

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Robert Hart v. Edgardo Sandoval, an individual, and County of
Tulare, a public entity

Hart · No. 1:24-cv-00071-HBK · Decided September 18, 2025

SUMMARY

The United States District Court for the Eastern District of California denies Defendants’ request for judicial notice and grants their motion for summary judgment in Robert Hart’s civil-rights action. Hart alleged that Deputy Edgardo Sandoval arrested him without a warrant or probable cause and asserted related equal-protection and municipal-liability claims against Sandoval and the County of Tulare. The court determined that no material facts were in dispute and ruled for Defendants.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 18, 2025
DOCKET	1:24-cv-00071-HBK
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment after discovery on Plaintiff's 42 U.S.C. § 1983 claims for false arrest and imprisonment and denial of equal protection. The court denied Defendants' request for judicial notice and granted the motion for summary judgment on all claims.
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 credibility determinations and weighing of evidence are improper. For qualified immunity, whether the facts could support a reasonable belief in probable cause is a question of law, while factual disputes are viewed under the summary-judgment standard.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

PARTIES

Robert Hart v. Edgardo Sandoval, County of Tulare

TOPICS

section 1983

summary judgment

qualified immunity

police misconduct

equal protection

PRACTICE AREAS

civil rights

constitutional law

civil procedure

police misconduct

municipal liability

QUESTIONS PRESENTED

1. Whether Deputy Sandoval arrested Hart without probable cause in violation of the Fourth Amendment.
2. Whether Deputy Sandoval was entitled to qualified immunity even if probable cause was lacking.
3. Whether Hart presented sufficient evidence to establish an equal protection claim under § 1983.
4. Whether the County of Tulare could be liable under Monell for the alleged constitutional violations.
5. Whether Defendants' request for judicial notice of state-court domestic-violence filings should be granted.

HOLDINGS

1. Deputy Sandoval had probable cause to arrest Hart for domestic violence because, under the totality of the circumstances known at the time of arrest, the reports from Lily and corroborating witnesses provided reasonably trustworthy information that Hart had committed domestic battery.
2. Deputy Sandoval was alternatively entitled to qualified immunity because, even if probable cause were lacking, it was reasonably arguable that probable cause existed and clearly established law did not place the unlawfulness of his conduct beyond debate.
3. Hart failed to establish an equal protection claim because he presented no argument or evidence showing that he was treated differently from a similarly situated person.
4. The County of Tulare was entitled to summary judgment because Hart failed to establish an underlying constitutional violation, which is necessary for municipal liability under Monell.

KEY QUOTATIONS

“Considering the totality of the circumstances known to Sandoval, probable cause existed to arrest Plaintiff for domestic violence.” (Discussion § IV.A.2)

“Accordingly, no constitutional violation occurred.” (Discussion § IV.A.2)

“Defendants’ Motion for Summary Judgment (Doc. No. 24) is GRANTED.” (Order)

FACTUAL BACKGROUND

On January 18, 2022, deputies responded to Plaintiff's residence after reports of domestic violence involving his wife, Lily Hart. During a later visit, Lily reported that Hart had pushed her that morning, had previously beaten

and strangled her, had threatened to kill her, and had access to unsecured firearms; other witnesses provided corroborating information, including photographs and statements expressing concern for Lily's safety. Deputy Sandoval relayed the information to a judge, who issued an emergency protective order with a move-out provision, and Sandoval arrested Hart when he returned to the property. Hart disputed Lily's credibility and argued that the arrest lacked probable cause and occurred in the home's curtilage.

PROCEDURAL HISTORY

Hart filed the civil rights complaint on January 17, 2024. Defendants answered on May 6, 2024, and, after discovery, moved for summary judgment on June 23, 2025. Hart opposed the motion, withdrew an untimely cross-motion for partial summary judgment, and Defendants filed a reply. The magistrate judge decided the matter without oral argument, granted summary judgment, directed entry of judgment for Defendants, vacated deadlines, and closed the case.

DISPOSITION

other

CASES CITED

- *Rodis v. City and County of San Francisco*, 558 F.3d 964, 970-971 (9th Cir. 2009)
- *Monell v. Department of Social Services*, 436 U.S. 658, 694-95 (1978)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 252 (1986)
- *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87 & n.11 (1986)
- *T.W. Electrical Service, Inc. v. Pacific Electric Contractors Association*, 809 F.2d 626, 630 (9th Cir. 1987)
- *Triton Energy Corp. v. Square D. Co.*, 68 F.3d 1216, 1221 (9th Cir. 1995)
- *Henry v. Gill Industries, Inc.*, 983 F.2d 943, 950 (9th Cir. 1993)
- *Manley v. Rowley*, 847 F.3d 705, 711 (9th Cir. 2017)
- *Orr v. Bank of America, NT & SA*, 285 F.3d 764, 772 (9th Cir. 2002)
- *Spencer v. Pew*, 2024 WL 4297515, at *1 (9th Cir. Sept. 16, 2024)
- *Scott v. Harris*, 550 U.S. 372, 380-81 (2007)
- *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006)
- *Mullis v. United States Bankruptcy Court*, 828 F.2d 1385, 1388 n.9 (9th Cir. 1987)
- *United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992)
- *Trigueros v. Adams*, 658 F.3d 983, 987 (9th Cir. 2011)
- *Walker v. Woodford*, 454 F. Supp. 2d 1007, 1022 (S.D. Cal. 2006)
- *Allen v. City of Portland*, 73 F.3d 232, 236 (9th Cir. 1996)
- *Wong Sun v. United States*, 371 U.S. 471, 482 (1963)
- *Lange v. California*, 594 U.S. 295, 301 (2021)
- *United States v. Brobst*, 558 F.3d 982, 997 (9th Cir. 2009)

