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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ANGELINA DETTAMANTI,	) Case No. CV 13-3484-MWF (JPR)
	)
Plaintiff,	)
	) ORDER ACCEPTING FINDINGS AND
vs.	) RECOMMENDATIONS OF U.S.
	) MAGISTRATE JUDGE
COUNTY OF SANTA BARBARA et	)
al.,	)
	)
Defendants.	)
	)

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The Court has reviewed the First Amended Complaint, records on file, and Report and Recommendation of the U.S. Magistrate Judge. See 28 U.S.C. § 636. On June 16, 2014, Plaintiff filed objections to the R&R.

Plaintiff contends that she has standing to challenge the impoundment of her brother's car because it was "in [her] possession when it was seized and towed at the order of Deputy Davies." (Objections at 2.) But even assuming Plaintiff properly asserted a Fourth Amendment claim for unreasonable seizure of the car (see R&R at 15-17 (noting that Plaintiff raised claim regarding impoundment under Fifth and 14th amendments)), the fact that she was driving it before her arrest, which the R&R fully acknowledged (see R&R at 6, 17), does not establish any property interest sufficient to establish standing

1 (see id. at 17-18). That is particularly true given that  
2 Plaintiff's brother was present during the arrest and informed  
3 Officer Davies that he was the registered owner of the car. (See  
4 id. at 7, 17.)

5 Plaintiff also contends that "[a]nother conspiracy or act  
6 that has damaged [her] and brings Santa Barbara County back into  
7 this case" is that county counsel represents all Defendants and  
8 "also happens to represent and advise[] the Santa Barbara County  
9 Board of Supervisors." (Objections at 3.) Plaintiff alleges  
10 that "[t]his custom of allowing the Santa Barbara . . . County  
11 Counsel to represent both the Santa Barbara County Board of  
12 Supervisors ([t]he legislative branch) as well as . . .  
13 defendants here in the Executive branch, amounts to an unlawful  
14 conflict and it directly defeats the checks and balances and  
15 amounts to a Conspiracy." (Id.) As noted in the R&R (R&R at 24  
16 n.7), however, Plaintiff did not name the County Board of  
17 Supervisors as a defendant in the FAC. Nor did she allege any  
18 claim based on county counsel's representation of various parties  
19 or any alleged violation of "checks and balances." And Plaintiff  
20 has alleged no damages resulting from county counsel's actions,  
21 other than baldly stating that they "defeat [her] liberties."  
22 (Id. at 4.) And to the extent Plaintiff relies on her assertions  
23 to support her claims against the County (see id. at 3 (noting  
24 that allegations "bring[] Santa Barbara County back into this  
25 case"), they fail to remedy the various deficiencies noted in the  
26 R&R (see R&R at 18-25).

27 Accordingly, having reviewed de novo those portions of the  
28 Report and Recommendation to which objections were filed, the

1 Court accepts the findings and recommendations of the Magistrate  
2 Judge.

3 IT THEREFORE IS ORDERED that Defendants' motion to dismiss  
4 is DENIED as to Plaintiff's claim that Deputy Myles Davies, in  
5 his individual capacity, used excessive force against her on May  
6 14, 2011, and GRANTED as to all other claims.



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8 DATED: July 10, 2014

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MICHAEL W. FITZGERALD  
U.S. DISTRICT JUDGE

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