

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Eric Henry Saldivar v. Riverside Police Department, et al.

Saldivar v. Riverside Police Department, No. 2:20-cv-02081-CAS-PD (C.D. Cal. July 30, 2025) · No. 2:20-cv-02081-CAS-PD · Decided July 30, 2025

SUMMARY

The United States District Court for the Central District of California accepts a magistrate judge’s Report and Recommendation denying defendants Evan Wright and Abel Soria’s motion for summary judgment. The court concludes that genuine disputes of material fact remain concerning the plaintiff’s standing to assert survival and familial-association claims, the familial relationship between the plaintiff and decedent, and the reasonableness of the defendants’ use of deadly force. The court therefore declines to resolve those issues as a matter of law at the summary-judgment stage.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Christina A. Snyder
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 30, 2025
DOCKET	2:20-cv-02081-CAS-PD
DISPOSITION	other
PROCEDURAL POSTURE	Defendants objected under Federal Rule of Civil Procedure 72(b) to a magistrate judge's report and recommendation denying their motion for summary judgment. The district court conducted de novo review of the challenged portions, accepted the report and recommendation, and denied summary judgment.
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's report and recommendation to which specific objections were made under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b)(3). Summary judgment is improper where genuine disputes of material fact remain, and the evidence and reasonable inferences must be viewed in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	Unknown; district court order accepting a report and recommendation, with no reported citation or stated precedential status.

PARTIES

Evan Wright, Abel Soria v. Eric Henry Saldivar

TOPICS

section 1983

qualified immunity

summary judgment

police misconduct

civil rights

PRACTICE AREAS

civil rights

constitutional law

police misconduct

prisoner civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff presented a genuine dispute of material fact concerning his standing as the decedent's successor in interest to assert the decedent's Fourth Amendment survival claim.
2. Whether plaintiff presented a genuine dispute of material fact concerning the sufficiency of his familial relationship with the decedent to support a Fourteenth Amendment claim.
3. Whether genuine disputes of material fact concerning the decedent's movements, possession of a firearm, witness credibility, and the officers' accounts precluded summary judgment on the Fourth Amendment excessive-force claim.
4. Whether defendants were entitled to qualified immunity when factual disputes remained concerning the objective reasonableness of their use of deadly force.

HOLDINGS

1. Summary judgment was unwarranted because genuine disputes existed concerning whether the decedent's Fourth Amendment claim was separate property and whether he had a surviving issue, both of which affected plaintiff's status as a beneficiary and successor in interest under California law.
2. Summary judgment was improper because the evidence, viewed favorably to plaintiff, permitted a reasonable juror to find that plaintiff and decedent had a familial relationship cognizable under the Fourteenth Amendment.
3. Genuine disputes of material fact concerning the decedent's movements, whether he possessed or reached for a firearm, the witnesses' observations, and the officers' accounts precluded summary judgment on the excessive-force claim.
4. Defendants were not entitled to qualified immunity at summary judgment because disputed facts concerning the decedent's actions and the objective reasonableness of the use of force prevented resolution of the immunity question as a matter of law.

KEY QUOTATIONS

"the district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise." (at 2)

"the inferences to be drawn from the underlying facts... must be viewed in the light most favorable to the party opposing the motion." (at 7)

“Where factual disputes exist as to the objective reasonableness of an officer’s conduct, the case cannot be resolved at summary judgment on qualified immunity grounds.” (at 15)

FACTUAL BACKGROUND

Riverside Police Department officers Evan Wright and Abel Soria used deadly force while seizing Ernie David Saldivar on March 8, 2018, resulting in his death. Plaintiff Eric Henry Saldivar, the decedent's father, asserted a survival action for the decedent's Fourth Amendment rights and an individual Fourteenth Amendment familial-association claim. The record contained conflicting evidence concerning whether the decedent reached for a gun, the officers' observations and accounts, the decedent's relationship with a minor child, and the familial relationship between plaintiff and decedent.

PROCEDURAL HISTORY

Plaintiff filed a fourth amended complaint asserting a Fourth Amendment excessive-force claim as decedent's successor in interest and a Fourteenth Amendment familial-association claim in his individual capacity. Defendants moved for summary judgment, arguing lack of standing, absence of a cognizable familial relationship, reasonableness of the deadly force, and qualified immunity. The magistrate judge recommended denial because genuine disputes of material fact existed, and the district court accepted that recommendation after de novo review.

DISPOSITION

other

CASES CITED

- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)
- Chith v. Haynes, No. C18-5342 BHS, 2021 WL 4744596, at *1 (W.D. Wash. Oct. 12, 2021)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Moreland v. Las Vegas Metro. Police Dep't, 159 F.3d 365, 369 (9th Cir. 1998)
- Tatum v. City & Cnty. of San Francisco, 441 F.3d 1090, 1094 n.2 (9th Cir. 2006)
- Hayes v. Cnty. of San Diego, 736 F.3d 1223, 1229 (9th Cir. 2013)
- Timed Out, LLC v. Youabian, Inc., 229 Cal. App. 4th 1001, 1009 (2014)
- In re Marriage of Klug, 130 Cal. App. 4th 1389, 1397 (2005)
- Lee v. State Farm Mut. Auto. Ins. Co., 57 Cal. App. 3d 458, 465 (1976)
- Charisma R. v. Kristina S., 175 Cal. App. 4th 361, 374 (2009)
- Jason P. v. Danielle S., 9 Cal. App. 5th 1000, 1022-23 (2017)
- Cent. Delta Water Agency v. United States, 306 F.3d 938, 947 (9th Cir. 2002)
- Kirkpatrick v. Cnty. of Washoe, 843 F.3d 784, 788-90 (9th Cir. 2016)
- Wheeler v. City of Santa Clara, 894 F.3d 1046, 1051, 1058 (9th Cir. 2018)

- Nash-Perry v. City of Bakersfield, No. 1:18-CV-01512 JLT, 2021 WL 3883681, at *14 (E.D. Cal. Aug. 31, 2021)
- Cockrum v. Whitney, 479 F.2d 84, 86 (9th Cir. 1973)
- Tennessee v. Garner, 471 U.S. 1, 3-4 (1985)
- Andrews v. City of Henderson, 35 F.4th 710, 719-20 (9th Cir. 2022)
- Estate of Lopez v. Gelhaus, 871 F.3d 998, 1001-04, 1006-13 (9th Cir. 2017)
- Rosenbaum v. City of San Jose, 107 F.4th 919, 924 (9th Cir. 2024)
- Mullenix v. Luna, 577 U.S. 7, 12 (2015)
- Gonzalez v. City of Anaheim, 747 F.3d 789, 795 (9th Cir. 2014)
- United States v. Morales, 720 F.3d 1194, 1201 (9th Cir. 2013)
- United States v. Pazsint, 703 F.2d 420, 424 (9th Cir. 1983)

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