- Johnson v. Barr, 79 F.4th 996, 1003, 1005 (9th Cir. 2023)
- Owen v. City of Independence, 445 U.S. 622, 637 (1980)
- United States v. Del Vizo, 918 F.2d 821, 825 (9th Cir. 1990)
- Maryland v. Pringle, 540 U.S. 366, 371 (2003)
- Miller v. City of Scottsdale, 88 F.4th 800, 804 (9th Cir. 2023)
- Vanegas v. City of Pasadena, 46 F.4th 1159, 1164 (9th Cir. 2022)
- Kaley v. United States, 571 U.S. 320, 338 (2014)
- United States v. Magallon-Lopez, 817 F.3d 671, 675 (9th Cir. 2016)
- Edgerly v. City & County of San Francisco, 599 F.3d 946, 954 (9th Cir. 2010)
- Devenpeck v. Alford, 543 U.S. 146, 153 (2004)
- Whren v. United States, 517 U.S. 806, 812-13 (1996)
- District of Columbia v. Wesby, 583 U.S. 48, 62-63 (2018)
- Reichle v. Howards, 566 U.S. 658, 664 (2012)
- Harlow v. Fitzgerald, 457 U.S. 800, 817 (1982)
- Vos v. City of Newport Beach, 892 F.3d 1024, 1035 (9th Cir. 2018)
- Moran v. Washington, 47 F.3d 839, 844 (9th Cir. 1995)
- United States v. Lowe, 676 F. App'x 728, 732 (9th Cir. 2017)
- Lopez-Rodriguez v. Mukasey, 536 F.3d 1012, 1016 (9th Cir. 2008)
- United States v. Struckman, 603 F.3d 731, 739 (9th Cir. 2010)
- United States v. Mota, 982 F.2d 1384, 1388 (9th Cir. 1993)
- Hartmann v. California Department of Corrections and Rehabilitation, 707 F.3d 1114, 1123 (9th Cir. 2013)
- Thornton v. City of St. Helens, 425 F.3d 1158, 1166 (9th Cir. 2005)
- Koboyashi v. McMulling, 2022 WL 3137958, at *23 (C.D. Cal. May 31, 2022)
- Nissan Fire & Marine Insurance Co. v. Fritz Companies, Inc., 210 F.3d 1099, 1103, 1106 (9th Cir. 2000)
- Lockett v. County of Los Angeles, 977 F.3d 737, 741 (9th Cir. 2020)
- Scott v. Heinrich, 39 F.3d 912, 916 (9th Cir. 1994)

OPINION

Hart

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 ROBERT HART, Case No. 1:24-cv-00071-HBK 12 Plaintiff, ORDER DENYING
DEFENDANTS'

REQUEST FOR JUDICIAL NOTICE

13 v. (Doc. No. 24-6) 14 EDGARDO SANDOVAL, an individual, and COUNTY OF TULARE, a

public ORDER GRANTING DEFENDANTS’ 15 entity, MOTION FOR SUMMARY JUDGMENT1 16 Defendants. (Doc. No. 24) 17 18 19 Defendants Edgardo Sandoval (“Sandoval”) and the County of Tulare (“County”) filed a 20 Motion for Summary Judgment on June 23, 2025. (Doc. No. 24, “Motion”). Defendants seek 21 summary judgment against Plaintiff Robert Hart (“Plaintiff”) on all claims. (Id.). Plaintiff filed 22 an Opposition (Doc. No. 25), and Defendants filed a Reply (Doc. No. 32). The Court finds the 23 matter suitable for decision without oral arguments. (Doc. No. 37). Finding no material facts in 24 dispute, the Court grants Defendants’ Motion for Summary Judgment. 25 /// 26 27 11 Both parties have consented to the jurisdiction of a magistrate judge in accordance with 28 U.S.C. §636(c)(1). (Doc. No. 12). 28

1 I. BACKGROUND

2 A. Procedural History 3 On January 17, 2024, Plaintiff initiated this action by filing a civil rights complaint against 4 Defendants Edgardo Sandoval and County of Tulare. (Doc. No. 1, “Complaint”). Therein, 5 Plaintiff alleges Defendants arrested him for domestic violence without an arrest warrant and 6 without probable cause on January 18, 2022. (Id. at 3-5). The Complaint vaguely alleges that 7 “the violations of Plaintiff’s constitutional rights complained of herein were caused by the 8 customs, policies, and/or practices of authorized policymakers of [the County’s sheriff’s 9 department], which encouraged, authorized, directed, condoned, and/or ratified the 10 unconstitutional and unlawful conduct complained of herein.” (Id. at 3). The Complaint contains 11 two causes of action pursuant to 42 U.S.C. § 1983: (1) False Arrest and Imprisonment – Fourth 12 and Fourteenth Amendments; and (2) Equal Protection Clause. (Id. at 5-6). On May 6, 2024, 13 Defendants filed their Answer. (Doc. No. 8). On June 23, 2025, following discovery in this 14 matter, Defendants filed the i nstant Motion for Summary Judgment on all Plaintiff’s claims. 15 (Doc. No. 24). Plaintiff filed an Opposition on July 7, 2025.2 (Doc. No. 25). Defendants filed 16 their Reply on July 16, 2025. (Doc. No. 32). 17 B. Arguments and Record Before the Court 18 In support of their Motion, Defendants submit: a Memorandum of Points and Authorities 19 (Doc. No. 24-1); a Statement of Undisputed Material Facts (Doc. No. 24-2); Defendant 20 Sandoval’s Declaration, with various exhibits, including multiple incident and crime reports from 21 Defendants’ encounters with Plaintiff and his wife, a copy of an emergency protective order 22 (“EPO”) against Plaintiff, photos of Plaintiff’s wife, Elizabeth “Lily” Hart, and Plaintiff’s 23 discovery responses (see Doc. No. 24-3, Exhibits A-O); and various body camera footage from 24 responding officers (see Doc. No. 24-4, Exhibits B-K); and Defendants Request for Judicial 25 Notice (Doc. No. 24-6). Defendants argue that because Sandoval had probable cause to believe 26 2 Plaintiff’s opposition was initially filed as a combined opposition and cross motion for partial 27 summary judgment. (See Doc. No. 25 at 6; Doc. No. 29). Plaintiff subsequently filed a notice of withdrawal of his cross-motion based on Defendants’ objection to the filing of a cross motion 28 after the deadline set by the Scheduling Order. (Doc. No. 31). 1 Plaintiff committed acts of domestic violence against his wife, Plaintiff’s false arrest claim 2 necessarily fails. (Doc. 24-1 at 11). Defendants point to reports from both Plaintiff’s wife, Lily, 3 and her friend Vicki that

