

No. \_\_\_\_\_

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**IN THE  
SUPREME COURT OF THE UNITED STATES**

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OCTOBER TERM 2025

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CHRISTOPHER TODD BOUDREAU,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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**PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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SUBMITTED: April 20, 2026

## **QUESTION PRESENTED**

Whether the Fourth Amendment permits a warrant to authorize a search of a residence and the seizure of all electronic devices within it based on generalized assumptions about digital evidence, where the government has already obtained the device used in the alleged offense and identifies no case-specific facts linking additional devices to the home.

## **LIST OF PARTIES**

While the caption of the case contains the names of all the parties, the parties to the proceeding are:

The Petitioner is Christopher Todd Boudreau, an individual. Petitioner was the defendant in the federal district court and appellant in the Ninth Circuit.

The Respondent is the United States of America, which was the plaintiff in the federal district court and appellee in the Ninth Circuit

None of the parties are corporations.

There are no related cases.

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**PETITION FOR A WRIT OF CERTIORARI  
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FOR THE NINTH CIRCUIT**

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Petitioner, Christopher Todd Boudreau (“Mr. Boudreau”) petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit.

This case presents the question:

Whether the Fourth Amendment permits a warrant to authorize a search of a residence and the seizure of all electronic devices within it based on generalized assumptions about digital evidence, where the government has already obtained the device used in the alleged offense and identifies no case-specific facts linking additional devices to the home.

The Ninth Circuit’s published opinion conflicts with its own precedent and reflects a divergence among the courts of appeals concerning the Fourth Amendment’s nexus and particularity requirements in digital search cases.

### **I. OPINION BELOW**

The opinion of the United States Court of Appeals for the Ninth Circuit affirming the district court’s judgment is reported at *United States v. Boudreau*, 154 F.4th 1132 (9th Cir. 2025). Appendix A.

### **II. JURISDICTION**

The court of appeals published its opinion affirming the district court’s judgment on September 16, 2025. Appendix A. The court of appeals denied Mr. Boudreau’s petition for rehearing and rehearing en banc on January 20, 2026. Appendix B. This Court’s jurisdiction is invoked under 28 U.S.C. § 1254(1).

### **III. CONSTITUTIONAL PROVISIONS INVOLVED**

U.S. Const., amend. IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### **IV. STATEMENT OF THE CASE AND PRIOR PROCEEDINGS**

Mr. Boudreau was indicted on October 6, 2022 in the United States District Court for the District of Montana with attempted coercion and enticement of a

minor, in violation of 18 U.S.C. § 2422(b), and possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B). *United States v. Christopher Todd Boudreau*, CR 22-46-M-DWM. Mr. Boudreau was arrested on July 28, 2022. He was arraigned on October 27, 2022, and detained pending trial.

Before trial, Mr. Boudreau moved to suppress evidence seized from his residence pursuant to a search warrant, arguing that the warrant violated the Fourth Amendment because the affidavit failed to establish a sufficient nexus between the alleged offense and his residence or any electronic device within it, and because the warrant's breadth rendered it unconstitutional. The warrant challenged here authorized the search of Mr. Boudreau's residence and the seizure of all electronic devices within it. The district court denied the motion to suppress, concluding that the affidavit established probable cause to search the residence and its electronic devices. Order attached as Appendix C.

Following a jury trial, Mr. Boudreau was convicted on both counts. On December 8, 2023, he was sentenced to concurrent terms of 154 months imprisonment, followed by ten years supervised release.

Mr. Boudreau appealed to the United States Court of Appeals for the Ninth Circuit on December 11, 2023. *United States v. Christopher Todd Boudreau*, CA 23-4092.

Mr. Boudreau's case was argued and submitted on April 2, 2025. Mr. Boudreau challenged, among other things, the denial of his motion to suppress.

The court of appeals issued its opinion affirming the district court on September 16, 2025. The United States Court of Appeals for the Ninth Circuit held that under the totality of the circumstances, the warrant was supported by probable cause to search Mr. Boudreau's residence for evidence of both enticement and child pornography. The court upheld the warrant and affirmed the admission of the evidence seized.

