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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Erika Jacobs,	}	No. CV-18-00479-PHX-SPL
	}	
Plaintiff,	}	ORDER
vs.	}	
	}	
Mesa Police Department,	}	
	}	
Defendant.	}	

Plaintiff Erika Jacobs (the “Plaintiff”) filed suit against Mesa Police Department (the “Defendant”) alleging multiple causes of action arising out of the alleged violation of her civil rights. (Doc. 1-1) The Defendant moves for summary judgment on each of the Plaintiff’s claims (the “Motion”). (Doc. 28) The Motion was fully briefed on December 3, 2018. (Docs. 34, 36) Oral argument was not requested. The Court’s ruling is as follows.

I. Legal Standard

A court shall grant summary judgment if the pleadings and supporting documents, viewed in the light most favorable to the non-moving party “show that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a); *see also Celotex Corp. v. Catrett*, 477 U.S. 317, 322–23 (1986). Material facts are those facts “that might affect the outcome of the suit under the governing law.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A genuine dispute of

1 material fact arises if “the evidence is such that a reasonable jury could return a verdict for
2 the nonmoving party.” *Id.*

3 The party moving for summary judgment bears the initial burden of informing the
4 court of the basis for its motion and identifying those portions of the record, together with
5 affidavits, which it believes demonstrate the absence of a genuine issue of material fact.
6 *Celotex*, 477 U.S. at 323. If the movant is able to do such, the burden then shifts to the non-
7 movant who, “must do more than simply show that there is some metaphysical doubt as to
8 the material facts,” and instead must “come forward with ‘specific facts showing that there
9 is a genuine issue for trial.’” *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S.
10 574, 586–87 (1986). A judge’s function at summary judgment is not to weigh the evidence
11 and determine the truth of the matter but to determine whether there is a genuine issue for
12 trial. *Cable v. City of Phoenix*, 647 F. App’x 780, 781 (9th Cir. 2016).

13 **II. Background¹**

14 On January 15, 2018, the Plaintiff was crossing a street in downtown Mesa, Arizona.
15 (Doc. 34 at 1; Doc. 29 at 2) The Plaintiff was stopped by police officer Nathan Boulter.
16 (Doc. 29 at 2; Doc. 29-7 at 2) Officer Boulter issued a citation to the Plaintiff for violating
17 A.R.S. § 28-646(A)(2), a statute prohibiting a person from crossing a street against a “Do
18 Not Walk” signal. (Doc. 29 at 2) On April 11, 2018, the Plaintiff and the Defendant
19 attended a civil traffic hearing before the Honorable Richard Garcia in the Municipal Court
20 of the City of Mesa. (Doc. 29-4) At the civil traffic hearing, Judge Garcia ruled that the
21 Plaintiff violated the statute by crossing the street against a “Do Not Walk” signal. (Doc.
22 29-4 at 38) Judge Garcia suspended the Plaintiff’s fine pending her appeal of his decision.
23 (Doc. 29-4 at 39) The Plaintiff appealed Judge Garcia’s decision, but her appeal was
24 dismissed for failure to pay the civil traffic appeal fee. (Doc. 28 at 3)

25 The Plaintiff initiated this lawsuit in the Maricopa County Superior Court, and the
26 Defendant removed the case to this Court. (Doc. 1) The Plaintiff alleges that Officer
27 Boulter issued her a citation based on her race, which is a violation of her civil rights under

28 ¹ Unless otherwise noted, the facts that follow are undisputed.

1 various statutes. (Doc. 1-2) The Defendant filed the Motion seeking an award of summary
2 judgment on each of the Plaintiff's claims. (Doc. 28)

3 **III. Analysis**

4 The Defendant states that summary judgment is appropriate in this case because the
5 Municipal Court of the City of Mesa already found the Plaintiff guilty of violating A.R.S.
6 § 28-646(A)(2). (Doc. 28 at 5) Therefore, the Defendant argues that all of the Plaintiff's
7 claims are barred under the doctrine of collateral estoppel and the *Heck v. Humphrey*
8 precedent. (Doc. 28 at 5); *Heck v. Humphrey*, 512 U.S. 477, 486 (1994) (stating "civil tort
9 actions are not appropriate vehicles for challenging the validity of outstanding criminal
10 judgments").

11 The doctrine of collateral estoppel, or issue preclusion, is "grounded on the premise
12 that 'once an issue has been resolved in a prior proceeding, there is no further fact-finding
13 function to be performed.'" *Wabakken v. California Dep't of Corr. & Rehab.*, 801 F.3d
14 1143, 1148 (9th Cir. 2015) (citing *Murray v. Alaska Airlines, Inc.*, 50 Cal. 4th 860, 864
15 (2010)). Collateral estoppel both "protect[s] litigants from the burden of relitigating an
16 identical issue with the same party or his privy and . . . promot[es] judicial economy, by
17 preventing needless litigation." *Id.*

18 Collateral estoppel bars "relitigation of an issue decided at a previous proceeding if
19 (1) the issue necessarily decided at the previous [proceeding] is identical to the one which
20 is sought to be relitigated; (2) the previous [proceeding] resulted in a final judgment on the
21 merits; and (3) the party against whom collateral estoppel is asserted was a party or in
22 privity with a party at the prior [proceeding]." *Wabakken*, 801 F.3d at 1148 (citing *People*
23 *v. Carter*, 36 Cal. 4th 1215, 1240 (2005)). "[O]nly issues actually litigated in the initial
24 action may be precluded from the second proceeding under the collateral estoppel
25 doctrine." *Id.* "An issue is actually litigated [w]hen [it] is properly raised, by the pleadings
26 or otherwise, and is submitted for determination, and is determined." *Id.*

27 First, the Court notes that there are no genuine disputes as to the material facts in
28 this case. In this case, each of the Plaintiff's claims arise out of the judgment against her


1 for crossing the street against the “Do Not Walk” sign. This is the same issue as the one
2 addressed at the Plaintiff’s civil traffic hearing in the Municipal Court of the City of Mesa.
3 The Plaintiff’s civil traffic hearing resulted in a judgment on the merits, as evidenced by
4 the full transcript of the hearing provided to the Court. (Doc. 29-4) At the hearing, Judge
5 Garcia heard argument and received evidence on an identical dispute between the Plaintiff
6 and the Defendant, and Judge Garcia issued a final judgment on the merits against the
7 Plaintiff. (Doc. 29-4 at 39) The Plaintiff’s appeal of Judge Garcia’s decision was dismissed
8 for failure to pay fees, and Judge Garcia’s judgment against the Plaintiff has not otherwise
9 been reversed. Finally, the Defendant is asserting collateral estoppel against the Plaintiff,
10 who was party to the proceeding before the Municipal Court of the City of Mesa.
11 Therefore, the Court finds that the Motion should be granted as the Plaintiff is collaterally
12 estopped from pursuing her claims against the Defendant due to the Municipal Court of the
13 City of Mesa’s prior judgment on these identical issues.

14 Accordingly,

15 1. **IT IS ORDERED** that the Defendant’s Motion for Summary Judgment
16 (Doc. 28) is **granted**; and

17 2. **IT IS FURTHER ORDERED** that the Clerk of Court shall enter judgment
18 accordingly and terminate this case.

19 Dated this 27th day of August, 2019.

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21 
22 Honorable Steven P. Logan
23 United States District Judge
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