Plaintiff had harmed Lily a few weeks earlier and again the morning of 4 Plaintiff's arrest; reports that Lily and Vicki had pictures of Lily's past injuries; Sandoval's 5 confirmation that there were unsecured firearms in the home; and the issuance of the EPO against 6 Plaintiff for Lily as supporting probable cause for Plaintiff's arrest. (Id. at 13-14). Alternatively, 7 Defendants argue Sandoval is entitled to qualified immunity. (Id. at 14-15 (citing *Rodis v. City 8 and Cnty. of San Francisco*, 558 F.3d 964, 970-71 (9th Cir. 2009))). 9 As to Plaintiff's Equal Protection claim, Defendants argue Plaintiff's Complaint fails to 10 provide any factual allegations describing how his rights were violated, and to the extent 11 Plaintiff's discovery responses indicate his claim is based on allegedly different treatment 12 between himself and Lily, such a claim fails because Plaintiff's January 18, 2022 arrest and an 13 earlier arrest on July 21, 2021 were both supported by probable cause. (Id. at 17-19). Defendants 14 argue a false arrest claim agai nst the County is improper because "a local government may not be 15 sued under Section 1983 for an injury inflicted solely by its employees or agents" and because 16 there is a lack of a constitutional violation or evidence that such was the result of a policy, 17 custom, or practice of the County, Plaintiff cannot establish liability pursuant to *Monell v. 18 Department of Social Services*, 456 U.S. 658, 694 (1978). (Id. at 10-11, 20-22). 19 Plaintiff's Opposition includes a Memorandum of Points and Authorities (Doc. No. 25) 20 and is supported by a Statement of Undisputed Facts and Additional Material Facts (Doc. No. 21 26); Sandoval's deposition transcript and Plaintiff's declaration (see Doc. No. 27); and body 22 camera footage from two additional officers (see Doc. No. 30). In arguing that probable cause for 23 his arrest did not exist, Plaintiff attacks Lily's credibility and asserts that no reasonable officer 24 would have found her reports to be "reasonably trustworthy." (Doc. No. 25 at 18). Plaintiff 25 argues that "officers failed to take independent action to attempt to corroborate the statements 26 before they arrested Robert" such that the arrest was not supported by probable cause. (Id. at 18- 27 19). Additionally, Plaintiff argues that because the arrest occurred in the curtilage of his home, it 28 was presumptively unreasonable. (Id. at 19-23). Plaintiff argues Defendants cannot rebut the 1 presumption of unreasonableness because Lily did not consent to a search of the home and there 2 were no emergency or exigent circumstances to justify his arrest given that Plaintiff was 3 immediately detained as soon as he returned to the property and could not access any contraband 4 in the home. (Id. at 24-25). As to the Equal Protection claim, Plaintiff argues Defendants failed 5 to satisfy their initial burden of presenting evidence negating the claim or demonstrating 6 Plaintiff's inability to produce such evidence. (Id. at 29). 7 Defendants' Reply is accompanied by their reply to Plaintiff's opposition to their 8 statement of material facts and Defendant's opposition to Plaintiff's additional material facts. 9 (Doc. No. 32-1). In their Reply, Defendants' argue summary judgment is proper because "the 10 undisputed facts show that at the time Deputy Sandoval arrested Plaintiff, he reasonably believed 11 that Plaintiff had committed a crime of domestic violence when he pushed his wife down during 12 an earlier altercation and [Lily] Hart consented to the [sheriff's department's] presence to 13 investigate Plaintiff's alleged acts of domestic violence."

(Doc. No. 32 at 2). Defendants argue 14 that regardless of whether the arrest occurred in the curtilage, they “were invited onto the marital 15 property, including inside the residence, to investigate allegations of domestic violence” and this 16 consent is an exception to the warrant requirement. (Id. at 5-6).

17 II. LEGAL STANDARD

18 Summary judgment is appropriate when there is “no genuine dispute as to any material 19 fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). Summary 20 judgment should be entered “after adequate time for discovery and upon motion, against a party 21 who fails to make a showing sufficient to establish the existence of an element essential to that 22 party’s case, and on which that party will bear the burden of proof at trial.” *Celotex Corp. v. 23 Catrett*, 477 U.S. 317, 322 (1986). The moving party bears the “initial responsibility” of 24 demonstrating the absence of a genuine issue of material fact. Id. at 323. An issue of material 25 fact is genuine only if there is sufficient evidence for a reasonable fact finder to find for the non- 26 moving party, while a fact is material if it “might affect the outcome of the suit under the 27 governing law.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). 28 If the moving party meets its initial burden, the burden then shifts to the opposing party to 1 present specific facts that show there to be a genuine issue of a material fact. See Fed. R. Civ. P. 2 56(e); *Matsushita Elec. Indus. Co. Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986). An 3 opposing party “must do more than simply show that there is some metaphysical doubt as to the 4 material facts.” *Matsushita*, 475 U.S. at 587. The party is required to tender evidence of specific 5 facts in the form of affidavits, and/or admissible discovery material, in support of its contention 6 that a factual dispute exists. Fed. R. Civ. P. 56(c); *Matsushita*, 475 U.S. at 586 n.11. The 7 opposing party is not required to establish a material issue of fact conclusively in its favor; it is 8 sufficient that “the claimed factual dispute be shown to require a jury or judge to resolve the 9 parties’ differing versions of the truth at trial.” *T.W. Electrical Serv., Inc. v. Pacific Elec. 10 Contractors Assoc.*, 809 F.2d 626, 630 (9th Cir. 1987). However, “failure of proof concerning an 11 essential element of the nonmoving party’s case necessarily renders all other facts immaterial.” 12 *Celotex*, 477 U.S. at 323. In other words, “summary judgment should be granted where the 13 nonmoving party fails to offer evidence from which a reasonable jury could return a verdict in its 14 favor.” *Triton Energy Corp. v. Square D. Co.*, 68 F.3d 1216, 1221 (9th Cir. 1995). 15 The court must apply standards consistent with Rule 56 to determine whether the moving 16 party demonstrated there is no genuine issue of material fact and showed judgment to be 17 appropriate as a matter of law. See *Henry v. Gill Indus., Inc.*, 983 F.2d 943, 950 (9th Cir. 1993). 18 “[A] court ruling on a motion for summary judgment may not engage in credibility determination 19 or the weighing of evidence.” *Manley v. Rowley*, 847 F.3d 705, 711 (9th Cir. 2017) (citation 20 omitted). The evidence must be viewed “in the light most favorable to the nonmoving party” and 21 “all justifiable inferences” must be drawn in favor of the nonmoving party. *Orr v. Bank of 22 America, NT & SA*, 285 F.3d 764, 772 (9th Cir. 2002). A mere scintilla of evidence is not 23 sufficient to establish a genuine

dispute to defeat an otherwise properly supported summary judgment motion. *Anderson*, 477 U.S. at 252. And, where a plaintiff fails to properly challenge the facts asserted by the defendant, the plaintiff may be deemed to have admitted the validity of those facts. See Fed. R. Civ. P. 56(e)(2). Where a plaintiff's sworn statement contradicts a defendant's sworn statement, the court is required to "disregard the latter and credit the former." *Spencer v. Pew*, 2024 WL 4297515, at *1 (9th Cir. Sept. 16, 2024). However, "to the extent that the uncontested video evidence from the officer's body cameras establishes the timing and occurrence of events," the court must "view[] the facts in the light depicted by the videotape." *Id.* 3 (quoting *Scott v. Harris*, 550 U.S. 372, 380-81 (2007)).

