

OCT 26 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHERINE JONES,

Plaintiff - Appellant,

v.

CITY AND COUNTY OF SAN
FRANCISCO; et al.,

Defendants - Appellees.

No. 13-16478

D.C. No. 3:11-cv-04884-LB

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Laurel D. Beeler, Magistrate Judge, Presiding

Submitted October 22, 2015**
San Francisco, California

Before: WALLACE, SILVERMAN, and CHRISTEN, Circuit Judges.

Catherine Jones appeals from the district court's summary judgment in favor of the City and County of San Francisco, and county social workers, following the social workers' removal of her newborn child from her custody without prior

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

judicial authorization. We review the district court's decision de novo, *Mabe v. San Bernardino County, Dept. of Pub. Soc. Serv.*, 237 F.3d 1101, 1106 (9th Cir. 2001), and we affirm.

The district court correctly ruled that the defendants were entitled to qualified immunity because the undisputed facts show that they identified specific, articulable evidence which provided them with the reasonable belief that the child was in imminent danger of harm; the scope of their actions was tailored to avert the specific harm feared; and they followed state law in assuring prompt judicial review of their actions. *Burke v. Cnty. of Alameda*, 586 F.3d 725, 731 (9th Cir. 2009); *Rogers v. Cnty. of San Joaquin*, 487 F.3d 1288, 1294 (9th Cir. 2007); *Wallis v. Spencer*, 202 F.3d 1126, 1138 (9th Cir. 2000).

We do not consider matters not specifically and distinctly raised in the opening brief, or arguments and allegations raised for the first time on appeal or in the reply brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam).

AFFIRMED.