whereas a thermal camera may reveal legal or innocuous activity within the home.[41] Thus, even though a canine sniff does reveal information from inside the home, the resident has no privacy interest in the limited information revealed.

Judge Harris relied upon two Supreme Court cases to support the privacy holding.[42] In *United States v. Place*,[43] the Court held that a canine sniff of luggage at an airport did not constitute a "search" under the Fourth Amendment.[44] In *Illinois v. Caballes*,[45] the Court came to the same conclusion for the sniff of a car during a traffic stop.[46] Judge Harris "read the Supreme Court's reasoning in *Place* and *Caballes* as categorical, not context-specific."[47] She therefore considered the Fourth Circuit "bound by *Place* and *Caballes*" and rejected Johnson's attempt to distinguish the home from luggage at the airport and a car on the road.[48] Acknowledging that some other circuits had come to the opposite conclusion and found *Place* and *Caballes* not to extend to front-door sniffs,[49] Judge Harris nevertheless concluded that the early morning canine sniff "violated no reasonable expectation of privacy."[50]

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[33] *Johnson*, 148 F.4th at 291.
[34] *Id.*
[35] *Id.* at 289.
[36] Judge Harris was joined by Judges Richardson and Heytens.
[37] *Johnson*, 148 F.4th at 291.
[38] *Id.* at 292.
[39] *Id.* (quoting Illinois v. Caballes, 543 U.S. 405, 408 (2005)).
[40] *Id.* (alteration in original) (quoting *Caballes*, 543 U.S. at 408–09).
[41] *Id.* (quoting Kyllo v. United States, 533 U.S. 27, 38 (2001)).
[42] *See id.*
[43] 462 U.S. 696 (1983).
[44] *Id.* at 707.
[45] 543 U.S. 405 (2005).
[46] *Id.* at 409.
[47] *Johnson*, 148 F.4th at 292–93.
[48] *Id.* at 293.
[49] *Id.* (citing United States v. Whitaker, 820 F.3d 849, 852–53 (7th Cir. 2016)).
[50] *Id.*

Consequently, no warrant was necessary and the evidence need not have been suppressed.

Turning to Johnson's curtilage theory, Judge Harris distinguished Johnson's shared hallway from a private space. She explained that the hallway in which the sniff was conducted was "common property," since "entry to the [hallway] was 'not restricted . . . in any way.'"[51] Johnson thus "had no property based right outside [his] apartment door."[52] Unlike in *Jardines*, where the front porch was part of the "curtilage,"[53] Judge Harris concluded that "the common hallway outside Johnson's apartment door is not properly treated as 'part of the home itself' for purposes of the Fourth Amendment."[54] Since the canine sniff had neither violated any legitimate privacy interest nor occurred within the curtilage of Johnson's home, the Fourth Circuit affirmed his conviction.[55]

In *Jardines*, the Court confronted a fact pattern similar to *Johnson* but resolved the case on property grounds.[56] The majority expressly declined to delineate the homeowner's reasonable expectations of privacy, leaving the inherently fact-intensive inquiry[57] to the lower courts and implicitly suggesting it demanded a resolution of competing principles.[58] But rather than embrace this privacy inquiry head-on, the Fourth Circuit chose to read *Place* and *Caballes* expansively. The court extended that precedent to the home without sufficient analysis, as invited by *Jardines*.[59] In doing so, the Fourth Circuit did not consider Fourth Amendment jurisprudence indicating the home is viewed differently than public places (where the canine sniffs occurred in *Place* and *Caballes*). The divisive issues in *Jardines* remain unresolved after *Johnson*, subject to a growing circuit split.[60]

Although *Jardines* presented a canine sniff search at a house to the Supreme Court, it did not reach the issue of the homeowner's privacy

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[51] *Id.* at 294 (quoting United States v. Nelson, No. 20-0038, 2022 WL 2484143, at *18 (D. Md. July 6, 2022)).