Mr. Boudreau filed a petition for rehearing and rehearing en banc on December 23, 2025.

On January 20, 2026, the court of appeals denied Mr. Boudreau's petition for rehearing and rehearing en banc.

This petition follows.

## **V. FACTUAL BACKGROUND**

In July 2022, law enforcement officers in Montana conducted a reverse sting investigation using a fictitious online persona named "Mia," who was represented as a 12-year-old girl. Mr. Boudreau first communicated with "Mia" through a social-media platform and then continued communicating with her by text message over the course of several days. *Boudreau*, 154 F.4th at 1136.

During those communications, Mr. Boudreau expressed sexual interest in “Mia” and arranged to meet her in person. Approximately eight days after initiating contact, Mr. Boudreau traveled from his home in Anaconda, Montana, to Missoula, Montana, intending to meet “Mia.” He was arrested upon arrival. *Id.* at 1136.

The communications underlying the investigation occurred through mobile messaging platforms. The government did not identify any IP address, home internet activity, or other information linking those communications to a computer or electronic device located within Mr. Boudreau’s residence.

Following Mr. Boudreau’s arrest, Detective Wafstet applied for a warrant to search Mr. Boudreau’s residence. The affidavit described Mr. Boudreau’s communications with “Mia” and his expressed sexual interest in minors. Detective Wafstet recounted that Mr. Boudreau admitted that he watched pornography in the past and had a computer at his residence. *Id.* at 1136. The affidavit did not identify any device located in the residence that was used in the alleged offense, nor did it provide facts linking any device in the home to that offense. Warrant and Affidavit, attached as Appendix D.

Instead, the affidavit relied on the affiant’s training and experience. Detective Wafstet stated that individuals who engage in offenses involving minors commonly use computers and electronic devices to communicate and to store

digital evidence, and that such individuals often maintain collections of sexually explicit material in digital form. Based on those general assertions, the affidavit concluded that because of how Mr. Boudreau communicated with “Mia,” he “likely has a sexualized interest in children and depictions of children” and “that evidence of child pornography and additional child enticement” was likely to be found at Mr. Boudreau’s residence. *Boudreau*, 154 F.4th at 1137.

A state judge issued a warrant authorizing a search of Mr. Boudreau’s residence for evidence of both enticement of a minor and possession of child pornography. The warrant authorized the seizure of all electronic devices capable of storing or transmitting digital data, as well as visual depictions of minors, without limitation as to device, user, or data type. *Id.*

Law enforcement officers executed the warrant at Mr. Boudreau’s residence and seized numerous electronic storage devices, including thumb drives; external hard drives; computer towers; and digital media. After obtaining a second warrant to search the data, officers discovered images and videos constituting child pornography. *Id.* at 1137. His conviction on Count 2 was based entirely on evidence obtained from the seizure and subsequent search.

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## VI. REASONS FOR GRANTING THE PETITION

### A. The Decision Below Permits Residence-Wide Digital Searches Without a Specific Factual Nexus and Reflects a Divergence Among Courts.

As a preliminary matter, the July 2022 warrant at issue authorized law enforcement to invade Mr. Boudreau's home, which stands at "the very core" of the Fourth Amendment's protections, *Silverman v. United States*, 365 U.S. 505, 511 (1961), and to seize all "electronic device[s] capable of receiving and transmitting data or storing electronic data" and any "[v]isual depictions" of minors "in a state of undress [or] engaging in sexual activity." *Boudreau*, 154 F.4th at 1136.

The decision below does not rest on any device-specific or location-specific facts. Instead, it permits a search of a residence and all electronic devices within it based on three generalized propositions: that Mr. Boudreau used a digital application to communicate, that such applications are accessible on computers and smartphones, and that individuals expressing sexual interest in minors are likely to possess digital evidence. Based on these facts and the officer's training and experience, the panel concluded that there was a fair probability that evidence would be found at Mr. Boudreau's residence.

