

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Jasmine Rodriguez v. City of Tempe, et al.

Jasmine Rodriguez v. City of Tempe, No. CV-25-01488-PHX-KML (D. Ariz. Jan. 12, 2026) · No. No. CV-25-01488-PHX-KML · Decided January 13, 2026

OPINION

Rodriguez

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Jasmine Rodriguez, No. CV-25-01488-PHX-KML 10 Plaintiff, ORDER 11 v. 12 City of
Tempe, et al., 13 Defendants. 14 15 Plaintiff Jasmine Rodriguez alleges a Tempe police officer,
defendant Benjamin 16 Trotter, used excessive force against her while arresting a third party.
(Doc. 15.) She brings 17 three claims: excessive force against Officer Trotter, municipal liability
against defendant 18 City of Tempe (“Tempe”) and negligence against both defendants. Tempe
moved to 19 dismiss the municipal liability claim against it. (Doc. 17.) Its motion is granted with
leave 20 to amend. 21 I. Factual Allegations 22 At around 2:00 a.m. on May 5, 2024, Jasmine
Rodriguez was leaving a bar in Tempe 23 when she stopped in front of a movie theater ticket
booth. (Doc. 15 at 3.) A man, later 24 identified as non-party Trequan Whirl, walked up to
Rodriguez while three Tempe police 25 officers approached him and attempted to arrest him.
(Doc. 15 at 4.) In the commotion, 26 Rodriguez alleges the officers gave her no explanation, no
warning, and no instruction to 27 move in a certain direction. (Doc. 15 at 4.) Instead, she “was
caught between the three 28 officers,” with one reaching for Whirl from her left and another
approaching from her right. 1 (Doc. 15 at 4.) Officer Trotter then “grabbed her from behind and
pulled her out of the 2 situation” and forcibly detained her. (Doc. 15 at 4.) While holding her and
still without 3 giving her instructions or commands, he “slammed her face into the ticket booth.”
(Doc. 4 15 at 4.) Rodriguez briefly lost consciousness and suffered a fractured nose, two cracked 5
front teeth, bruised and split lips, and facial bruises and abrasions. (Doc. 15 at 4.) 6 Rodriguez
filed this suit against Officer Trotter and Tempe. She alleged a 42 U.S.C. 7 § 1983 excessive force
claim against Officer Trotter and a negligence claim against Officer 8 Trotter and Tempe.
Rodriguez’s other claim is a § 1983 municipal liability claim based on 9 Tempe failing to
implement policies and procedures to ensure officers’ fitness for duty and 10 adequately
investigate excessive force allegations; failing to adequately train or supervise 11 employees
regarding officer conduct with citizens; “and/or [] fail[ing] to implement 12 mandatory training”
regarding use of force. (Doc. 15 at 7.) Despite Tempe knowing 13 inadequate policies and
procedures would result in excessive force violations (Doc. 15 at 14 6-7), she alleges Tempe

“made deliberate and conscious decisions to create inadequate 15 policies and procedures” and to ratify widespread unconstitutional practices and customs 16 (Doc. 15 at 7.) Officer Trotter and Tempe answered the excessive force and negligence 17 claims, but Tempe moved to dismiss the municipal liability claim. 18 II. Legal Standard 19 “To survive a motion to dismiss, a complaint must contain sufficient factual matter, 20 accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 21 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) 22 (internal citations omitted)). This is not a “probability requirement,” but a requirement that 23 the factual allegations show “more than a sheer possibility that a defendant has acted 24 unlawfully.” *Id.* A claim is facially plausible “when the plaintiff pleads factual content that 25 allows the court to draw the reasonable inference that the defendant is liable for the 26 misconduct alleged.” *Id.* “Determining whether a complaint states a plausible claim for 27 relief will . . . be a context-specific task that requires the reviewing court to draw on its 28 judicial experience and common sense.” *Id.* at 679. 1 III. Analysis 2 “A municipality may not be sued under § 1983 solely because an injury was inflicted 3 by its employees or agents.” *Long v. County of Los Angeles*, 442 F.3d 1178, 1185 (9th Cir. 4 2006); see also *Monell v. Dep’t of Soc. Servs. of City of New York*, 436 U.S. 658, 690-91 5 (1978) (no respondeat superior liability when municipality employs tortfeasor). But a 6 municipality may be held liable for constitutional violations in some specific 7 circumstances. *Monell*, 436 U.S. at 690-91. In general, a plaintiff may pursue three theories 8 in alleging a Monell claim: (1) the “execution of a government’s policy or custom, whether 9 made by its lawmakers or by those whose edicts or acts may fairly be said to represent 10 official policy, inflict[ed] the injury”; (2) a municipality failed to train employees in a 11 manner so inadequate that the “policymakers of the city can reasonably be said to have 12 been deliberately indifferent to the need”; or (3) “an official with final policy-making 13 authority” was the tortfeasor or ratified a subordinate’s unconstitutional action. *Rodriguez v. Cnty. of Los Angeles*, 891 F.3d 776, 802-03 (9th Cir. 2018) (simplified); see also *Gordon v. Cnty. of Orange*, 6 F.4th 961, 973-34 (9th Cir. 2021). Rodriguez does not specify which 16 Monell theory she is attempting to invoke but she uses language that matches the first two. 17 (Doc. 15 at 6-8.) 18 Rodriguez’s first Monell theory requires she allege facts describing a policy or a 19 “persistent and widespread custom” and facts suggesting that policy or custom caused her 20 injury. *Trevino v. Gates*, 99 F.3d 911, 918 (9th Cir. 1996) (plaintiffs’ allegations of dozens 21 of relevant incidents did not sufficiently establish custom). Rodriguez does not allege 22 sufficient facts supporting this theory. In fact, the complaint does not allege any facts about 23 a particular policy or custom, instead conclusorily reciting the Monell standard. (See Doc. 24 15 at 6 (“Tempe deliberately and consciously adopted unconstitutional policies and/or 25 encouraged, tolerated, or ratified unconstitutional widespread Tempe Police Department 26 practices and customs”).) The complaint does not make clear which policies are at issue, 27 let alone why they might be unconstitutional. Rodriguez has not stated a Monell claim 28 under the policy or custom theory. 1 Rodriguez’s second theory of Monell liability based on inadequate training requires 2 she allege