[52] *Id.* (alteration in original) (quoting *Nelson*, 2022 WL 2484143, at *17).

[53] Florida v. Jardines, 569 U.S. 1, 6–7 (2013).

[54] *Johnson*, 148 F.4th at 295–96 (quoting *Jardines*, 569 U.S. at 6).

[55] *Id.* at 296.

[56] *See Jardines*, 569 U.S. at 11.

[57] *See, e.g.*, Joshua Schow, Note, *Defying Expectations: A Case for Abandoning* Katz *by Adopting a Digital Trespass Doctrine*, 49 STETSON L. REV. 339, 356 (2020) (describing a court applying the *Katz* test as being in an "untenable situation" because of the competing factors at play).

[58] *See infra* notes 66–73 and accompanying text.

[59] *See Jardines*, 569 U.S. at 11.

[60] *Contrast* United States v. Scott, 610 F.3d 1009, 1016 (8th Cir. 2010) (finding no reasonable expectation of privacy from canine sniff of home), *with* United States v. Whitaker, 820 F.3d 849, 852–53 (7th Cir. 2016) (holding the opposite).

interests.[61] Writing for the majority, Justice Scalia[62] explained that two distinct doctrines could resolve the Fourth Amendment question: the "reasonable-expectations test"[63] from *Katz v. United States*[64] and the "property-rights baseline."[65] The *Jardines* Court resolved the case on property grounds, finding that the sniff was a search because it occurred on the house's porch (within the home's curtilage).[66] However, the Justices recognized that the property approach may not always be determinative[67] (as in *Johnson*, where the Fourth Circuit ruled that the apartment hallway was not protected curtilage[68]). Three Justices wrote separately to note they would have found a reasonable expectation of privacy from the sniff,[69] and four others wrote they would not have.[70] The *Jardines* Court reserved this more complex question of whether a canine sniff search at the home "violate[s] [an] expectation of privacy under *Katz*"[71] for the lower courts in fact patterns such as the one in *Johnson*,[72] remarking that deciding the case on property grounds kept the "easy case[] easy."[73]

Jardines demanded a form of analysis ignored by the Fourth Circuit. On the surface, two questions remained after *Jardines*: First, does *Kyllo* apply to canine sniffs?[74] And second, should *Place* and *Caballes* extend to canine sniffs at the home?[75] In *Johnson*, the Fourth Circuit provided an answer to each: no and yes.[76] However, by causing disagreement over the relevance of *Katz*, *Jardines* raised yet a third question, one underlying the entire privacy doctrine: Does society recognize an

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[61] *Jardines*, 569 U.S. at 11. *See generally* David C. Roth, Comment, Florida v. Jardines*: Trespassing on the Reasonable Expectation of Privacy*, 91 DENV. U. L. REV. 551, 569–73 (2014) (describing problems created by the Court's "refus[al] to examine whether [the defendant] had a reasonable expectation of privacy at the doorstep of his home," *id.* at 569).

[62] Justice Scalia was joined by Justices Thomas, Ginsburg, Sotomayor, and Kagan.

[63] *Jardines*, 569 U.S. at 11.

[64] 389 U.S. 347 (1967).

[65] *Jardines*, 569 U.S. at 11.

[66] *See id.* at 5–7.

[67] *See id.* at 5.

[68] *Johnson*, 148 F.4th at 295–96.

[69] *Jardines*, 569 U.S. at 13 (Kagan, J., concurring). Justices Ginsburg and Sotomayor also joined the opinion.

[70] *Id.* at 17 (Alito, J., dissenting). Chief Justice Roberts and Justices Kennedy and Breyer also joined the opinion.

[71] *Id.* at 11 (majority opinion).