4 III. REQUEST FOR JUDICIAL NOTICE

5 Defendants request the Court to take judicial notice of: (1) the Request for Domestic Violence Restraining Order filed by Elizabeth K. Hart on January 21, 2022 in Tulare County Superior Court Case no. VFL290175, attached to the Evidence in Support of the Defendant's Motion as Exhibit N; and (2) the Temporary Restraining Order dated January 24, 2022, in Tulare County Superior Court Case no. VFL290175, attached to the Evidence in Support of the Defendant's Motion as Exhibit O. (Doc. No. 24-6). Plaintiff disputes the relevancy of these documents in his Opposition. (Doc. No. 25 at 16). Federal Rule of Evidence 201 permits a court to take judicial notice of facts that are "not subject to reasonable dispute" because they are either "generally known within the trial court's territorial jurisdiction," or they "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b). The Court may take judicial notice on its own or at the request of any party. *Id.* at 201(c). "[C]ourt filings and other matters of public record" are properly judicially noticed. *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir.2006); see also *Mullis v. United States Bank. Ct.*, 828 F.2d 1385, 1388, 19 fn.9 (9th Cir. 1987). Additionally, courts generally judicially notice other court proceedings "if those proceedings have a direct relation to the matters at issue." *United States ex. Rel. Robinson Rancheria Citizens Counsel v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) (citations and internal quotation marks omitted); *Trigueros v. Adams*, 658 F.3d 983, 987 (9th Cir. 2011). However, a court may not take judicial notice of findings of facts from another case. *Walker v. Woodford*, 454 F. Supp. 2d 1007, 1022 (S.D. Cal. 2006). While the Court finds both items technically proper for judicial notice, the Court denies Defendants' request because the Court does not consider either relevant at this stage of the proceedings to the issue before the Court. "Probable cause must be determined at the time the arrest is made[;] facts learned or evidence obtained [after] a stop or arrest cannot be used to support probable cause unless they were known to the officer at the moment the arrest was made." *Allen v. City of Portland*, 73 F.3d 232, 236 (9th Cir.1996) (citing *Wong Sun v. United States*, 371 U.S. 471, 482, 83 S.Ct. 407, 9 L.Ed.2d 441 (1963)). Thus, the Court will deny Defendants' Request.

5 IV. UNDISPUTED FACTS

6 The undersigned has carefully reviewed and considered all arguments, points and 7 authorities, declarations, exhibits, statements of undisputed facts and responses thereto, if any, 8 objections, and other papers filed by the parties. The omission to an argument, document, paper, 9 or objection is not to be construed that the undersigned did not consider the argument, document, 10 paper, or objection. Instead, the undersigned thoroughly reviewed and considered the evidence it 11 deemed admissible, material, and appropriate for purposes of considering this Motion for 12 Summary Judgment. The following facts set forth below are based either on facts the parties do 13 not dispute or an independent review of the body camera footage of Defendants' interactions with 14 Plaintiff and Lily. 15 A. Plaintiff's First Arrest 16 On July 21, 2021, in response to a 911 call from Lily, County sheriff deputies reported to 17 Plaintiff's residence and encountered Plaintiff and Ornella Lis Mazza ("Lis") but were unable to 18 locate Lily. (Doc. 26 at 2, ¶¶ 1, 2). Lis indicated Lily had hit her but she did not want to press 19 charges, and deputies asked Lis if she was willing to sign a non-prosecution agreement. (Id. at 3, 20 ¶¶ 4). The body camera footage shows that after completing paperwork, an officer said, "Okay, 21 Lis" and Plaintiff immediately stated, "Watch what you're signing, Lis." (Def. Ex. B at 29:01). 22 The officer explained the form and Plaintiff again interjected, "You don't have to sign anything." 23 (Id.). The officer informed Plaintiff he was not helping and not to interfere, and Lis told Plaintiff 24 that she did not want to press charges, but she did not know what to do. (Id. at 29:45). Plaintiff 25 told Lis, "I wouldn't sign it because you don't know what it is, you don't know what the 26 implications is, you don't know what can happen." (Id. at 30:07). Plaintiff also made comments 27 that no hitting had occurred. (Id.). The officers proceeded to arrest Plaintiff for interfering with 28 an investigation during the July 21, 2021 encounter. (Id.). 1 B. January 18, 2022 Encounters 2 In the early morning of January 18, 2022, Deputy Adam Mueller responded to the home 3 of Lily's friend and met with Lily, who explained she had an audio recording of Plaintiff and Lis 4 where she believed they were talking about killing her. (Doc. 26 at 3-4, ¶¶ 7,8). Later that same 5 morning, Defendant Deputy Sandoval and two other deputies were dispatched to Plaintiff's home 6 in response to a 911 call from Lily asserting that Plaintiff was armed and would not let her leave 7 the property. (Id. at 4, ¶¶ 9, 10). The deputies were wearing body cameras that show their 8 interactions with Plaintiff and Lily. 9 Sandoval's3 body camera began recording while he was driving to Plaintiff's property 10 with his sirens activated. (Def. Ex. G). Upon arrival at the property, Sandoval parked his cruiser 11 at the end of a long driveway outside of a gate and immediately encountered Plaintiff, who asked 12 what was going on. (Id. at 6:45). Sandoval asked Plaintiff if there was an altercation with his 13 wife and Plaintiff responded, "she's coming unglued." (Id. at 7:30). Plaintiff reported that Lily 14 stole his phone, was a narciss ist, and thought Plaintiff and Lis were having an affair. Plaintiff 15 explained that Lily had a recording device in the kitchen the night before while he and Lis were 16 eating dinner. Lily was not on medications and had not been diagnosed with any mental health 17 issues. Plaintiff indicated this was normal behavior for Lily. Plaintiff denied trying to get into 18 Lily's room. Plaintiff indicated he told Lily that if she did not give him

