

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Ross v. County of San Diego

Ross · No. 21CV-2130-JO-VET · Decided March 27, 2025

SUMMARY

The United States District Court for the Southern District of California grants defendants’ motion for summary judgment in a civil rights action arising from San Diego County deputies’ use of force during Plaintiff Thomas Ross’s restraint and arrest. The court concludes that the challenged uses of force did not violate the Fourth Amendment and that the deputies were entitled to qualified immunity. The court also addresses related municipal-liability claims and state-law claims.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Jinsook Ohta
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 27, 2025
DOCKET	21CV-2130-JO-VET
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action alleging excessive force, due process violations, and municipal liability, along with California state-law claims. Defendants moved for summary judgment, asserting qualified immunity and challenging the federal and state claims.
STANDARD OF REVIEW	Summary judgment is appropriate under Federal Rule of Civil Procedure 56 when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. For qualified immunity, the court asks whether the facts show a constitutional violation and, if so, whether the right was clearly established. The court viewed reasonable inferences in favor of the nonmovant, except where video evidence blatantly contradicted the nonmovant's version of events.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Thomas Ross v. County of San Diego, San Diego County Sheriff's Department, Deputies Dow, McCarthy, Saunders, and Ramos

TOPICS

section 1983

qualified immunity

police misconduct

summary judgment

municipal liability

PRACTICE AREAS

civil rights

constitutional law

civil procedure

municipal law

QUESTIONS PRESENTED

1. Whether Deputy Saunders's initial takedown of Ross constituted excessive force in violation of the Fourth Amendment.
2. Whether Deputies Saunders and Dow used excessive force by applying pain-compliance techniques, fist strikes, and a knee strike while attempting to restrain Ross on the ground.
3. Whether Deputy Ramos's two Taser deployments and fist strikes constituted excessive force.
4. Whether the deputies' use of handcuffs and a WRAP restraint constituted excessive force.
5. Whether the individual deputies were entitled to qualified immunity.
6. Whether the County of San Diego and San Diego County Sheriff's Department could be held liable under Monell absent an underlying constitutional violation.
7. Whether Ross's Fourteenth Amendment due process claim was properly analyzed as an excessive-force claim under the Fourth Amendment.
8. Whether the court should exercise supplemental jurisdiction over the remaining California state-law claims after dismissing all federal claims.

HOLDINGS

1. Deputy Saunders's low-to-intermediate level of force in turning Ross and bringing him to the ground was objectively reasonable under the totality of the circumstances and did not violate the Fourth Amendment.
2. The pain-compliance technique, two fist strikes, and knee strike used while Ross actively resisted arrest were objectively reasonable, and Deputies Saunders and Dow were entitled to qualified immunity.
3. Deputy Ramos's two Taser deployments and two fist strikes were objectively reasonable under the circumstances, and he was entitled to qualified immunity.
4. The deputies' use of handcuffs and a WRAP restraint was objectively reasonable and did not violate the Fourth Amendment; the deputies were entitled to qualified immunity.
5. The County of San Diego and San Diego County Sheriff's Department could not be held liable under Monell because the deputies committed no underlying constitutional violation.

6. Ross's Fourteenth Amendment claim failed as a matter of law because the allegations challenged excessive force, which must be analyzed under the Fourth Amendment rather than the Fourteenth Amendment Due Process Clause.
7. After dismissing all federal claims, the court declined to exercise supplemental jurisdiction over the remaining state-law claims and dismissed them without prejudice to refiling in state court.

KEY QUOTATIONS

“To defeat the defense of qualified immunity, the plaintiff must satisfy a two-pronged burden: (1) the plaintiff must allege or show sufficient facts to “make out a violation of a constitutional right”; and (2) the plaintiff must demonstrate that the right at issue was “clearly established” at the time of defendant’s alleged misconduct.” (III.A)

“The Court declines to exercise supplemental jurisdiction over Plaintiff’s remaining state law claims and DISMISSES those claims without prejudice.” (IV)

FACTUAL BACKGROUND

San Diego sheriff's deputies responded to 911 calls concerning Ross's incoherent, erratic, and increasingly agitated behavior at a shared residence. After attempting for approximately thirty minutes to calm him and offer assistance, the deputies ordered Ross to surrender and get on the ground after he ran toward Deputy Saunders and refused repeated commands. Ross actively resisted being restrained, and the deputies used a takedown, strikes, two Taser deployments, handcuffs, a WRAP restraint, and a spit sock before transporting him to a hospital. Ross alleged that these actions violated the Fourth Amendment and that the County and Sheriff's Department were liable for inadequate training and unconstitutional policies.

