

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Powelson v. Sausalito Police Department

No. 23-cv-01360-EMC (SK) (N.D. Cal. Aug. 6, 2025) · No. 23-cv-01360-EMC (SK) · Decided August 6, 2025

SUMMARY

The court denied Plaintiff Robbie Powelson’s request to subpoena the Marin County District Attorney’s Office for records concerning Officer Nick White’s alleged inclusion on a Brady list. The court found the requested information unrelated to Powelson’s 42 U.S.C. § 1983 claims arising from a 2021 encampment incident and concluded that evidence of alleged prior wrongdoing could not be used to prove character under Federal Rule of Evidence 404(b).

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Sallie Kim
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 6, 2025
DOCKET	23-cv-01360-EMC (SK)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for issuance of a subpoena to the Marin County District Attorney's Office seeking records concerning Officer Nick White's alleged inclusion on a Brady list. The court denied the request.
STANDARD OF REVIEW	The court assessed the subpoena under the relevance, proportionality, and scope limits applicable to civil discovery and considered the admissibility of the requested information under Federal Rule of Evidence 404(b).
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Robbie Powelson v. Sausalito Police Department, Officer Nick White, other defendants

TOPICS

- discovery dispute
- relevance
- character evidence
- evidence
- section 1983

PRACTICE AREAS

civil procedure civil rights evidence constitutional law

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to issuance of a subpoena seeking all records concerning Officer White's alleged Brady-list determination.
2. Whether alleged prior perjury in an unrelated criminal proceeding was discoverable or admissible to show that White would lie in the present civil action.
3. Whether the Brady and California discovery authorities cited by Plaintiff supported discovery of the requested records in a civil case.

HOLDINGS

1. Information concerning Officer White's alleged lies in an unrelated 2016 criminal proceeding was not relevant to whether he was lying in the present civil action and was not discoverable through the requested subpoena.
2. Brady v. Maryland and People v. Coyer, which concern criminal defendants' access to exculpatory or criminal-charge information, do not establish a right to the requested discovery in this civil § 1983 action.

KEY QUOTATIONS

“The scope of disclosure under Brady and Coyer is very different from the scope of discovery in civil cases.”
(at 3)

“However, Plaintiff cannot use information at trial from a previous unrelated disciplinary action involving White, if one exists, to show that White is lying on the stand in this case.” (at 2)

FACTUAL BACKGROUND

Plaintiff sought records from the Marin County District Attorney's Office concerning Officer Nick White's alleged inclusion on a Brady list based on alleged perjury in a 2016 criminal trial involving White's ex-girlfriend. Plaintiff claimed the records were relevant to White's credibility as a witness in this civil action. The underlying civil-rights claims arose from officers' removal of Plaintiff's belongings from an encampment on November 22, 2021, and the court found those events unrelated to the 2016 domestic-violence matter.

PROCEDURAL HISTORY

Powelson brought a civil-rights action under 42 U.S.C. § 1983 arising from the removal of his belongings from an encampment on November 22, 2021. During discovery, he sought a subpoena for records concerning an alleged 2016 perjury-related Brady determination involving Officer White. The court denied the subpoena as seeking information unrelated to the claims and inadmissible for the proposed credibility purpose.

DISPOSITION

other

CASES CITED

- Brady v. Maryland, 373 U.S. 821 (1963)
- People v. Coyer, 142 Cal. App. 3d 939 (1983)
- Kelly v. City of San Jose, 114 F.R.D. 653, 663-68 (N.D. Cal. 1987)
- Brownlee v. Burnes, 2024 WL 4957495, at *2-3 (E.D. Cal. Dec. 3, 2024)
- Mueller v. Walker, 124 F.R.D. 654, 658 (D. Or. 1989)

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