

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 27 2021

FOR THE NINTH CIRCUIT

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

FELIX MENDELSON, As trustee for The
Shtaiman Family Trust,

Plaintiff-Appellant,

v.

COUNTY OF SAN MATEO,

Defendant-Appellee.

No. 20-17389

D.C. No. 3:20-cv-05696-AGT

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Alex G. Tse, Magistrate Judge, Presiding

Argued and Submitted October 22, 2021
San Francisco, California

Before: BADE and BUMATAY, Circuit Judges, and SESSIONS,** District Judge.

After the district court's consideration of this matter, the Supreme Court issued its decision in *Pakdel v. City & County of San Francisco*, 141 S. Ct. 2226 (2021). We vacate the district court's order of dismissal and remand this case to

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

** The Honorable William K. Sessions III, United States District Judge for the District of Vermont, sitting by designation.

the district court for reevaluation in light of *Pakdel*. We **DENY** Appellant's motions to take judicial notice (Dkt. Nos. 12, 43) and **GRANT** Pacific Legal Foundation's motion to become amicus curiae (Dkt. No. 17). Each party to bear its own costs.

VACATED and REMANDED.