her phone back, he would 19 make it so her car would not run. (Id. at 10:10). Plaintiff denied being armed. (Id. at 11:35). 20 Sandoval began walking up the driveway while Plaintiff drove up the driveway in a golf 21 cart. (Id. at 13:45). Sandoval told Plaintiff that he was informed that the sheriff's department had 22 been out earlier in the morning for something similar. Once Sandoval reached the house, he 23 joined the other deputies on a walkway after they spoke to Lily, and the deputies conversed for 24 approximately six minutes. (Id. at 16:32). Sandoval walked over to speak with Plaintiff and had 25 a brief, unrecorded conversation before he returned to the other deputies. (Id. at 22:51). 26 Sandoval then approached Lily on the porch to ask her if she had Plaintiff's cellphone and 27 3 Because, as Plaintiff argues, it is what Sandoval knew when he made the arrest that is most 28 relevant to the issues, the Court primarily relies on Sandoval's body camera footage. 1 asked her to retrieve it. (Id. at 24:08). The deputies briefly discussed the earlier July 2021 visit 2 while waiting for Lily to return. Once Lily returned and surrendered Plaintiff's phone, a female 3 deputy advised Lily of the process to obtain a restraining order. (Id. at 25:04). She explained that 4 until Lily obtained that order, the deputies legally could not force Plaintiff to leave the property. 5 Lily indicated she was going to wait for a few friends to accompany her, but reported that the 6 situation with Plaintiff had been escalating to "them being physical" with her. (Id. at 26:30). 7 Sandoval walked away while the female deputy was speaking with Lily. (Id. at 27:20). 8 Sandoval returned Plaintiff's phone to him and advised Plaintiff to "leave her alone for at least a 9 day." (Id. at 27:44). He told Plaintiff: "Just so you know, if we come out here again for similar 10 stuff, things might go a little different." (Id. at 28:22). Plaintiff said he would leave before the 11 deputies, but he could not get out until the officers moved their vehicles. (Id. at 29:25). Sandoval 12 then walked back to the house to rejoin the other deputies. (Id. at 30:22). Lily came out of the 13 home to inform the deputies of "another important issue" regarding money on the property, and 14 the officers informed her it was a civil matter. (Id. at 31:30). Lily expressed her concern that 15 Plaintiff would take all of their money if she left the property. Lily reiterated that she wanted to 16 wait for her friend to come before she left. (Id. at 33:40). 17 Sandoval then walked away from the home and confirmed with Plaintiff that he was 18 leaving. (Id. at 33:50). Sandoval again told Plaintiff that if "we have to come out here again, and 19 similar things are said, our hands are tied." (Id. at 34:16). Sandoval proceeded to walk down the 20 driveway back to his cruiser. (Id. at 34:40). Approximately a minute after the deputies reached 21 their vehicles, Plaintiff exited the property. (Doc. 26 at 6, ¶ 16). 22 C. Investigation and Plaintiff's Second Arrest 23 Later that same day, at approximately 11:00 a.m., Lily again called emergency dispatch 24 and requested that deputies return to the property. (Doc. No. 6 at 6, ¶ 17). Sandoval was one of 25 the reporting deputies and his body camera captured the events. As he entered the property on the 26 second visit, Sandoval encountered a man in a truck on the driveway, who informed Sandoval 27 that he was a neighbor and came over to check on Lily after seeing the officers at the property 28 that morning. (Def. Ex. K at 1:50). The neighbor told Sandoval, "I thought maybe he really hurt 1 her." After proceeding up the driveway, Sandoval encountered a man and a woman who 2

identified themselves as friends of Lily. (Id. at 3:51). 3 The female friend, Vicki Riddle, informed the deputies that two or three weeks ago, Lily 4 texted her that Plaintiff had just beaten her up. (Id. at 5:45). Lily sent Vicki pictures that Vicki 5 provided to a private investigator, but Vicki did not contact law enforcement at that time. Lily 6 informed Vicki about the recording of Plaintiff and Lis, and the male friend surrendered the 7 recording to Sandoval, who placed it in a paper bag in the trunk of his vehicle. (Id. at 7:37). 8 Vicki described calling the sheriff's department that morning after Lily had first called her about 9 the recording and expressed concern for her safety. After Vicki saw Lily returning to the 10 property, Sergeant Sarah Olmos told Vicki that Lily needed to say what happened in her own 11 words, referencing an earlier conversation where Lily had called and was asking about the 12 elements of a crime. (Id. at 10:55). As Lily exited her vehicle, Vicki approached her and asked, 13 "when did he push you down?" (Id. at 12:05). The deputies asked Lily if they could talk 14 privately, after which Vicki informed Lily that she gave the officers the recording. Lily became 15 upset, insisting that she needed to have the recording. Lily proceeded into the house with the 16 officers following her. (Id. at 13:30). 17 Once in the kitchen of the house, Lily told the officers, "This man is going to kill me." 18 (Id. at 15:10). Lily reported that over the past three years, Plaintiff became more violent, meaner, 19 and crueler. (Id. 16:30). She detailed an incident approximately two weeks earlier where 20 Plaintiff slammed her into a wall, tried to strangle her, and said he wanted to kill her. (Id. at 21 18:00). After being asked what happened that morning, Lily began to detail events involving the 22 recording, how she took Plaintiff's phone, and her earlier call to 911. When asked when Plaintiff 23 last hit her, Lily indicated it was that morning after the deputies left. (Id. at 23:45). She said she 24 went up to Plaintiff's truck to ask him what to do with their animals and Plaintiff pushed her 25 down to the ground while the deputies were at the bottom of the driveway. When asked why she 26 did not report the incident before the deputies left the property or earlier when she had called and 27 spoken to Sergeant Olmos, Lily said she was just so used to Plaintiff's behavior, the officers were 28 already at the end of the driveway, and it had been drilled into her that cops were the enemy. (Id. 1 at 42:45). 2 During the conversation, Lily indicated Plaintiff had her buy a gun that he then gave to 3 Lis. (Id. at 22:10). In response to questioning, Lily informed the deputies there were 4 approximately 13 firearms unsecured throughout the home. When asked if she would show the 5 firearms to the deputies, Lily said no because if Plaintiff "even knows this is going on, he will kill 6 me." (Id. at 24:55). Lily reported Plaintiff had at least two firearms in his vehicle. (Id. at 40:35). 7 Lily said Plaintiff was ready to "die by cops" and "hates cops." Lily continued to refuse to show 8 the deputies the weapons out of fear Plaintiff would kill her, stating, "if he knew you were here 9 and that you knew about the guns, that's it, it's over for me." (Id. at 32:55). 10 Sergeant Olmos explained to Lily that they would do reports on the previous altercation 11 and the incident that morning, and Sandoval would contact a judge to try and obtain an EPO. (Id. 12 at 39:35). Sandoval texted Lily a link so that she would be able to attach the various pictures as 13 evidence and Lily realized she had misplaced her phone. (Id. at 44:50). While Lily searched the 14 house