[72] *See* Roth, *supra* note 61, at 569 (describing "[p]ractical [q]uestions . . . [l]eft [u]nanswered" in "future cases when dog sniffs are aimed at a home"); Carol A. Chase, *Cops, Canines, and Curtilage: What* Jardines *Teaches and What It Leaves Unanswered*, 52 HOU. L. REV. 1289, 1312 (2015) (concluding that if these sniff searches continue, the Court will "inevitably . . . be called upon to consider the [reasonable expectation of privacy] issue side-stepped . . . in *Jardines*").

[73] *Jardines*, 569 U.S. at 11.

[74] *See id.* at 14 (Kagan, J., concurring) ("If we had decided this case on privacy grounds, we would have realized that *Kyllo v. United States* already resolved it." (citation omitted)).

[75] *See id.* at 10–11 (majority opinion) (refusing to reach State's argument that *Place* and *Caballes* control the privacy issue).

[76] *See Johnson*, 148 F.4th at 291.

expectation of privacy from front-door canine sniffs as reasonable?[77] While the Fourth Circuit provided strong reasoning in *Johnson* to support its rejection of the *Kyllo* analogy,[78] the court avoided the fact-intensive privacy inquiry invited by *Jardines*, choosing instead to extend *Place* and *Caballes*[79] without sufficient analysis. In justifying its choice to "read the Supreme Court's reasoning in *Place* and *Caballes* as categorical, not context-specific," the Fourth Circuit did no more than offer a brief restatement of *Caballes*'s basic logic.[80] If the *Jardines* Court had been persuaded by Florida's argument that a citation to *Place* and *Caballes* sufficed, it would not have needed to reserve that question.[81] Instead, *Jardines* demanded lower courts address more thorny issues.

First, the Fourth Circuit extended *Place* and *Caballes* to reach the home without addressing the uniquely private nature of the home, the effect of which divided the Justices in *Jardines*. While Judge Harris invoked *Place*'s assertion that the canine sniff is "*sui generis*,"[82] the Supreme Court has suggested the home is also *sui generis*. The home is "ordinarily afforded the most stringent Fourth Amendment protection," and police action there must be carefully justified.[83] The Supreme Court has explained that "[a]t the very core [of the Fourth Amendment] stands the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion."[84] The home has been recognized to be "psychologically and politically important to individuals in a way, or to a degree, that privacy in other contexts is not."[85] Despite the invitation in *Jardines* to consider whether the canine sniff "violated [the homeowner's] expectation of privacy,"[86] the home's special status did not play a role in *Johnson*'s expansion of *Place* and *Caballes*.[87]

Instead, the Fourth Circuit chose to read *Place* and *Caballes* categorically, avoiding the reasoning in *Place* and *Caballes* that centered on

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[77] *See supra* note 70 and accompanying text; *see also* Katz v. United States, 389 U.S. 347, 361 (1967) (Harlan, J., concurring) (describing the requirement that Fourth Amendment protections attach to societal expectations of privacy).

[78] *See Johnson*, 148 F.4th at 292–93. Johnson's argument invoked Justice Kagan's concurrence in *Jardines*. *Id.* at 293. But Justice Kagan's analogy to *Kyllo* ignored the convincing distinction *Caballes* made between canine sniffs and thermal cameras: Even if the canine itself might detect other (lawful) smells, this private information stays with the dog rather than being revealed to officers (unlike the thermal camera). *See* Illinois v. Caballes, 543 U.S. 405, 409–10 (2005).

[79] *Johnson*, 148 F.4th at 292–93.

[80] *Id.*

[81] *See* Florida v. Jardines, 569 U.S. 1, 10–11 (2013).

[82] *Johnson*, 148 F.4th at 292 (quoting United States v. Place, 462 U.S. 696, 707 (1983)).

[83] United States v. Martinez-Fuerte, 428 U.S. 543, 561 (1976).

[84] Silverman v. United States, 365 U.S. 505, 511 (1961).

[85] Stephanie M. Stern, *The Inviolate Home: Housing Exceptionalism in the Fourth Amendment*, 95 CORN. L. REV. 905, 915 (2010).

