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Award-winning Hunting Dog Trainer Able to Continue Fight Against Surprise Warrantless Searches after Successful Appeal

United States Court of Appeals for the Tenth Circuit Reinstates Civil Rights Lawsuit Challenging Surprise Warrantless Searches of Rural Homestead

Cowley County, Kansas – [Kansas Justice Institute](#) is able to continue its fight against the government’s surprise warrantless searches of rural Kansas homesteads after the United States Court of Appeals for the Tenth Circuit ruled that the Fourth Amendment lawsuit [should not have been dismissed](#) and reinstated it. The civil rights case was filed in October 2022 on behalf of award-winning hunting dog trainer Scott Johnson and his wife Harlene Hoyt.

“This is a significant victory. The ruling means we’re able to keep fighting back against the government’s warrantless searches,” said Sam MacRoberts, litigation director for Kansas Justice Institute. “It reinforces our view—which has never changed—that a person’s homestead is their castle, and the government shouldn’t be allowed to enter it without a warrant,” MacRoberts continued. “Scott and Harlene never wavered in the defense of their rights,” MacRoberts added.

The Kansas Attorney General’s office has defended the warrantless search regime arguing that an exception to the Fourth Amendment warrant requirement, known as the pervasively regulated industry exception, applied to dog training and handling.

In the 2015 case of *City of Los Angeles v. Patel*, the Supreme Court rejected a similar argument that hotels counted as a pervasively regulated industry. The Court explained that the pervasively regulated industry exception to the Fourth Amendment’s warrant requirement is “a narrow exception” that cannot be allowed to “swallow the rule” that the government must obtain a warrant before searching private property.

Scott Johnson and his wife, Harlene Hoyt, with the help of Kansas Justice Institute, [filed the lawsuit](#) in the United States District Court for the District of Kansas in October 2022 to protect against the unreasonable, unannounced, warrantless searches of their rural homestead as well as unconstitutional licensing requirements.

Kansas Justice Institute is a free public interest law firm that fights back against government overreach.

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