

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Pierce v. San Diego Unified Port District

340 F. App'x 351 (9th Cir. 2009) · Decided April 22, 2009

SUMMARY

The Ninth Circuit affirmed summary judgment for the San Diego Unified Port District on claims arising from the seizure and destruction of the vessel Castle. The court held that the Port had authority under applicable ordinances to seize and destroy the vessel, that the due process and negligence claims failed, and that the Port was entitled to impound-related costs on its counterclaim. The disposition was designated nonprecedential under Ninth Circuit Rule 36-3.

CASE DETAILS

COURT	United States Court of Appeals for the Ninth Circuit
WRITING FOR THE COURT	Per curiam; Ezra; Hall; Pregerson
JURISDICTION	Federal
DECIDED	April 22, 2009
DISPOSITION	affirmed
PROCEDURAL POSTURE	Pierce and Morgan appealed the district court's grants of summary judgment in favor of the San Diego Unified Port District on their due process and negligence claims and on the Port's counterclaim for impound-related costs.
STANDARD OF REVIEW	De novo review of a district court's grant of summary judgment.
PRECEDENTIAL VALUE	Nonprecedential memorandum disposition
PARTIES	Kathleen Pierce, Matthew Morgan v. San Diego Unified Port District

TOPICS

- summary judgment
- due process
- negligence
- municipal law
- civil procedure

PRACTICE AREAS

- civil procedure
- constitutional law
- torts
- municipal law
- remedies

QUESTIONS PRESENTED

1. Whether the appellants presented sufficient evidence to create a genuine dispute of material fact concerning the former Port Director's authority to authorize the Castle to rest at the location from which it was seized.
2. Whether the Port was required to seek an injunction to enforce Unified Port District Code section 4.35.
3. Whether California Harbor and Navigation Code sections 504, 522, or 526 applied to the seizure and destruction of the Castle.
4. Whether the Port owed a mandatory duty supporting the appellants' negligence claim.
5. Whether the district court properly granted the Port's counterclaim for impound-related costs.

HOLDINGS

1. Summary judgment was proper because the appellants did not present sufficient evidence to create a genuine issue of material fact regarding the former Port Director's authority to allow and authorize the Castle to rest at the seizure location.
2. The Port was not required to seek an injunction because Unified Port District Code section 8.25 was in effect when the Castle was seized and did not require injunctive relief.
3. Those provisions did not apply to the Castle's seizure because sections 522 and 526 concern abandoned vessels without a watchman, while the Castle was not impounded as abandoned and had a watchman present.
4. The Port had authority under Unified Port District Code section 8.25(a)(4) to seize and destroy the Castle.
5. The negligence claim failed because the appellants identified no statute imposing a mandatory duty on the Port.
6. Because the impoundment was lawful, the district court properly granted the Port's counterclaim and awarded impound-related costs.

KEY QUOTATIONS

“Pursuant to UPD section 8.25(a)(4), the Port had the authority to seize and destroy the Castle because it had attempted to locate the registered owner but was unable to do so due to her own negligence in failing to update her address” (353)

“This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.” (353)

FACTUAL BACKGROUND

The Port seized and destroyed a vessel known as the Castle. The Castle was registered with the California Department of Motor Vehicles, and James Morgan, the designated watchman, was present during the seizure. The registered owner had failed to update her address, the Port was unable to locate her, and the Port stored the vessel for approximately six months, well beyond the required thirty-day period, without Pierce, Morgan, or the watchman attempting to obtain or contest the impoundment.

PROCEDURAL HISTORY

The district court granted summary judgment to the Port on the appellants' due process and negligence claims and on the Port's counterclaim. The Ninth Circuit reviewed the summary judgment rulings de novo and affirmed.

DISPOSITION

affirmed

CASES CITED

- Golden Gate Restaurant Ass'n v. City and County of San Francisco, 512 F.3d 1112, 1116 (9th Cir. 2008)
- Aguilera v. Baca, 510 F.3d 1161, 1165-67 (9th Cir. 2007)

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