facts showing city decisionmakers were on notice of “particular omission[s] in 3 their training program” that would cause employees to violate citizens’ rights, yet chose to 4 retain that program. *Connick v. Thompson*, 563 U.S. 51, 61 (2011). “A pattern of similar 5 constitutional violations by untrained employees is ordinarily necessary to demonstrate 6 deliberate indifference” in training. *Id.* at 62 (citation omitted); see also *Rodriguez*, 891 7 F.3d at 803 (requiring evidence of widespread practice or repeated constitutional 8 violations). When a plaintiff lists prior incidents of relevant conduct or examples of policy 9 or training failures, those examples must be detailed enough for a court to determine the 10 incidents are sufficiently similar to the one at issue. See *Ames v. City of Tempe*, No. CV- 11 20-02102-PHX-DWL, 2021 WL 5578868, at *4 (D. Ariz. Nov. 29, 2021); *Connick*, 593 12 U.S. at 61. Again *Rodriguez* does not allege sufficient facts supporting this theory. 13 The complaint does not provide any facts regarding a pattern of similar excessive 14 force violations by Tempe officers or even any facts regarding officers’ training. (Doc. 15.) 15 For this theory too, the complaint includes only conclusory recitations of the Monell 16 standard. (See Doc. 15 at 6 (“Tempe either failed to train or inadequately trained Officer 17 Trotter regarding encounters with persons of interest, including, but not limited to the 18 appropriate use of force, proper procedures for detention and takedowns, interactions with 19 persons of interest, and minimizing unnecessary injury to citizens.”) As Tempe thoroughly 20 explains (Doc. 17 at 6-9), the case law demands a much more fact-intensive pleading. 21 Tempe’s motion to dismiss the Monell claim is granted. Based on the very limited 22 factual allegations in the current complaint, it is difficult to determine what factual basis, 23 if any, supports *Rodriguez*’s attempt to pursue a Monell claim. Because it is possible she 24 would be able to allege additional facts, leave to amend is granted. But *Rodriguez* is 25 cautioned that if she hopes to pursue a Monell claim, she must provide significantly more 26 facts to meet the *Iqbal/Twombly* standard. 27 28

IV. Conclusion 2 The first amended complaint does not allege a Monell claim against Tempe but 3 *Rodriguez* is granted leave to amend. Because her claims of excessive force and negligence 4 will proceed, the parties must confer and prepare a Joint Case Management Plan. 5 Accordingly, 6 IT IS ORDERED the motion to dismiss Count II of the First Amended Complaint 7 (Doc. 17) is GRANTED with leave to amend. No later than January 26, 2026, plaintiff 8 may file an amended complaint. If no amended complaint is filed by that date, the two 9 remaining claims in the current complaint will proceed. 10 IT IS FURTHER ORDERED as follows: 11 The parties are directed to meet, confer, and develop a Rule 26(f) Joint Case 12 Management Report, which must be filed within 4 weeks of the date of this order. It is the 13 responsibility of plaintiff(s) to initiate the Rule 26(f) meeting and prepare the Joint Case 14 Management Report. Defendant(s) shall promptly and cooperatively participate in the Rule 15 26(f) meeting and assist in preparation of the Joint Case Management Report. 16 The Joint Case Management Report shall contain the following information in 17 separately-numbered paragraphs. 18 1. The parties who attended the Rule 26(f) meeting and assisted in developing 19 the Joint Case Management Report; 20 2. A list of all parties in the case, including any parent