But law enforcement had already identified and secured the specific device used in the alleged communications, the cell phone recovered from Mr. Boudreau's vehicle during his arrest, before seeking authority to search the residence. See

App. D (search warrant and affidavit). The affidavit nevertheless identified no facts suggesting that any additional device existed, was used in the offense, or would be found in the home. Instead, the affidavit relied on generalized assertions that electronic devices are commonly used to store and access digital data and that such data may be transferred across devices. That reasoning does not establish a nexus between any particular device and the alleged offense, nor does it establish a connection between any such device and the residence.

The Ninth Circuit's reasoning does not establish a "fair probability that evidence of a crime will be found in a particular place." *Illinois v. Gates*, 462 U.S. 213, 238 (1983). It substitutes technological capability and generalized inference for the individualized factual nexus the Fourth Amendment requires. The Ninth Circuit's decision erodes the independent probable cause basis for finding a nexus because the suspect used a smartphone application that could be accessible on computers. This reasoning risks transforming the nexus requirement from a fact-specific inquiry into a generalized inference that applies in virtually every case involving digital communication.

Even under the Ninth Circuit's own precedent, the warrant here cannot be sustained. In *Gourde*, the court upheld a warrant based on specific facts linking the defendant's conduct to a computer likely located in the home. *United States v. Gourde*, 440 F.3d 1065, 1071 (9th Cir. 2006). By contrast, in *Dougherty*, the court

rejected a warrant where the connection between the alleged offense and the place to be searched rested on attenuated inference. *Dougherty v. City of Covina*, 654 F.3d 892, 898-99 (9th Cir. 2011). This case presents an even weaker nexus than *Dougherty*: law enforcement had already identified and secured the device used in the alleged communications, yet the affidavit supplied no facts linking any additional device in the home to the offense. The decision below nevertheless upheld a residence-wide search based solely on generalized assumptions about digital technology.

Courts of appeals have taken materially different approaches to this question. Some require case-specific facts linking the alleged offense to the residence and the devices to be searched. *See, e.g., United States v. Griffith*, 867 F.3d 1265, 1268 (D.C. Cir. 2017) (holding that probable cause to search a residence for cell phones cannot rest on the generalized assumption that individuals possess such devices, absent facts linking such device containing incriminating information to the residence); *United States v. Brown*, 828 F.3d 375, 384 (6th Cir. 2016) (holding that probable cause to search a residence cannot be inferred absent facts directly connecting the residence to the alleged criminal activity, even where the defendant is known to engage in that activity). *Brown* confirms that probable cause requires a factual connection between the alleged offense and the place to be searched; where, as here, the government identifies no device tied to the offense

and no facts linking any such device to the residence, that requirement is not met. *See also United States v. Falso*, 544 F.3d 110, 121 (2d Cir. 2008) (holding that probable cause was lacking where the affidavit alleged only that the defendant appeared to have attempted to access a website, without facts establishing that evidence would be found on a computer in the home). In *Falso*, the court rejected probable cause where the affidavit relied on the mere appearance of attempted access to illicit material, without any factual basis to believe such material would be found on a computer in the home. Here, the court upheld a search based on the similarly attenuated proposition that the applications used to communicate were merely accessible on computers and smartphones, without any facts showing that a computer was used in the alleged offense or that evidence would be found on any device in the residence.

More recently, the Tenth Circuit has made clear that a warrant to search a residence for electronic devices cannot rest on generalized assumptions about digital evidence but must be supported by case-specific facts linking the suspected offense to devices likely located in the home. *See Armendariz v. City of Colorado Springs*, 169 F.4th 1036, 1054-55 (10th Cir. 2023). The decision below permits precisely the type of inference these courts have cautioned against.

