

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NICHOLAS B. DELIA,
Plaintiff-Appellant,

v.

CITY OF RIALTO, a Public Entity;
CITY OF RIALTO FIRE DEPARTMENT,
a Public Agency; STEPHEN C.
WELLS, Individually and as the
Fire Chief for the City of Rialto;
MIKE PEEL, Individually and as
Battalion Chief for the City of
Rialto; FRANK BEKKER,
Individually and as Battalion Chief
for the City of Rialto; STEVE A.
FILARSKY, Individually and as an
Internal Affairs Investigator for
the City of Rialto,
Defendants-Appellees.

No. 09-55514
D.C. No.
2:08-cv-03359-R-
PLA
ORDER

On Remand from the United States Supreme Court

Filed June 19, 2012

Before: Alfred T. Goodwin, Johnnie B. Rawlinson,
Circuit Judges, and Mark W. Bennett, District Judge.*

*The Honorable Mark W. Bennett, United States District Judge for the Northern District of Iowa, sitting by designation.

ORDER

In light of the United States Supreme Court's decision in *Filarsky v. Delia*, ___ S. Ct. ___, 2012 WL 1288731 (Apr. 17, 2012), the judgment of the district court is affirmed. The mandate shall issue forthwith. *See* FED. R. APP. P. 4(b).

REMANDED