for her phone, the deputies discussed contacting a judge⁴ regarding the EPO. Sergeant 15 Olmos began to assist Lily in her search while Sandoval called the phone. Eventually, Lily asked 16 Sandoval to walk with her through the house while she looked for the phone, and while he did so 17 she showed him two unsecured firearms sitting on a desk. (Id. at 57:45). 18 Sandoval then exited the home to call the judge regarding the EPO. (Id. at 58:35). After a 19 brief conversation with Vicki where she showed him pictures of more firearms and indicated 20 Plaintiff had pushed Lily down that morning, Sandoval called the judge. (Id. at 1:01:10). He 21 detailed Lily's reports that Plaintiff threatened to hurt her that morning while she was locked in 22 her room, pushed her to the ground from his vehicle, and pushed her down and held her against 23 the wall approximately two weeks earlier. (Id. at 1:04:26). Additionally, Sandoval informed the 24 judge there were firearms in the house and the deputies were currently investigating their legality. 25 (Id. at 1:05:47). The judge granted the EPO with a move out order. (Id. at 1:06:30). 26 After the call ended and while Sandoval was still completing paperwork for the EPO, 27 28 4 Judge Hugo Loza was the on-call judge at the time. (Doc. No. 26 at 11, ¶ 31). 1 Plaintiff returned to the property. (Id. at 1:16:15). Sandoval asked him to park his truck, and 2 once Plaintiff exited the vehicle, Sandoval checked him for weapons, handcuffed him, and 3 explained that he was being detained. Sandoval placed Plaintiff in the back of his cruiser and 4 explained that Plaintiff was a suspect in a domestic violence report and that an EPO had been 5 granted by a judge. 6 Subsequently, Sandoval informed Lily that Plaintiff was under arrest for domestic 7 violence. (Id. at 1:31:05). Approximately an hour after Plaintiff was initially detained, Sandoval 8 informed Plaintiff he was under arrest and Plaintiff was transferred to another vehicle for 9 transport to the jail. (Id. at 2:17:10; Doc. 31-1 at 24). After Plaintiff's arrest, Sergeant Olmos 10 informed Lily the deputies were seizing the house and the deputies searched Plaintiff's property. 11 (See, e.g., Pl.'s Ex. C at 2:15).

12 V. DISCUSSION

13 As discussed above, the Complaint advances two claims: (1) false arrest and 14 imprisonment against "all Defendants" and (2) an equal protection claim(s). (Doc. No. 1 at 5-6). 15 The second cause of action does not indicate whether it is brought against Sandoval, the County, 16 or both. The Court addresses each claim with respect to Sandoval first and then proceeds to 17 address claims against the County. 18 A. Claim One – False Arrest in Violation of the Fourth Amendment 19 1. Legal Standards 20 "The Fourth Amendment provides that the right of the people to be secure in their 21 persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be 22 violated. As that text makes clear, the ultimate touchstone of the Fourth Amendment is 23 reasonableness." *Lange v. California*, 594 U.S. 295, 301 (2021). While this standard "generally 24 requires the obtaining of a judicial warrant," the warrant requirement is subject to certain 25 exceptions." *Id.* "In order for an officer to effect a warrantless arrest, the officer needs probable 26 cause as defined by federal Fourth Amendment jurisprudence to make a warrantless arrest." 27 *United States v. Brobst*, 558 F.3d 982, 997 (9th Cir. 2009). Thus, "in the

context of a § 1983 action, a Fourth Amendment violation occurs when a person is arrested without probable cause or 1 other justification.” *Johnson v. Barr*, 79 F.4th 996, 1005 (9th Cir. 2023) (citation modified). 2 Conversely, probable cause to arrest is a complete defense to a police officer’s liability for an 3 action under § 1983 arising out of the arrest. *Owen v. City of Independence*, 445 U.S. 622, 637, 4100 S.Ct. 1398, 63 L.Ed.2d 673 (1980); *United States v. Del Vizo*, 918 F.2d 821, 825 (9th Cir. 5 1990). The standard for probable cause “is incapable of precise definition or quantification into 6 percentages because it deals with probabilities and depends on the totality of the circumstances.” 7 *Maryland v. Pringle*, 540 U.S. 366, 371 (2003). 8 “Probable cause to arrest exists when there is a fair probability or substantial chance of 9 criminal activity by the arrestee based on the totality of the circumstances known to the officers at 10 the time of arrest.” *Miller v. City of Scottsdale*, 88 F.4th 800, 804 (9th Cir. 2023) (citation 11 modified) (quoting *Vanegas v. City of Pasadena*, 46 F.4th 1159, 1164 (9th Cir. 2022)). “This is 12 not a high bar: It requires only the kind of fair probability on which reasonable and prudent 13 people, not legal technicians, act.” *Id.* (quoting *Kaley v. United States*, 571 U.S. 320, 338 14 (2014)). And it is well-established that “[i]f the facts support probable cause ... for one offense,” 15 an arrest may be lawful “even if the officer invoked, as the basis for the arrest, a different 16 offense” which lacks probable cause. *United States v. Magallon-Lopez*, 817 F.3d 671, 675 (9th 17 Cir. 2016); see also *Edgerly v. City & Cnty. of San Francisco*, 599 F.3d 946, 954 (9th Cir. 2010) 18 (“[P]robable cause supports an arrest so long as the arresting officers had probable cause to arrest 19 the suspect of any criminal offense, regardless of their stated reason for the arrest.”). This is 20 because, “an arresting officer’s state of mind (except for the facts that he knows) is irrelevant to 21 the existence of probable cause.” *Devenpeck v. Alford*, 543 U.S. 146, 153, 125 S. Ct. 588, 593, 22 160 L. Ed. 2d 537 (2004) (citing *Whren v. United States*, 517 U.S. 806, 812–813, 116 S.Ct. 1769, 23 135 L.Ed.2d 89 (1996) (reviewing cases)). 24 Where a plaintiff alleges a § 1983 claim, a government official is entitled to qualified 25 immunity unless (1) the official “violated a federal statutory or constitutional right, and (2) the 26 unlawfulness of his conduct was ‘clearly established at the time.’” *District of Columbia v. 27 Wesby*, 583 U.S. 48, 62-63 (2018) (quoting *Reichle v. Howards*, 566 U.S. 658, 664 (2012)); 28 *Harlow v. Fitzgerald*, 457 U.S. 800, 817 (1982). To demonstrate that a right was “clearly 1 established” requires a showing that the statutory or constitutional question was “beyond debate,” 2 such that every reasonable official would understand that what he is doing is unlawful. *Wesby*, 3 583 U.S. at 63; *Vos v. City of Newport Beach*, 892 F.3d 1024, 1035 (9th Cir. 2018). This 4 standard is “demanding” and protects “all but the plainly incompetent or those who knowingly 5 violate the law.” *Wesby*, 583 U.S. at 63 (citing *Molly v. Briggs*, 475 U.S. 335, 341 (1986)). The 6 plaintiff bears the burden of establishing the right alleged was clearly established. *Moran v. 7 Washington*, 47 F.3d 839, 844 (9th Cir. 1998). The Ninth Circuit has summarized the two-step 8 qualified immunity inquiry with respect to unlawful arrest claims as asking “(1) whether there 9 was probable cause for the arrest; and (2) whether it is reasonably arguable that there was 10 probable cause for arrest—that is, whether

