

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jimenez v. City of Sacramento

Jimenez · No. 2:22-cv-02004-DJC-CSK · Decided May 8, 2025

SUMMARY

The court addresses defendants’ motion for summary judgment in a 42 U.S.C. § 1983 action involving alleged excessive force, failure to intervene, warrantless vehicle searches, and Monell liability. It grants summary judgment on the Monell claim concerning GPS-device placement, but denies summary judgment on the excessive-force, failure-to-intervene, vehicle-search, and Monell unreasonable-force claims. The court concludes that factual disputes preclude resolving the force and intervention issues at summary judgment and finds the November 6, 2020 removal of the GPS device unlawful.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Daniel J. Calabretta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 8, 2025
DOCKET	2:22-cv-02004-DJC-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment on Plaintiff's Fourth Amendment and Monell claims under 42 U.S.C. § 1983.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court viewed the evidence and drew reasonable inferences in favor of the nonmoving party, and treated credibility determinations, weighing of evidence, and competing factual inferences as jury functions. Qualified immunity requires consideration of whether the plaintiff has shown a constitutional violation and whether the right was clearly established.
PRECEDENTIAL VALUE	Unknown

TOPICS

section 1983

qualified immunity

summary judgment

municipal liability

police misconduct

PRACTICE AREAS

civil rights

constitutional law

federal civil procedure

municipal liability

police misconduct

QUESTIONS PRESENTED

1. Whether the November 2, 2020 search of Jimenez's vehicle and placement of a GPS tracking device were lawful because Martell, a PRCS participant, was driving the vehicle.
2. Whether the November 6, 2020 search of Jimenez's vehicle to retrieve the GPS tracking device violated her Fourth Amendment rights.
3. Whether factual disputes concerning the reasonableness of Franzen's use of force precluded summary judgment.
4. Whether factual disputes concerning the other officers' opportunity and duty to intervene precluded summary judgment.
5. Whether the officers were entitled to qualified immunity.
6. Whether Jimenez presented sufficient evidence to proceed on her Monell claim concerning an alleged practice of using force and Penal Code section 148 citations to justify that force.
7. Whether Jimenez could maintain a Monell claim based on the initial placement of GPS tracking devices when the court found no constitutional violation from that placement.

HOLDINGS

1. The November 2, 2020 stop and search of the vehicle and placement of the GPS tracking device were lawful because Martell, a known PRCS participant, was driving and exercising control over the vehicle at the time.
2. The November 6, 2020 search of Jimenez's vehicle and retrieval of the GPS tracking device were unreasonable under the Fourth Amendment because the officers lacked Jimenez's consent, probable cause, or a sufficiently supported basis to believe that Martell controlled the vehicle.
3. Summary judgment was improper on Jimenez's excessive-force claim because a reasonable jury could find either that Franzen's use of force was justified or that it was unreasonable.
4. Summary judgment was improper on the failure-to-intervene claim because the existence of an underlying constitutional violation and whether the witnessing officers had sufficient time to intervene remained disputed factual questions.
5. The officers were not entitled to qualified immunity on the claim arising from the November 6 search of Jimenez's vehicle because the Fourth Amendment right at issue was clearly established.
6. The officers were not entitled to summary judgment on qualified immunity for the use-of-force claim because whether a constitutional violation occurred depended on disputed facts reserved for the jury, and the right not to be subjected to unreasonable force during an arrest was clearly established.

7. Jimenez's Monell claim based on the Sacramento Police Department's alleged practice of placing GPS trackers failed because the court found that the initial placement of the tracker was lawful and therefore no underlying constitutional injury occurred.
8. Summary judgment was improper on Jimenez's Monell claim alleging a municipal practice of charging individuals under California Penal Code section 148 to justify unreasonable force.

KEY QUOTATIONS

“The Officers otherwise had no basis or underlying probable cause that a crime was occurring that would enable them to search the car parked in her driveway.” (Discussion B)

“A reasonable decisionmaker, after viewing the video of the interaction between Jimenez and Franzen, could plausibly conclude either the force used was justified under the circumstances, or alternatively that Franzen did not use reasonable force.” (Discussion C)

“The fundamental thrust of these cases is that a third party who is not a parolee is fully protected by the Fourth Amendment, and if an officer is going to conduct a search, they must satisfy the relatively stringent probable cause requirements that what they are searching belongs to the parolee and not an innocent third party.” (Discussion D)

