

FILED

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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OMAR CHAVEZ,

Plaintiff-Appellant,

v.

CITY OF PETALUMA; et al.,

Defendants,

and

COUNTY OF SONOMA and STEVE
FREITAS, Sonoma County Sheriff,
individually and in his official capacity,

Defendants-Appellees.

No. 15-17287

D.C. No. 3:14-cv-05038-MEJ

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Maria-Elena James, Magistrate Judge, Presiding

Argued and Submitted April 19, 2017
San Francisco, California

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Before: REINHARDT and TASHIMA, Circuit Judges, and MOLLOY,** District Judge.

Omar Chavez was detained in the Sonoma County Jail for more than 60 days on a parole hold when, in fact, he was not on parole. He appeals from the district court's dismissal of his claims under 42 U.S.C. § 1983 seeking relief against the County of Sonoma and Sheriff Steve Freitas for violating his rights under the Due Process Clause.

The district court dismissed Chavez's First Amended Complaint, among other reasons, because the complaint did not plausibly allege facts to support liability for the County under *Monell v. Department of Social Serv.*, 436 U.S. 658 (1978), and because Sheriff Freitas was immune from suit in his personal capacity. In his briefs on appeal, Chavez did not contest either the *Monell* ruling or the immunity ruling. Accordingly, the judgment of the district court is **AFFIRMED**.

** The Honorable Donald W. Molloy, United States District Judge for the District of Montana, sitting by designation.