reasonable officers could disagree as to the legality of the arrest such that the arresting officer is entitled to qualified immunity.” Johnson, 79 F.4th at 12 1005. While the existence of probable cause is generally a question for the jury, “summary judgment is appropriate when there is no genuine issue of fact and if no reasonable jury could find an absence of probable cause under the facts.” Johnson, 79 F.4th at 1003 (quotation marks omitted). “However, when evaluating qualified immunity, ... the threshold determination of whether the facts alleged could support a reasonable belief in the existence of probable cause is a question of law to be determined by the court.” Id. (citation modified). Courts look to state law to determine whether an officer is authorized to make an arrest. Id. (quoting Michigan v. DeFillippo, 443 U.S. 31, 36 (1979)).

2. Analysis As an initial matter, while Plaintiff’s briefing appears to challenge the legality of the search of the property, the Complaint does not assert an illegal search claim but rather only asserts a false arrest claim. (See Doc. No. 1 at 5-6). Accordingly, any challenge to the search is not properly before the Court and the circumstances surrounding the search, which occurred after Plaintiff’s arrest, do not bear on the legality of his arrest. Similarly, Plaintiff appears to conflate consent to search his home with the concept of whether probable cause existed for the arrest, expending approximately five pages of briefing addressing whether the arrest occurred in the curtilage of the home. To the extent Plaintiff is attempting to challenge the deputies’ presence at the home, the undisputed evidence shows that the deputies were present on the property in response to a 911 call from Lily, a resident of the home. “Although the Fourth Amendment generally prohibits law enforcement from entering a home without a warrant, the government may overcome the presumption of unconstitutionality by showing that law enforcement received consent to enter the home.” United States v. Lowe, 676 F. 7 App’x 728, 732 (9th Cir. 2017) (citing Lopez-Rodriguez v. Mukasey, 536 F.3d 1012, 1016 (9th Cir. 2008)). “Moreover, once law enforcement receives consent to enter the home, the officers may arrest a suspect ... without having to first acquire a warrant, so long as the arrest is supported by probable cause.” Id. (citing United States v. Struckman, 603 F.3d 731, 739 (9th Cir. 2010)). Thus, because the deputies were present at the property with Lily’s consent, it is irrelevant whether the arrest occurred in the curtilage of the home so long as the arrest was supported by probable cause. Considering the totality of the circumstances known to Sandoval, probable cause existed to arrest Plaintiff for domestic violence. Supra, in evaluating a custodial arrest executed by state officials, federal courts must determine the reasonableness of the arrest in reference to state law governing the arrest. See also, United States v. Mota, 982 F.2d 1384, 1388 (9th Cir. 1993). Specifically, as it relates to reports of domestic abuse, California law authorizes an officer to make a warrantless arrest for misdemeanor domestic violence: 20 [I]f a suspect commits an assault or battery upon a current or former spouse . . . a peace officer may arrest the suspect without a warrant where both of the following circumstances apply: 22 (1) The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it 23 has in fact been committed. 24

(2) The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the 25 assault or battery, whether or not it has in fact been committed. 26 California Penal Code § 836(d). Additionally, California law defines battery as “any willful and 27 unlawful use of force or violence upon the person of another” and makes battery against a spouse 28 a criminal offense. Cal. Penal Code §§ 242, 243(e)(1). 1 Plaintiff disputes Lily’s version of events and contends that Deputy Sandoval should 2 deemed her claims uncredible. The Ninth Circuit precedent holds that a factual dispute does not 3 necessarily preclude a finding of probable cause in the case of suspected domestic 4 violence. See *Peng v. Mei Chin Penghu*, 335 F.3d 970, 979 (9th Cir. 2003) (“[T]he presence of a 5 factual dispute regarding a victim’s complaint at the scene of an alleged domestic disturbance 6 does not defeat probable cause if: 1) the victim’s statements are sufficiently definite to establish 7 that a crime has been committed; and 2) the victim’s complaint is corroborated by either the 8 surrounding circumstances or other witnesses.”). Here, Deputy Sandoval formed probable cause 9 only after a reasonable investigation. Sandoval heard allegations from Lily that Plaintiff pushed 10 her down that morning after officers walked to the bottom of the driveway; Plaintiff beat and 11 strangled her a few weeks earlier; Plaintiff threatened to kill her; and Plaintiff had multiple 12 unsecured firearms throughout the house. Sandoval also encountered and spoke with three 13 separate individuals—Vicki, the neighbor, and the male friend—who expressed concern that 14 Plaintiff had harmed Lily, corroborating Lily’s claims. Vicki also reported the same instances of 15 abuse as Lily did and reported having pictures of Lily’s bruises, which would support Lily’s 16 allegations. Further, based on this same information and consistent with Sandoval’s belief that 17 Lily was the victim of domestic abuse, Sandoval relayed the information he had collected to the 18 judge, and the judge, based on his independent review of information, granted Lily an EPO 19 shortly before Plaintiff’s arrest. Regardless of whether Sandoval observed the photographs before 20 the arrest, the totality of the circumstances supports a finding that Sandoval had reasonably 21 reliable facts to reasonably believe that Plaintiff committed a violation of Penal Code § 243(e)(1). 22 *Beck v. Ohio*, 379 U.S. 89, 91 (1964) (the standard asks whether the officer “had reasonably 23 trustworthy information ... to warrant a prudent man in believing that the petitioner had 24 committed or was committing an offense.”). And, Plaintiff was arrested shortly after Sandoval 25 had formed probable cause. Accordingly, no constitutional violation occurred. 26 Even if a reasonable jury could conclude Sandoval lacked probable cause, the Court 27 concludes qualified immunity applies to shield Sandoval from liability. “An officer would not be 28 on notice that his or her action was unreasonable unless all reasonable officers would agree that 1 there was no probable cause in this instance.” *Johnson*, 79 F.4th at 1005 (finding defendants 2 entitled to qualified immunity “although a reasonable jury could find that [they] lacked probable 3 cause to arrest” plaintiff). Thus, an officer is entitled to qualified immunity where it is 4 “reasonably arguable” that there was probable cause to arrest. *Id.* 5 Plaintiff appears to suggest that Sandoval should have done more—reviewed the 6 photographs, questioned Lily’s motives—but clearly established law requires only