Other courts permit warrants based largely on generalized assumptions about offender behavior and the nature of digital evidence. *See, e.g., United States v.*

*Colbert*, 605 F.3d 573, 578-579 (8th Cir. 2010) (upholding probable cause to search a residence based on the defendant's conduct and the inference that individuals with a sexual interest in minors are likely to possess child pornography in their homes); *United States v. Hodge*, 246 F.3d 301, 306–07 (3d Cir. 2001) (allowing probable cause to rest on common-sense inferences about where evidence is likely to be kept, rather than specific facts linking the residence to the offense). But *see also* *Colbert*, 605 F.3d at 580 (Bright, J., dissenting) (noting that several courts have rejected the proposition that probable cause for child enticement or molestation alone establishes probable cause to search a residence for child pornography). These cases permit probable cause to rest on generalized behavioral inferences rather than specific, case-based facts linking the alleged offense to a particular device or location. The decision below reflects a permissive approach that allows a search of a residence and the seizure of all electronic devices within it based on technological capability and generalized behavioral inference alone.

This divergence is especially consequential in the digital context. Because electronic communication is ubiquitous and virtually all applications are useable on phones and computers or other electronic devices found in the home, a rule that permits nexus to be inferred from the mere use of digital applications effectively

allows residence-wide searches in nearly every case. The Fourth Amendment requires more than that.

**B. The Decision Below Permits General Digital Warrants and Reflects a Divergence Regarding the Particularity Requirement.**

This case also presents a closely related question concerning the Fourth Amendment's independent particularity requirement. The defect in nexus directly produced a failure of particularity. The warrant here authorized the search of a residence and all electronic devices within it without limitation by device type, user, or connection to the alleged offense. Because the affidavit identified no specific device or data source, the magistrate imposed no meaningful limits on which devices could be seized, leaving those decisions to executing officers.

The Fourth Amendment requires more. Even where probable cause exists, a warrant must “particularly describ[e] the place to be searched, and the persons or things to be seized.” U.S. Const. amend. IV. That requirement ensures that the magistrate, not the executing officer, defines the scope of the search. *Groh v. Ramirez*, 540 U.S. 551, 557-558 (2004); *Marron v. United States*, 275 U.S. 192, 196 (1927).

This case illustrates the relationship between nexus and particularity. When an affidavit fails to tie the alleged offense to any specific device or data source, the magistrate lacks any principled basis to limit the scope of the seizure. The result is

not simply a lack of probable cause, but a warrant that leaves the definition of what may be seized to the discretion of executing officers.

That defect is especially pronounced here because the government had already seized the cell phone used in the alleged communications before seeking the warrant to search the residence. The warrant thus did not target an identified device tied to the offense but instead authorized the seizure of all electronic devices without any factual basis to believe additional devices contained relevant evidence.

Electronic devices contain vast quantities of personal information, and authorizing the wholesale seizure of such devices exposes far more than traditional physical searches. This Court has recognized that digital devices hold “a digital record of nearly every aspect of [a person’s] life.” *Riley v. California*, 573 U.S. 373, 395 (2014). The absence of meaningful, magistrate-imposed limits at the point of seizure therefore creates a heightened risk of general, exploratory intrusions.

This Court has likewise recognized that modern digital data allows the government to assemble “detailed, encyclopedic” records that provide an “intimate window into a person’s life.” *Carpenter v. United States*, 138 S. Ct. 2206, 2216–17 (2018). Because such data reveals “the privacies of life,” *id.* at 2217,

authorizing the seizure of all electronic devices without meaningful limits permits sweeping intrusions far beyond those contemplated in traditional searches.

Courts have taken different approaches to how the Fourth Amendment's particularity requirement applies to the seizure of electronic devices. Some require a concrete, case-specific link between the devices to be seized and the alleged offense, while others permit broader seizures where such a connection can reasonably be inferred from the facts. The decision below eliminates that limiting principle altogether, permitting the government to seize every electronic device in a residence without any factual basis tying those devices to criminal activity.