“For the reasons discussed above, the Court GRANTS in part Defendants’ Motion for Summary Judgment (ECF No. 16) as to Plaintiff’s fourth cause of action (Monell claim for unconstitutional placement of GPS tracking devices) and DENIES Defendants’ Motion as to Plaintiff’s first, second, and third causes of action, and DENIES in part as to Plaintiff’s fourth cause of action (Monell claim for unreasonable force).” (Conclusion)

FACTUAL BACKGROUND

On November 2, 2020, Martell, a participant in California's Post Release Community Supervision program, was driving Jimenez's vehicle when Sacramento officers stopped and searched it and placed a GPS tracking device inside. On November 6, officers went to Jimenez's home seeking Martell, learned that he was not present, and were told that the vehicle belonged to Jimenez and that she did not consent to a search. When Jimenez physically obstructed Officer Franzen from opening the vehicle, Franzen restrained her with wrist ties, after which officers retrieved the GPS device from the vehicle's trunk. Jimenez alleged that the restraint involved unreasonable force, that other officers failed to intervene, and that the Sacramento Police Department maintained unconstitutional practices.

PROCEDURAL HISTORY

Plaintiff Tina Marie Jimenez filed suit against the City of Sacramento and four Sacramento police officers arising from a vehicle search, placement and retrieval of a GPS tracking device, use of force, and alleged failure to intervene. Defendants moved for summary judgment. The court granted the motion as to the Monell claim based on placement of the GPS device, denied it as to the individual claims and the Monell unreasonable-force claim, and left disputed factual issues for a jury.

DISPOSITION

CASES CITED

- Monell v. Department of Social Services of City of New York, 436 U.S. 658 (1978)
- People v. Douglas, 240 Cal. App. 4th 855, 860, 862 (2015)
- United States v. Miller, 694 F. App'x 609, 610 (9th Cir. 2017)
- United States v. Korte, 918 F.3d 750, 754, 757 (9th Cir. 2019)
- United States v. Fultz, 146 F.3d 1102, 1105 (9th Cir. 1998)
- United States v. Lopez, 474 F. Supp. 943, 947 (C.D. Cal. 1979)
- United States v. Kovac, 795 F.2d 1509, 1510-11 (9th Cir. 1986)
- Glenn v. Wash. Cnty., 673 F.3d 864, 878 (9th Cir. 2011)
- Liston v. Cnty. of Riverside, 120 F.3d 965, 976 n.10 (9th Cir. 1997)
- United States v. Koon, 34 F.3d 1416, 1447 n.25 (9th Cir. 1994), rev'd in part on other grounds, 518 U.S. 81 (1996)
- Cunningham v. Gates, 229 F.3d 1271, 1289-90 (9th Cir. 2000)
- Pearson v. Callahan, 555 U.S. 223, 232, 236 (2009)
- Kisela v. Hughes, 584 U.S. 100, 104 (2018)
- Brosseau v. Haugen, 543 U.S. 194, 198 (2004)
- District of Columbia v. Wesby, 583 U.S. 48, 63 (2018)
- Bonivert v. City of Clarkston, 883 F.3d 865, 872 (9th Cir. 2018)
- Polanco v. Diaz, 76 F.4th 918, 930 n.8 (9th Cir. 2023)
- D'Braunstein v. California Highway Patrol, 131 F.4th 764, 773 (9th Cir. 2025)
- Anderson v. Creighton, 483 U.S. 635, 640 (1987)
- Katz v. United States, 389 U.S. 347, 357 (1967)
- Motley v. Parks, 432 F.3d 1072, 1079-80 (9th Cir. 2005) (en banc)
- United States v. Grandberry, 730 F.3d 968, 973-76, 980 (9th Cir. 2013)
- United States v. Franklin, 603 F.3d 652, 656 (9th Cir. 2010)
- United States v. Howard, 447 F.3d 1257, 1262 (9th Cir. 2006)
- United States v. King, 687 F.3d 1189 (9th Cir. 2012)
- Creal v. City of Fairfield, No. CIVS06560WBSPANJFM, 2007 WL 2019624, at *3 (E.D. Cal. July 10, 2007)
- Graham v. Connor, 490 U.S. 386, 397 (1989)
- Price v. Sery, 513 F.3d 962, 966 (9th Cir. 2008)
- City of Los Angeles v. Heller, 475 U.S. 796, 799 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-25 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-52, 255 (1986)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 585-88 (1986)

- T.W. Elec. Serv., Inc. v. Pac. Elec. Contractors Ass'n, 809 F.2d 626, 631 (9th Cir. 1987)

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