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FEATURE:

Ninth Circuit Holds That a K9 Alert is not Enough to Revive Hot Pursuit When Police Have Lost the Suspect for Over 18 Minutes

***Jones, v. City of North Las Vegas,* No. 24-3374 (9th Cir. March 6, 2026)**

In 2019, North Las Vegas PD Officers Minelli and Rose responded to a report of a possible domestic battery at a cul-de-sac residence. Officer Rose saw a person flee over the back wall toward a neighboring yard, ran to his patrol car, called for backup, and drove two streets south to cut off the person but did not see him again as a multi-block perimeter was established. Officer Minelli stayed with the woman, observed facial injuries including a stitched chin cut, heard her deny domestic violence, and heard her state her boyfriend would return later and police would need a warrant. Lieutenant Salkoff arrived with a K9 about 4:05 p.m., roughly eighteen minutes after the officers saw the person take off over the fence. Salkoff searched within the perimeter, announced searches by PA, and had Officer Young seek yard-consent from residents. While searching a backyard four houses east and one house south of where the suspect vanished, the K9 alerted toward Plaintiffs' walled backyard. Plaintiffs' gate was locked and posted a "Beware of Dog" sign. No one answered the door, and Salkoff climbed the six-foot wall, saw trash cans and a fenced kennel with an open gate but no dogs. Without a warrant or consent, Salkoff entered the yard and Officer Rose passed the K9 over the wall, rousing Plaintiffs' three dogs, two of which attacked the police K9, and were shot and killed by the officers. Officers never found the person they were seeking.

Plaintiffs sued Lieutenant Salkoff, Officer Rose, and the City under § 1983 for the warrantless backyard entry, the shooting of the dogs, and Monell liability, and also asserted a Nevada state law claim under NRS § 41.130. The district court granted summary judgment to Defendants on all federal claims, declined supplemental jurisdiction over the state claim, and entered judgment, and the plaintiffs appealed.

Legal Question(s):

1. Whether a K9 alerting to a suspect 18 minutes after his trail was lost by police is enough to count as a resumption of hot pursuit.
2. Whether the officers were entitled to qualified immunity for the shooting of the plaintiffs' dogs.

Holdings:

The Ninth Circuit held that a physical intrusion into a walled backyard is a Fourth Amendment violation and that continuity for a hot pursuit exigency was broken when the officers terminated the chase to assess the situation.
Analysis:

The court began its analysis by pointing out that case law on the 4th Amendment dictates that an intrusion upon the curtilage of a home, such as what the officers admitted to here, is generally a 4th Amendment violation absent a warrant or an exception such as hot pursuit. However, hot pursuit requires immediate and continuous pursuit from the scene, and continuity is broken when officers definitively terminate the chase, as assessed by whether the suspect's whereabouts were lost and whether officers continued to act with speed.

The court applied the test from *Newman v. Underhill*, 134 F.4th 1025 (9th Cir. 2025), to determine whether the continuity of the chase had been broken. Unlike *Newman*, where officers lost sight for nine minutes but had a reasonably good idea the suspect was in the house, here Rose did not chase or monitor over the wall, officers saw no sign of the suspect for at least eighteen minutes, and the suspect's movements were unknown in a suburban neighborhood, so continuity was broken and hot pursuit did not apply. The court rejected the argument that the K9's later alert revived hot pursuit, noting even if it provided probable cause, the chase had already terminated. The court further explained that clearly established law, particularly *United States v. Johnson*, 256 F.3d 895 (9th Cir. 2001), made clear that officers cannot sweep through neighborhood properties after losing a suspect's trail for more than a short time, so exigency was lacking and qualified immunity on the search was improper. The dissent disagreed, arguing that the K9 alert recovered the trail and reinvigorated the hot pursuit. It seems the core of the case comes down to whether a K9 alert 18 minutes after losing the suspect counts as a resumption of hot pursuit. The court was split, but ultimately landed on no.

On the dog shootings, the court applied *Graham* balancing and *Hells Angels*, emphasizing separate analyses for the entry and the seizures, and concluded Salkoff was entitled to qualified immunity because the confrontation was spontaneous, officers had minutes to plan, saw no signs of dogs before entry, and Plaintiffs identified no case clearly establishing that shooting under these circumstances was unreasonable. The court noted Defendants may still be liable for the dogs' deaths as a natural consequence of the unlawful entry, even though excessive force recovery is foreclosed.

On Monell, plaintiffs offered no pattern of warrantless search violations or constructive notice to show deliberate indifference, and prior dog-shooting settlements were sporadic or isolated and insufficient to show a traditional method of carrying out policy, so summary judgment for the City was proper. Because federal claims against the officers on the search survive, the court reversed the dismissal of the state law claim that was declined solely due to the federal rulings, and remanded; all other rulings were affirmed.