corporations or entities 21 (for recusal purposes); 22 3. Any parties that have not been served and an explanation of why they have 23 not been served, and any parties that have been served but have not answered or otherwise 24 appeared; 25 4. A statement of whether any party expects to add additional parties to the case 26 or otherwise amend pleadings; 27 5. The names of any parties not subject to the court's personal (or in rem) 28 jurisdiction; 1 6. A description of the basis for the court's subject matter jurisdiction, citing 2 specific jurisdictional statutes. If jurisdiction is based on diversity of citizenship, the report 3 shall include a statement of the citizenship of every party and a description of the amount 4 in dispute. See 28 U.S.C. §1332; 5 7. A short statement of the nature of the case (no more than three pages), 6 including a description of each claim, defense, and affirmative defense; 7 8. A listing of contemplated motions and a statement of the issues to be decided 8 by those motions; 9 9. Whether the case is suitable for reassignment to a United States Magistrate 10 Judge for all purposes or suitable for referral to a United States Magistrate Judge for a 11 settlement conference; 12 10. The status of any related cases pending before this or other courts; 13 11. A discussion of any issues relating to preservation, disclosure, or discovery 14 of electronically stored information ("ESI"), including the parties' preservation of ESI and 15 the form or forms in which it will be produced; 16 12. A discussion of any issues relating to claims of privilege or work product; 17 13. A discussion of necessary discovery, which should take into account the

18 December 1, 2015 amendments to Rule 26(b)(1) and should include:

19 a. The extent, nature, and location of discovery anticipated by the parties 20 and why it is proportional to the needs of the case; 21 b. Suggested changes, if any, to the discovery limitations imposed by the 22 Federal Rules of Civil Procedure; 23 c. The number of hours permitted for each deposition. The parties also 24 should consider whether a total number of deposition hours should be 25 set in the case, such as twenty total hours for plaintiff and twenty 26 total hours for defendants. Such overall time limits have the advantage 27 of providing an incentive for each side to be as efficient as possible in 28 each deposition, while also allowing parties to allocate time among 1 witnesses depending on the importance and complexity of subjects to 2 be covered with the witnesses; 3 14. Proposed deadlines for each of the following events. In proposing deadlines, 4 the parties should keep in mind the Case Management Order will contain deadlines to 5 govern this case and once the dates have been set the court will vary them only upon a 6 showing of good cause. A request by counsel for extension of discovery deadlines in any 7 case that has been pending more than two years must be accompanied by a certification 8 stating the client is aware of and approves of the requested extension. The court does not 9 consider settlement talks or the scheduling of mediations to constitute good cause for an 10 extension. The parties must propose the following; 11 a. A deadline for the completion of fact discovery, which will also be 12 the deadline for pretrial disclosures pursuant to Rule 26(a)(3). This 13 deadline is the date by which all fact discovery must be completed. 14 Discovery requests must be served and depositions noticed 15 sufficiently in advance of this date to ensure reasonable completion 16 by the deadline,

including time to resolve discovery disputes. Absent 17 extraordinary circumstances, the court will not entertain discovery 18 disputes after this deadline; 19 b. Dates for full and complete expert disclosures and rebuttal expert 20 disclosures, if any; 21 c. A deadline for completion of all expert depositions; 22 d. A date by which any Rule 35 physical or mental examination will be 23 noticed if such an examination is required by any issues in the case; 24 e. A deadline for filing dispositive motions; 25 f. Case-specific deadlines and dates, such as the deadline to file a motion 26 for class certification or a date on which the parties are available for a 27 Markman (patent claim construction) hearing; 28 g. A date by which the parties shall have engaged in face-to-face good 1 faith settlement talks; 2 h. Whether a jury trial has been requested and whether the request for a 3 jury trial is contested, setting forth the reasons if the request is 4 contested; 5 1. Any other matters that will aid the court and parties in resolving this 6 case in a just, speedy, and inexpensive manner as required by Federal 7 Rule of Civil Procedure 1; 8 15. A statement indicating whether the parties would prefer that the court hold a || case management conference before issuing a scheduling order—and, if so, an explanation || of why the conference would be helpful. 11 IT IS FURTHER ORDERED the parties shall file a proposed Case Management 12 || Order containing all the proposed dates at the same time they file the Rule 26(f) Case 13 || Management Report. The proposed Case Management Order must also be emailed in Word format to Lanham_Chambers@azd.uscourts.gov. 15 Dated this 12th day of January, 2026. 16 Honorable Krissa M. Lanham 19 United States District Judge 20 21 22 23 24 25 26 27 28 -8-