

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Emma Ochoa Toledo, as a wrongful death beneficiary on her own behalf and on behalf of all statutory beneficiaries, et al. v. Andrew Palafox, et al.

No. CV-24-00195-TUC-CKJ · No. No. CV-24-00195-TUC-CKJ · Decided March 26, 2026

SUMMARY

This is an order from the United States District Court for the District of Arizona addressing defendants’ motion for summary judgment in a 42 U.S.C. § 1983 and Arizona state-law wrongful-death action arising from the police shooting of Edrei Ochoa. The court analyzes excessive force, qualified immunity, municipal liability under Monell, loss of familial association, and state-law assault and battery claims. Based on the undisputed record and the plaintiffs’ failure to respond, the court grants summary judgment on the claims discussed in the excerpt.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Cindy K. Jorgenson
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 26, 2026
DOCKET	No. CV-24-00195-TUC-CKJ
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment on all five counts. Plaintiffs did not respond despite four extensions of time. The court independently reviewed the record and granted the motion.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that no genuine dispute as to any material fact exists and the movant is entitled to judgment as a matter of law. The court views the evidence and reasonable inferences in favor of the nonmovant, does not weigh evidence, and may grant summary judgment when the record contains no genuine issue for trial. A nonresponding plaintiff must still receive consideration of whether the movant's papers are insufficient or reveal a genuine issue of material fact.
PRECEDENTIAL VALUE	unpublished

PARTIES

Emma Ochoa Toledo, as a wrongful death beneficiary on her own behalf and on behalf of all statutory beneficiaries, Edgar Casahonda, on behalf of the Estate of Edrei Ochoa v. Andrew Palafox, Serrano, City of Nogales

TOPICS

section 1983

qualified immunity

police misconduct

municipal liability

summary judgment

PRACTICE AREAS

civil rights

constitutional law

police misconduct

torts

civil procedure

municipal law

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment on the Fourth Amendment excessive-force claim.
2. Whether Palafox and Serrano were entitled to qualified immunity on the excessive-force claim because the alleged constitutional violation was not clearly established under factually similar precedent.
3. Whether the City of Nogales was entitled to summary judgment on the Monell failure-to-train or failure-to-supervise claim.
4. Whether defendants were entitled to summary judgment on the Fourteenth Amendment familial-association claim because their conduct did not shock the conscience and was undertaken for legitimate law-enforcement objectives.
5. Whether Arizona justification statutes and presumptions defeated the assault-and-battery wrongful-death claims.
6. Whether the City of Nogales was entitled to summary judgment on the negligent-supervision claim for lack of supporting evidence.

HOLDINGS

1. Defendants were entitled to qualified immunity on the Fourth Amendment excessive-force claim because plaintiffs failed to identify clearly established law making the officers' use of deadly force unlawful under the materially similar circumstances presented.
2. The City of Nogales was entitled to summary judgment on the Monell claim because plaintiffs produced no evidence that a municipal policy, custom, or failure to train or supervise caused a constitutional violation.
3. Defendants were entitled to summary judgment on the Fourteenth Amendment loss-of-family-relationship claim because the undisputed evidence showed legitimate law-enforcement objectives and no conduct that shocked the conscience.
4. Defendants were entitled to summary judgment on the assault-and-battery claims because Arizona's justification provisions and statutory presumption supported the officers' use of deadly force, and

plaintiffs offered no rebuttal evidence.

5. The City of Nogales was entitled to summary judgment on the negligent-supervision claim because plaintiffs produced no evidence that the officers were negligently trained or supervised.

KEY QUOTATIONS

“A court must grant summary judgment “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.”” (at 2)

“Under the Fourth Amendment standard, the reasonableness of the use of force “must be judged from the perspective of a reasonable officer at the scene, rather than with the 20/20 vision of hindsight.”” (at 6)

“In a case like this one . . . where the suspect is brandishing what is reasonably understood to be a lethal weapon and advancing towards the officers, that he was emotionally disturbed does not negate the serious threat he exhibited.” (at 9)

FACTUAL BACKGROUND

On April 10, 2023, Nogales police Sergeant Andrew Palafox encountered Edrei Ochoa wearing body armor and carrying a handgun; Ochoa resisted handcuffing and reached for the weapon. Additional officers arrived, and Ochoa displayed two knives, defeated two taser deployments, and moved toward the officers while making stabbing motions. Palafox fired multiple rounds, and Serrano also discharged rounds; Ochoa was struck and died. The undisputed record showed that the officers were responding to an escalating confrontation in a congested commercial area and had given commands and attempted lesser force.

