

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Powelson v. Sausalito Police Department

No. 23-cv-01360-EMC (N.D. Cal. Sept. 7, 2025) · No. 23-cv-01360-EMC · Decided September 7, 2025

SUMMARY

The United States District Court for the Northern District of California granted summary judgment to the defendants in a pro se civil rights action arising from police interactions with the plaintiff at homeless encampments and public parks in Sausalito. The court held that qualified immunity applied to claims concerning the plaintiff’s November 2021 arrest and March 2022 confrontation with police, and dismissed voluntarily abandoned claims relating to a June 2021 arrest and parking tickets. The remaining claims involved alleged unlawful seizure, false arrest, First Amendment retaliation, and excessive force.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Edward M. Chen
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 7, 2025
DOCKET	23-cv-01360-EMC
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment on the remaining claims under Federal Rule of Civil Procedure 56. The court granted the motion and directed entry of final judgment for defendants.
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 evidence must be viewed in the light most favorable to the nonmoving party, but the nonmoving party must identify evidence sufficient for a reasonable jury to find in its favor. Qualified immunity applies where the plaintiff fails to show a constitutional violation or that the asserted right was clearly established.
PRECEDENTIAL VALUE	unpublished district-court opinion
PARTIES	Robbie Powelson v. Sausalito Police Department, City of Sausalito, Corp. Mathers, Sgt. Georges, Officer Mitchell, Corp. White, Officer

TOPICS

summary judgment

qualified immunity

section 1983

police misconduct

first amendment

PRACTICE AREAS

civil rights

constitutional law

civil procedure

police misconduct

municipal law

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment and qualified immunity on Powelson's unlawful-seizure, false-arrest, and First Amendment-retaliation claims arising from his November 23, 2021 arrest.
2. Whether defendants were entitled to summary judgment and qualified immunity on Powelson's First Amendment-retaliation claim arising from his filming or photographing documents inside a law-enforcement vehicle.
3. Whether Officer Rose's shove constituted excessive force in violation of the Fourth or Fourteenth Amendment and whether the asserted right was clearly established.
4. Whether Powelson's voluntarily abandoned claims and the remaining portion of Count 11 should be dismissed.

HOLDINGS

1. The individual officers were entitled to qualified immunity because a reasonable officer could have believed there was probable cause to arrest Powelson for obstruction and disorderly conduct. Because lack of probable cause was an element of each claim at issue, summary judgment was warranted.
2. The officers were entitled to qualified immunity because it was not clearly established that filming or photographing documents inside a parking-enforcement vehicle constituted protected First Amendment activity.
3. Officer Rose was entitled to qualified immunity on the excessive-force claim because the shove did not clearly constitute a seizure, and no clearly established law showed that the conduct violated the Fourth or Fourteenth Amendment.
4. The court dismissed the remaining portions of Counts 3 and 4 because Powelson voluntarily abandoned them, and dismissed any remaining portion of Count 11 because Powelson confirmed he was not pursuing it.

KEY QUOTATIONS

“Federal Rule of Civil Procedure 56 provides that a “court shall grant summary judgment [to a moving party] if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”” (Discussion § II.A)

“Because a reasonable officer could have been believed there was probable cause (even if mistaken) to believe Mr. Powelson was attempting to obstruct his enforcement of the law, the relevant officers have qualified immunity – for each of the causes of action.” (Discussion § II.C)

“While there is a First Amendment right to record police activity in public, Mr. Powelson was not filming the police and their conduct. Rather, he was filming or taking a picture of documents inside the parking enforcement cart.” (Discussion § II.D.1)

FACTUAL BACKGROUND

Powelson participated in activities involving homeless encampments and recorded interactions between police and campers. On November 23, 2021, while police were removing tents at Vina Del Mar Park, Powelson approached an interaction between officers and camper Holly Wild, said "Stop" and "Get back," extended his hand in the officer's direction, and was arrested for obstruction and disorderly conduct. On March 15, 2022, Powelson attempted to film or photograph documents inside a parking-enforcement vehicle after being warned that the information was not his to view; Officer Rose later shoved him away from the vehicle when he approached it again. The court relied principally on body-camera video, incident reports, and Powelson's own declaration.

PROCEDURAL HISTORY

Powelson filed suit concerning police and municipal responses to his activities involving homeless encampments in Sausalito. The operative pleading was the first amended complaint. The court previously granted in part and denied in part defendants' motion to dismiss, allowing portions of Counts 3, 4, 7, 8, 9, 10, and 11 to proceed. Before summary judgment, Powelson voluntarily abandoned the remaining portions of Counts 3 and 4 and Count 11. The court therefore addressed on the merits only the claims arising from the November 23, 2021 arrest and the March 15, 2022 police confrontation.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)
- Gill v. City of Milwaukee, 850 F.3d 335, 342 (7th Cir. 2017)
- Rivera-Guadalupe v. City of Harrisburg, 124 F.4th 295, 303 (3d Cir. 2024)
- Chiaverini v. City of Napoleon, 602 U.S. 556 (2024)
- Alexander v. City of Syracuse, No. 21-3075(L), 2025 U.S. App. LEXIS 6007, at *52 (2d Cir. Mar. 14, 2025)
- Yousefian v. City of Glendale, 779 F.3d 1010, 1014 (9th Cir. 2015)
- Rosenbaum v. Washoe County, 663 F.3d 1071, 1078 (9th Cir. 2011)
- Sjurset v. Button, 810 F.3d 609, 622 (9th Cir. 2015)
- Flynn v. City of Santa Clara, 388 F. Supp. 3d 1158, 1168 (N.D. Cal. 2019)
- Estate of Lopez v. Gelhaus, 871 F.3d 998, 1020 (9th Cir. 2017)

- *Brown v. City of Huntsville*, 608 F.3d 724, 734 (11th Cir. 2010)
- *Coverstone v. Davies*, 38 Cal. 2d 315, 320 (1952)
- *Dyer v. Department of Motor Vehicles*, 163 Cal. App. 4th 161, 173 (2008)
- *Saved Magazine v. Spokane Police Department*, 19 F.4th 1193, 1198 (9th Cir. 2021)
- *Askins v. U.S. Department of Homeland Security*, 899 F.3d 1035, 1044 (9th Cir. 2018)
- *Fields v. City of Philadelphia*, 862 F.3d 353, 355-56 (3d Cir. 2017)
- *Puente v. City of Phoenix*, 123 F.4th 1035, 1050-53 (9th Cir. 2024)
- *Spiehs v. Armbrister*, No. 24-4005-JAR-BGS, 2025 U.S. Dist. LEXIS 29373, at *22-23 (D. Kan. Feb. 19, 2025)

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