FILED

UNITED STATES COURT OF APPEALS

SEP 5 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,	No. 18-30163
Plaintiff-Appellant,	D.C. No. 1:16-cr-02044-SAB-1
v.	
JASON WILLIAM CATHCART,	MEMORANDUM*
Defendant-Appellee.	

Appeal from the United States District Court
for the Eastern District of Washington
Stanley Allen Bastian, District Judge, Presiding

Argued and Submitted August 26, 2019
Seattle, Washington

Before: HAWKINS, McKEOWN, and BYBEE, Circuit Judges.

The United States appeals the district court's grant of Jason Cathcart's

motion to suppress evidence of child pornography found pursuant to a search

warrant. The district court concluded the warrant was not supported by probable

cause and the good faith exception did not apply. Because the parties are familiar

with the facts, we will not recite them here. We have jurisdiction under 28 U.S.C.

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* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

§ 1291, and we reverse.

We need not reach the question of probable cause in this case. Even if the warrant lacked probable cause, the good faith exception to the Fourth Amendment's exclusionary rule applies. *United States v. Elmore*, 917 F.3d 1068, 1076 (9th Cir. 2019) (holding that the good faith exception to the exclusionary rule is especially likely to be applicable "when an officer acting with objective good faith has obtained a search warrant from a judge or magistrate and acted within its scope" (quoting *United States v. Leon*, 468 U.S. 897, 920 (1984))). The affidavit supporting the warrant at issue here contained more evidence than the bare inference present in *United States v. Needham*, 718 F.3d 1190, 1194-95 (9th Cir. 2013). Because a reasonable law enforcement officer acting in good faith could conclude there was probable cause to search Cathcart's devices, we reverse the district court's order granting Cathcart's motion to suppress.

REVERSED.