[86] *Jardines*, 569 U.S. at 11.

[87] *See Johnson*, 148 F.4th at 293.

the location of the canine sniffs.[88] Justice O'Connor expressly narrowed *Place*'s rationale to public places: "[T]he particular course of investigation that the agents intended to pursue here — exposure of respondent's luggage, which was located in a public place, to a trained canine — did not constitute a 'search.'"[89] Elsewhere in *Place*, the Court conducted an extensive balancing test between the "strong governmental interest" in rooting out "drug courier activity at airports" and the "minimally intrusive" sniff of the luggage.[90] *Place* reasoned that police stops at airports are important for "prevent[ing] the flow of narcotics into distribution channels" due to "the inherently transient nature of drug courier activity at airports."[91] But the domestic activity at issue in *Johnson* is not similarly "inherently transient."[92] Thus, the government interest in *Johnson* is weaker while the privacy interest is stronger. Regardless, the Fourth Circuit avoided this *Jardines*-invited inquiry by simply citing to *Place* as controlling.[93]

The *Caballes* Court also stated its holding narrowly, noting the sniff's occurrence at a traffic stop: "Accordingly, the use of a well-trained narcotics-detection dog . . . during a lawful traffic stop generally does not implicate legitimate privacy interests."[94] While the Fourth Circuit dismissed any attempt to distinguish between a vehicle and the home using a privacy framework, the Supreme Court has made that precise distinction before, finding certain government action permissible under the Fourth Amendment when searching automobiles, but not permissible when searching homes.[95] In deciding those cases, the Court rejected litigants' mere citations to the constitutional validity of the search at a public location (the logic employed in *Johnson*), instead drawing a "firm" and "bright" line at the home.[96] The Fourth Circuit side-stepped this approach.

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88 *See* United States v. Place, 462 U.S. 696, 698, 704 (1983); Illinois v. Caballes, 543 U.S. 405, 409–10 (2005).

89 *Place*, 462 U.S. at 707; *see also* United States v. Thomas, 757 F.2d 1359, 1367 (2d Cir. 1985) (relying on this language to decline to extend *Place* from the luggage-search context to a canine sniff at defendant's dwelling); Michael Mayer, *Keep Your Nose Out of My Business — A Look at Dog Sniffs in Public Places Versus the Home*, 66 U. MIA. L. REV. 1031, 1037 (2012) (arguing that *Place* "in no way implied that its analysis applied in the context of the home").

90 *Place*, 462 U.S. at 704–06.

91 *Id.* at 704.

92 *Id.*

93 *See Johnson*, 148 F.4th at 292–93.

94 Illinois v. Caballes, 543 U.S. 405, 409 (2005); *see also* Mayer, *supra* note 89, at 1039 (arguing public nature of traffic stop was "central to *Caballes*").

95 *See, e.g.*, Cardwell v. Lewis, 417 U.S. 583, 589–90 (1974) (plurality opinion) ("[T]he Court has recognized a distinction between the warrantless search and seizure of automobiles . . . and the search of a home . . . . Generally, less stringent warrant requirements have been applied to vehicles."); *see also* Elizabeth J. Chrisp, Comment, *Paws Off My Porch: Sniffing Out* Florida v. Jardines' *Effect on Drug Dogs and Homes*, 59 S.D. L. REV. 109, 130–32 (2014) (noting this distinction); Renee Swanson, Comment, *Are We Safe at Home from the Prying Dog Sniff?*, 11 LOY. J. PUB. INT. L. 131, 151–52 (2009) (same).