a reasonable investigation, not an exhaustive one. See *Johns v. City of Eugene*, 771 F. App'x 739, 741 (9th Cir. 2019) (reversing district court's denial of qualified immunity on basis that district court found officers could have done more). Consequently, even if Deputy Sandoval was mistaken to conclude that probable cause was present, his conduct falls short of incompetence. See *Rodis v. City and County of San Francisco*, 558 F.3d 964, 970-971 (9th Cir. 2009) (noting "[t]he Supreme Court has 'recognized that it is inevitable that law enforcement officials will in some cases reasonably but mistakenly conclude that probable cause is present.' . . . In such cases those official should not be held personally liable."). Thus, considering the totality of the circumstances known to Sandoval at the time based on the evidence before the Court, it is not clear that every reasonable officer would be on notice that Sandoval's actions were unreasonable to be unconstitutional. Accordingly, in the alternative, the Court finds Deputy Sandoval is entitled to qualified immunity.

B. Equal Protection

The Equal Protection clause provides that "[n]o state shall . . . deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, § 1. This Clause "requires the State to treat all similarly situated people equally." *Hartmann v. Cal. Dep't of Corr. & Rehab.*, 707 F.3d 1114, 1123 (9th Cir. 2013). There are two different ways in which a plaintiff may state an equal protection claim. A plaintiff's first option is to allege "facts plausibly showing that the defendants acted with an intent or purpose to discriminate against [him] based upon membership in a protected class." *Id.* (quoting *Thornton v. City of St. Helens*, 425 F.3d 1158, 1166 (9th Cir. 2005)). The second way a plaintiff may state a claim is "as a 'class of one' by alleging that [the] plaintiff has 'been intentionally treated differently from others similarly situated and that there is no rational basis for the treatment.'" *Koboyashi v. McMulling*, 2022 WL 3137958, at *23 (C.D. Cal. May 31, 2022) (quoting *Vill. Of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000)). When a plaintiff fails to identify a similarly situated individual, he fails to plead a cognizable class-of-one claim. *Teixeira v. Cnty. of Alameda*, 822 F.3d 1047, 1053 (9th Cir. 2016), *on reh'g en banc.*, 873 F.3d 670 (9th Cir. 2017).

Here, contrary to Plaintiff's argument, Defendants have satisfied their initial summary judgment burden. When the moving party does not carry the ultimate burden of persuasion at trial, it may carry its initial burden by (1) producing evidence negating an essential element of the nonmoving party's case, or (2) showing that the nonmoving party does not have enough evidence of an essential element of its claim to carry its ultimate burden of persuasion at trial. *Nissan Fire & Marine Ins. Co., Ltd. v. Fritz Cos., Inc.*, 210 F.3d 1099, 1106 (9th Cir. 2000). Here, Defendants point first to Plaintiff's failure to identify a similarly situated individual, an essential element of his claim. (See Doc. No. 24-1 at 17). Anticipating that Plaintiff would identify Lily as a comparator, Defendants argue there is not enough evidence to establish that Plaintiff was treated differently than Lily—again, an essential element of his equal protection claim—because his arrests were supported by probable cause. (*Id.* at 17-20). Because Defendants have satisfied their initial burden, the burden shifts to

Plaintiff to 18 “produce evidence to support [his] claim.” Nissan Fire & Marine Ins., 210 F.3d at 1103. 19 Plaintiff wholly fails to present argument or cite to any evidence establishing he was treated 20 differently than any similarly situated individual. This failure alone is sufficient to warrant 21 summary judgment on Plaintiff’s equal protection claim. Id. (“If the nonmoving party fails to 22 produce enough evidence to create a genuine issue of material fact, the moving party wins the 23 motion for summary judgment.”). 24 Accordingly, summary judgment on the equal protection claim is warranted. 25 C. The County’s Liability 26 A local government entity “may not be sued under § 1983 for an injury inflicted solely by 27 its employees or agents.” Monell., 436 U.S. at 694. “When an individual sues a municipality for 28 violation of a constitutional right, the municipality is liable only if the individual can establish 1 | that the municipality ‘had a deliberate policy, custom, or practice that was the “moving force” 2 | behind the constitutional violation he suffered.’” Lawrence v. City & Cnty. of San Francisco, 258 3 | F. Supp. 3d 977, 993 (N.D. Cal. 2017) (citing Monell, 436 U.S. at 694-95). However, to state a 4 | Monell claim, Plaintiff must adequately demonstrate an underlying constitutional violation by a 5 | county employee. See Scott v. Heinrich, 39 F.3d 912, 916 (9th Cir. 1994) (“municipal defendants 6 | cannot be held liable because no constitutional violation occurred”); Lockett v. Cnty. of Los 7 | Angeles, 977 F.3d 737, 741 (9th Cir. 2020) (“Monell claims ... require a plaintiff to show an 8 | underlying constitutional violation.”). 9 Here, the Court has already concluded Plaintiff failed to establish a constitutional 10 | violation. This failure necessarily means Plaintiff’s claims against the County also fail. See 11 | Lockett, 977 F.3d at 741. Accordingly, summary judgment in favor of the County is warranted. 12 Accordingly, it is ORDERED: 13 1. Defendants’ Request for Judicial Notice (Doc. No. 24-6) is DENIED. 14 2. Defendants’ Motion for Summary Judgment (Doc. No. 24) is GRANTED. 15 3. The Clerk of Court is directed to vacate all deadlines, enter judgment in favor of 16 Defendants, and CLOSE this case. 17 | Dated: _ September 18, 2025 Mihaw. fares Zackte 19 HELENA M. BARCH-KUCHTA UNITED STATES MAGISTRATE JUDGE 21 22 23 24 25 26 27 28 19