PROCEDURAL HISTORY

Plaintiffs brought claims under 42 U.S.C. § 1983 and Arizona law arising from the fatal police shooting of Edrei Ochoa. The complaint asserted assault and battery resulting in wrongful death, negligent supervision, Fourth Amendment excessive force, a Monell failure-to-train claim, and a Fourteenth Amendment familial-association claim. Defendants moved for summary judgment, and the court granted the motion on every count and terminated the action with prejudice.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986)
- Nissan Fire & Marine Insurance Co. v. Fritz Co., 210 F.3d 1099, 1102-03 (9th Cir. 2000)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-50, 255 (1986)
- Triton Energy Corp. v. Square D. Co., 68 F.3d 1216, 1221 (9th Cir. 1995)
- First National Bank of Arizona v. Cities Service Co., 391 U.S. 253, 288-89 (1968)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)

- Henry v. Gill Industries, Inc., 983 F.2d 943 (9th Cir. 1993)
- Graham v. Connor, 490 U.S. 386, 388, 396-99 (1989)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)
- Estate of Ford v. Ramirez-Palmer, 301 F.3d 1043, 1049 (9th Cir. 2002)
- Saucier v. Katz, 533 U.S. 194, 201-02 (2001)
- Zorn v. Linton, No. 25-297, 2026 WL 795469, at *2 (U.S. Mar. 23, 2026)
- Waid v. County of Lyon, 87 F.4th 383, 387-88 (9th Cir. 2023)
- Villanueva v. California, 986 F.3d 1158, 1171 (9th Cir. 2021)
- Kisela v. Hughes, 584 U.S. 100, 104 (2018)
- Plumhoff v. Rickard, 572 U.S. 765, 777 (2014)
- Monzon v. City of Murrieta, 978 F.3d 1150, 1157 (9th Cir. 2020)
- Shooter v. Arizona, 4 F.4th 955, 961 (9th Cir. 2021)
- Napouk v. Las Vegas Metropolitan Police Department, 123 F.4th 906, 916, 921 (9th Cir. 2024)
- Hughes v. Rodriguez, 31 F.4th 1211, 1223 (9th Cir. 2022)
- Davis v. Scherer, 468 U.S. 183, 197 (1984)
- Shafer v. County of Santa Barbara, 868 F.3d 1110, 1117 (9th Cir. 2017)
- Gibson v. County of Washoe, 290 F.3d 1175, 1193-94 (9th Cir. 2002)
- Connick v. Thompson, 563 U.S. 51, 60-64 (2011)
- City of Canton v. Harris, 489 U.S. 378, 388, 390 (1989)
- Clement v. Gomez, 298 F.3d 898, 905 (9th Cir. 2002)
- Long v. County of Los Angeles, 442 F.3d 1178, 1186 (9th Cir. 2006)
- Gillette v. Delmore, 979 F.2d 1342, 1348 (9th Cir. 1992)
- Gomez v. Vernon, 255 F.3d 1118, 1127 (9th Cir. 2001)
- Rosenbaum v. Washoe County, 663 F.3d 1071, 1079 (9th Cir. 2011)
- Rochin v. California, 342 U.S. 165, 172-73 (1952)
- Porter v. Osborn, 546 F.3d 1132, 1137 (9th Cir. 2008)
- County of Sacramento v. Lewis, 523 U.S. 833, 846-49 (1998)
- Gantt v. City of Los Angeles, 717 F.3d 702, 707-08 (9th Cir. 2013)
- Wilkinson v. Torres, 610 F.3d 546, 554 (9th Cir. 2010)
- Ochoa v. City of Mesa, 26 F.4th 1050, 1056 (9th Cir. 2022)
- Ryan v. Napier, 425 P.3d 230, 241 (Ariz. 2018)