

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

J. K. J., individually, and successor in  
interest to the Deceased Aleah Jenkins,  
by and through his guardian-ad-litem  
Jeremy Hillyer,

*Plaintiff-Appellant,*

v.

CITY OF SAN DIEGO, a public  
entity; DAVID NISLET, in his  
individual capacity and official  
capacity as Police Chief of the San  
Diego Police Department;  
LAWRENCE DURBIN, an individual;  
JASON TAUB, an individual; DOES,  
1-10, Inclusive,

*Defendants-Appellees,*

and

NICHOLAS CASICOLA,

*Defendant.*

No. 20-55622

D.C. No.  
3:19-cv-02123-  
CAB-RBB

ORDER

Appeal from the United States District Court  
for the Southern District of California  
Cathy Ann Bencivengo, District Judge, Presiding

Argued and Submitted En Banc June 21, 2023  
Submission Vacated February 1, 2024  
Resubmitted November 21, 2024  
Seattle, Washington

Filed November 27, 2024

Before: Mary H. Murguia, Chief Judge, and Morgan  
Christen, Michelle T. Friedland, Mark J. Bennett, Eric D.  
Miller, Bridget S. Bade, Kenneth K. Lee, Patrick J.  
Bumatay, Lawrence VanDyke, Jennifer Sung and Roopali  
H. Desai, Circuit Judges.

---

## COUNSEL

Megha Ram (argued) and Devi Rao, Roderick & Solange  
MacArthur Justice Center, Washington, D.C.; Kaveh Navab  
I, Navab Law APC, Marina Del Rey, California; H. Dean  
Aynechi and Neama Rahmani, West Coast Trial Lawyers,  
Los Angeles, California; for Plaintiff-Appellant.

James C. Jardin (argued), Collins and Collins LLP, Orange,  
California; Christie B. Swiss, Collins and Collins LLP,  
Carlsbad, California; Seetal Tejura, Chief Deputy City  
Attorney; George F. Schaefer, Assistant City Attorney; Mara  
W. Elliot, City Attorney; Office of the City Attorney, San  
Diego, California; for Defendants-Appellees.

Jay R. Schweikert and Clark M. Neily III, Cato Institute,  
Washington D.C., for Amicus Curiae Cato Institute.

---

### **ORDER**

The parties' joint motion to dismiss the appeal is **GRANTED**. Fed. R. App. P. 42(b). The parties shall bear their own costs on appeal. This order constitutes the mandate of this court.