Jones v. City of North Las Vegas

SHORT SUMMARIES:

9th Circuit – Commercial Speech – Gig Workers

In 2023 Seattle enacted the App-Based Worker Deactivation Rights Ordinance to curb unwarranted deactivations by "network companies" and to protect public health, safety, and welfare. Uber and its subsidiary, Portier, LLC, along with Instacart, challenged a piece of the ordinance that requires companies to inform app-based workers in writing of deactivation policies and to ensure those policies are reasonably related to safe and efficient operations. The ordinance lists examples of policies not reasonably related to safety and efficiency, including deactivations based solely on customer ratings or on background checks except for egregious misconduct or where required by law. The ordinance applies only to internal company–worker communications and does not require public dissemination or endorsement of the policies. Uber and Instacart sought a temporary restraining order and preliminary injunction, asserting the Ordinance compels speech and is unconstitutionally vague, but were denied by the district court. Uber and Instacart appealed.

The Ninth Circuit affirmed, holding the ordinance's regulation of unwarranted deactivations was nonexpressive conduct, not speech, and any burden on speech is incidental, so the First Amendment is not implicated. Considering purpose and effect, the court found the central aim is to keep workers informed while protecting safety, not to restrict speech. Alternatively, even if speech is regulated, it is commercial speech concerning terms of engagement, and the disclosure requirement is valid under *Zauderer* because it is reasonably related to a substantial interest, purely factual and uncontroversial, and not unduly burdensome.

Maplebear Inc. v. City of Seattle

6th Circuit – Excessive Force – Celebratory Gunfire

In this case, James Williams was enjoying New Year's by firing multiple weapons and shooting into the air. An officer responded and arrived during a break in the activity. Shortly after, Williams began firing again. The officer spotted him through a privacy fence and shot him. Williams died, and his widow, Marquetta Williams, brought suit. No qualified immunity was granted, and the court concluded that the officer should have first given a warning and that, because Williams's celebratory gunfire amounted only to a misdemeanor, the officer's use of deadly force was excessive. The officer's defense seemed more focused on a claim that the fellow's weapon may have at some point been directed towards the officer and that the shooting was an act of self-defense. The claim that shooting a rather substantial amount of ammunition into the air with multiple weapons amounted to a risk to others, justifying deadly force, fell flat as the court noted that the officer really didn't push that point.

Williams v. Canton

6th Circuit – First Amendment – Billboards

Norton Outdoor (Norton) sought to erect a digital billboard in the Village of St. Bernard (Village), but the Village's ordinance barred "variable message" (meaning digital) signs and imposed size, location, spacing, and a one-in, one-out "cap and replace" rule, meaning they could only erect new

billboards if it was replacing one somewhere else. Finally, the Village had an exception to these rules, allowing "public service" signs to display the time and weather if not used for advertising.

Norton sued under the First Amendment after being prohibited from erecting the digital billboard. In a prior appeal, the Sixth Circuit held the ordinance's "public service" sign exemption was an unconstitutional content-based restriction and remanded for severability. On remand, the magistrate judge and the district court found the exemption severable and the remaining ordinance valid, denied Norton prevailing party status and fees, and Norton appealed.

The court held the Village did not forfeit severability, finding its earlier reservation and later briefing sufficient, and reviewed that forfeiture ruling for abuse of discretion. Applying Ohio's *Geiger* severability test, the court found the exemption severable because the ordinance's purposes, traffic safety, aesthetics, and property values, remain effective without it, and no insertion of words is needed. The court rejected Norton's arguments that severance impermissibly broadened the law, distinguishing territorial-application cases and reaffirming *Geiger*. With the exemption severed, the remaining content-neutral ordinance was reviewed under time, place, and manner intermediate scrutiny and upheld as narrowly tailored to significant interests, consistent with other case law, and without requiring additional record evidence.

Norton Outdoor Advertising, Inc. v. Village of St. Bernard

4th Circuit – Equal Protection

This case may be of interest to cities/counties looking to expand protections for their LGBTQ communities. In this case, West Virginia passed a law banning gender affirming care treatments from being covered under Medicaid in the state. A number of transgender individuals in West Virginia sued, arguing that the law violated the Equal Protection Clause, the Medicaid Act, and the Affordable Care Act.

The court held that, in light of *Skrmetti*, a Supreme Court case which upheld a Tennessee ban on gender affirming care for minors, this was a ban on certain types of treatments and did not target trans people as a class because the treatment was banned for everyone, cis and trans alike, and there was no obvious discriminatory intent baked into the law on its face. Therefore, only a rational basis review applies, and the law was upheld. However, given that trans people are the only class of people that would conceivably need gender affirming treatments, I am reminded of a quote by French writer Anatole France from his 1894 novel *The Red Lily,* "The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread."

Anderson v. Crouch