Courts of appeals diverge on how the particularity requirement applies in this context. Some require meaningful, *ex ante* limits that tie the items to be seized to the suspected criminal activity. *See, e.g., United States v. Rosa*, 626 F.3d 56, 62-63 (2d Cir. 2010) (finding a warrant for electronic media insufficiently particular where it failed to link the items to be searched and seized to the suspected criminal activity and authorized an uncircumscribed search, though applying the good-faith exception). Other courts have upheld broader seizures where the scope of the warrant is supported by case-specific facts linking the devices to the alleged offense. *See United States v. Triplett*, 684 F.3d 500, 505 (5th Cir. 2012) (upholding seizure of electronic devices where the warrant was tied to locating a missing person and supported by facts connecting those devices to the

investigation). The decision below extends beyond both approaches. These cases do not address whether the Fourth Amendment permits the government to seize all electronic devices in a residence without any factual basis tying those devices to criminal activity.

Here, the warrant's breadth was not the product of judicial tailoring but the predictable consequence of an affidavit that failed to tie the alleged offense to any specific device or data source. When a warrant contains no meaningful limits grounded in case-specific facts, it ceases to be particularized and instead becomes general by design.

The decision below removes that limiting principle. It permits device-neutral warrants untethered to specific facts and bounded only by officer discretion. In the context of modern digital storage, where devices contain “the privacies of life,” *Riley*, 573 U.S. at 395, that rule risks converting warrants into modern general warrants. The Fourth Amendment does not permit the government to seize every device in a home first and define the scope of its search later. That rule collapses the particularity requirement in the digital context, where nearly every investigation involves electronic devices.

**C. The Question Presented Is Exceptionally Important and Recurs With Increasing Frequency.**

The question presented is exceptionally important and arises with increasing frequency in modern criminal investigations. Digital communication is now

ubiquitous. Investigations involving social media, text messaging, and internet-based applications routinely lead to requests for search warrants targeting electronic devices in a suspect's home. If generalized assumptions about offender behavior and the mere capability of digital applications to be accessed on computers or other electronic devices suffice to establish probable cause, then residence-wide searches of electronic devices will become the default rather than the exception.

The consequences are substantial. Electronic devices contain vast quantities of personal information, including communications, photographs, financial records, and internet history. A warrant authorizing a search of all such devices in a home exposes the entirety of a person's digital life to government scrutiny.

This Court has recognized that digital searches raise heightened Fourth Amendment concerns because of the volume and sensitivity of the information involved. *See Riley*, 573 U.S. at 393–97. The decision below expands the circumstances under which such searches and seizures may be authorized, without requiring a concrete factual link to the place or devices searched and seized.

Absent this Court's review, courts will continue to apply divergent standards to these increasingly common warrants, and the protections of the Fourth Amendment will erode in the digital age.

**D. This Case Is an Excellent Vehicle for Resolving the Question Presented.**

This case is an ideal vehicle for resolving the question presented. The Fourth Amendment issue was squarely raised in Mr. Boudreau's motion to suppress and was fully litigated in the district court and on appeal. The court of appeals addressed the issue directly and upheld the warrant based on its probable-cause analysis. The court of appeals did not rely on the good-faith exception. Nor did it rely on any alternative ground that would insulate the constitutional question from review.

The case presents a clean legal question. The material facts are undisputed: the affidavit did not identify any specific device, data source, or location linking the alleged offense to the residence, and the warrant authorized seizure of all electronic devices in the home. There are no alternative grounds supporting the judgment, such as reliance on the good-faith exception, that would complicate this Court's review.

Finally, the issue is outcome-determinative. The evidence seized pursuant to the warrant formed the basis for Mr. Boudreau's conviction for possession of child pornography. If the warrant violated the Fourth Amendment, suppression would be required.

This case therefore presents a clear and appropriate vehicle for resolving an important and recurring question of federal law.

## VII. CONCLUSION

For the above reasons, the petition for a writ of certiorari should be granted.

RESPECTFULLY SUBMITTED April 20, 2026.

*/s/ David A. Mattingley*

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