96 Kyllo v. United States, 533 U.S. 27, 40 (2001).

Jardines demanded a more detailed analysis. Despite the opportunity in *Jardines* to characterize *Place* and *Caballes* as categorical by agreeing with the State's argument in that case "that investigation by a forensic narcotics dog by definition cannot implicate any legitimate privacy interest," the Supreme Court continued to read them as location-dependent.[97] It described *Place* and *Caballes* narrowly as holding "that canine inspection of luggage in an airport . . . and canine inspection of an automobile during a lawful traffic stop, do not violate the 'reasonable expectation of privacy.'"[98] Both before and after *Jardines*, other circuits have followed this lead by adopting the same distinction dismissed in *Johnson* and embracing the contextual nature of the *Katz* privacy test. The Seventh Circuit, in *United States v. Whitaker*,[99] distinguished the public places in *Place* and *Caballes* from the home ("the Fourth Amendment's core concern").[100] The Second Circuit drew the same distinction in *United States v. Thomas*,[101] engaging in a detailed *Katz*-style privacy inquiry and finding a "heightened privacy interest . . . in [a] dwelling place."[102] Rather than examining how the home might be viewed differently through a privacy lens, the Fourth Circuit sidestepped the issue by citing *Place* and *Caballes* as controlling, regardless of the context.

Finally, the Fourth Circuit failed to consider the applicability of *Place* and *Caballes* through the lens of *Katz*. Applying *Place* and *Caballes* to the privacy question categorically without considering location runs counter to the reasonableness standard *Katz* outlines: Many people might think no reasonable privacy interest is abridged when narcotics-detection dogs sniff luggage at an airport or a car during a lawful traffic stop, but would find an issue with police bringing a dog to an apartment door at 3:00 AM to conduct a covert sniff.[103] Although the Court has sometimes refrained from directly applying the *Katz* test, instead adopting bright-line rules for certain situations,[104] courts should still read those situation-specific analogies through the lens of the societal reasonableness standard since *Katz* remains a cornerstone of the Fourth Amendment.[105] Although the Fourth Circuit considered the sniff's location in resolving the curtilage issue,[106] its decision to declare a

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97 Florida v. Jardines, 569 U.S. 1, 10 (2013).

98 *Id.* (quoting Katz v. United States, 389 U.S. 347, 360 (1967) (Harlan, J., concurring)).

99 820 F.3d 849 (7th Cir. 2016).

100 *Id.* at 853.

101 757 F.2d 1359 (2d Cir. 1985).

102 *Id.* at 1366.

103 *See* Jane Yakowitz Bambauer, *How the War on Drugs Distorts Privacy Law*, 64 STAN. L. REV. ONLINE 131, 132–33 (2012) (finding more than two-thirds of law student survey respondents who did not view a canine sniff of a car as an invasion of privacy nevertheless did view a canine sniff of a home as an invasion of privacy).

104 *See, e.g.*, United States v. Robinson, 414 U.S. 218, 235 (1973) (adopting bright-line rule that full-body searches of persons incident to lawful arrests are always valid).

105 *See, e.g.*, Carpenter v. United States, 138 S. Ct. 2206, 2213 (2018).

106 *See Johnson*, 148 F.4th at 293–96.

categorical view of *Place* and *Caballes* ignored the location-dependent nature of the reasonable-expectation-of-privacy inquiry.[107]

By choosing to extend *Place* and *Caballes* to the home without a detailed analysis, the Fourth Circuit failed to address the privacy questions left after *Jardines*. Faced with the unique nature of both canine sniffs and the home, the Fourth Circuit sidestepped these competing principles by neglecting to examine the location-specific language of *Place* and *Caballes* and the reasonableness touchstone in *Katz*. *Johnson* authorizes law enforcement to bring dogs up and down building hallways, sniffing at each door as they go.[108] False alerts happen, and some will undoubtedly be used as probable cause to search the premises.[109] "[T]he sanctity of the home" demands courts' careful attention.[110]

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107 *See* Florida v. Jardines, 569 U.S. 1, 11 (2013) (deciding case on property grounds but acknowledging the relevance of *Katz* to the privacy inquiry).

108 *See Johnson*, 148 F.4th at 289–90, 296.

109 *See* Jezierski et al., *supra* note 2, at 115.

110 Stern, *supra* note 85, at 913–14.