PROCEDURAL HISTORY

Ross filed the action on December 28, 2021, and proceeded on a Second Amended Complaint. Defendants moved for summary judgment on all claims. The court granted summary judgment on the federal claims, dismissed them with prejudice, declined supplemental jurisdiction over the state-law claims, dismissed those claims without prejudice to refiling in state court, and directed the clerk to close the case.

DISPOSITION

other

CASES CITED

- Pearson v. Callahan, 555 U.S. 223, 231, 236-37 (2009)
- Graham v. Connor, 490 U.S. 386, 395-97 (1989)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 250 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-25 (1986)
- Nissan Fire & Marine Insurance Co. v. Fritz Cos., 210 F.3d 1099, 1102 (9th Cir. 2000)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)

- Scott v. Harris, 550 U.S. 372, 378-83 (2007)
- S.A. Empresa de Viacao Aerea Rio Grandense v. Walter Kidde & Co., 690 F.2d 1235, 1238 (9th Cir. 1982)
- Davis v. City of Las Vegas, 478 F.3d 1048, 1054 (9th Cir. 2007)
- Mattos v. Agarano, 661 F.3d 433, 441, 445 (9th Cir. 2011) (en banc)
- Williamson v. City of National City, 23 F.4th 1146, 1153 (9th Cir. 2022)
- Bryan v. MacPherson, 630 F.3d 805, 811, 826, 830-31 (9th Cir. 2010)
- Deorle v. Rutherford, 272 F.3d 1272, 1277-79, 1281, 1283 (9th Cir. 2001)
- Sampson v. County of Los Angeles, 964 F.3d 1012, 1018 (9th Cir. 2020)
- Kisela v. Hughes, 584 U.S. 100, 104-06 (2018)
- Plumhoff v. Rickard, 572 U.S. 765, 778 (2014)
- Rivas-Villegas v. Cortesluna, 595 U.S. 1, 6 (2021)
- Chew v. Gates, 27 F.3d 1432, 1441 (9th Cir. 1994)
- Hart v. City of Redwood City, 99 F.4th 543, 555 (9th Cir. 2024)
- Sok Kong Tr. for Map Kong v. City of Burnsville, 960 F.3d 985, 993 (8th Cir. 2020)
- Tatum v. City & County of San Francisco, 441 F.3d 1090, 1090, 1096-98 (9th Cir. 2006)
- Gregory v. County of Maui, 523 F.3d 1103, 1106, 1108 (9th Cir. 2008)
- Marquez v. City of Phoenix, 693 F.3d 1167, 1174-75 (9th Cir. 2012)
- Arpin v. Santa Clara Valley Transportation Agency, 261 F.3d 912, 921-22 (9th Cir. 2001)
- Gasho v. United States, 39 F.3d 1420, 1438 (9th Cir. 1994)
- Saucier v. Katz, 533 U.S. 194, 201-02 (2001)
- Forrest v. City of San Diego, 25 F.3d 804, 807 (9th Cir. 1994)
- Garlick v. County of Kern, 167 F. Supp. 3d 1117, 1147 (E.D. Cal. 2016)
- Aranda v. City of McMinnville, 942 F. Supp. 2d 1036, 1105 (D. Or. 2013)
- Zawacky v. Clark County, No. C22-5101-KKE, 2024 WL 2133956, at *4 (W.D. Wash. May 10, 2024)
- Smith v. Agdeppa, 81 F.4th 994, 1013 (9th Cir. 2023)
- Isayeva v. Sacramento Sheriff's Department, 872 F.3d 938, 949 (9th Cir. 2017)
- Scott v. Smith, 109 F.4th 1215, 1222 (9th Cir. 2024)
- Lowry v. City of San Diego, 858 F.3d 1258, 1259 (9th Cir. 2017)
- Spencer v. Pew, 117 F.4th 1130, 1134, 1141 (9th Cir. 2024)
- Monell v. Department of Social Services of the City of New York, 436 U.S. 658, 694 (1978)
- City of Canton, Ohio v. Harris, 489 U.S. 378, 385 (1989)
- Davis v. City of Ellensburg, 869 F.2d 1320, 1325 (9th Cir. 1989)
- Long v. City & County of Honolulu, 511 F.3d 901, 907 (9th Cir. 2007)
- Scott v. Henrich, 39 F.3d 912, 916 (9th Cir. 1994)
- Mendoza v. Zirkle Fruit Co., 301 F.3d 1163, 1174 (9th Cir. 2002)
- Sanford v. MemberWorks, Inc., 625 F.3d 550, 561 (9th Cir. 2010)
- City of Chicago v. International College of Surgeons, 522 U.S. 156, 173 (1997)

- Smith v. Lenches, 263 F.3d 972, 977 (9th Cir. 2001)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 n.7 (1988)

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