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8 **United States District Court**
9 **Central District of California**
10 **Western Division**
11

12 **SONYA HUERTA, et al.,**

13 **Plaintiffs,**

14 **v.**

15 **THE CITY OF SANTA BARBARA, et**
16 **al.,**

17 **Defendants.**

CV 17-06225 TJH (JEMx)

Order

and

Judgment

JS-6

18
19 The Court has considered Defendants' motion for summary judgment, together
20 with the moving and opposing papers.

21 During the evening of August 3, 2016, Decedent Joel Huerta ["Decedent"] went
22 to a neighbor's house and asked her to call the police because he was not feeling well.
23 Defendants Officers Sonja Crawford, James Lombardo, Gareth Newmann, Tyler
24 Thompson, John Barriga, and Nathan Beltran, all police officers with the Santa Barbara
25 Police Department [collectively, "Defendant Officers"], responded to the call.

26 When the Defendant Officers arrived, they divided their duties – some attempted
27 to tend to Decedent while others went to Decedent's home to ask his family members
28 questions regarding his behavior and potential drug use. Decedent asked for an

1 ambulance, despite the fact that an ambulance was already on the scene, but he denied
2 having any medical issues or having taken any drugs. The Defendant Officers
3 encouraged Decedent to leave his neighbor's house and go home. Some of the
4 Defendant Officers tried to help Decedent walk down the stairs of his neighbor's porch
5 and to walk back home, but Decedent threw punches. The parties dispute whether the
6 punches were aimed at a Defendant Officer.

7 When the paramedics approached Decedent and asked, at least, twice if he
8 wanted medical assistance and if they could check his vital signs, Decedent declined
9 both. The paramedics, also, offered to take Decedent to the hospital but he, again,
10 declined.

11 After the paramedics left, Defendant Officers, again, attempted to help Decedent
12 get back home. Over the span of a few minutes, Decedent repeatedly stated, in no
13 particular order, that he wanted to go home; did not want to go home; wanted to go to
14 the hospital; and felt fine and did not need, or want, to go to the hospital. Defendant
15 Officers, again, tried to help Decedent walk down the porch stairs but he refused.
16 Decedent, then, pushed Defendant Officers away, and refused to leave his neighbor's
17 property. Defendant Sergeant Andre Feller, of the Santa Barbara Police Department,
18 arrived at the scene because Defendant Officers had been on the scene for at least
19 twenty minutes.

20 Based on Decedent's erratic behavior, Decedent's neighbor wanted him to leave
21 her property. Because Decedent would not voluntarily leave the property, despite
22 numerous requests, Defendant Officers decided to arrest Decedent. Defendant Officers
23 grabbed Decedent's arms and struggled to place him under arrest. Eventually,
24 Decedent was handcuffed and carried down one flight of stairs. The parties dispute
25 whether Decedent's resistance or lack of cooperation was because he was resisting
26 arrest or because he was in distress caused by a serious medical need.

27 Based on the struggle, Defendant Sergeant Feller ordered the Defendant Officers
28 to place Decedent in the WRAP, a constraint device that binds an individual's legs and

1 upper body. Defendant Sergeant Joshua Morton arrived at the scene and had the
2 WRAP with him. Decedent was placed in the WRAP and a spit mask, and, then, the
3 Defendant Officers carried him to the back of a police car. While Decedent was
4 getting placed in the WRAP and carried to the police car, he yelled for the police and
5 asked for an ambulance or to go to a hospital.

6 Defendant Officers Crawford and Lombardo drove Decedent to the Santa Barbara
7 County Jail [“the Jail”]. During the drive, Decedent was acting erratically, struggling
8 in the WRAP, and yelling. Decedent, eventually, became less erratic but the parties
9 dispute whether he became placated because he was calming down or because he was
10 in the midst of a medical emergency. After arriving at the Jail, Decedent was carried
11 to a holding cell where he stopped breathing and died. Despite the attempt by law
12 enforcement officers at the Jail, including a nurse, Decedent passed away. It is
13 undisputed that Decedent was under the influence of methamphetamine. Plaintiffs
14 argue that the cause of Decedent’s death was a preexisting heart condition that was
15 exacerbated by the methamphetamine and prolonged struggle within the WRAP.

16 On August 22, 2017, Plaintiffs Sonya Huerta and Yvonne Huerta, Decedent’s
17 wife and daughter, respectively, filed this action against the Defendants, alleging: (1)
18 Excessive force, in violation of the Fourth and Fourteenth Amendments, pursuant to
19 42 U.S.C. § 1983; (2) Deliberate indifference to a serious medical need, in violation
20 of the Fourth, Fifth, Eighth, and Fourteenth Amendments, pursuant to 42 U.S.C. §
21 1983; 3) Interference with a familial relationship, in violation of the Fourteenth
22 Amendment, pursuant to 42 U.S.C. § 1983; and 4) Various state law claims.

23 Defendants, now, move for summary judgment or, in the alternative, partial
24 summary judgment on Plaintiffs’ claims.

25 When considering a motion for summary judgment, where the nonmoving party
26 has the burden of proof at trial on a claim or issue, as Plaintiffs have here, summary
27 judgment should be granted when the nonmoving party fails to produce evidence to
28 establish a *prima facie* case. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 322, (1986).

1 Defendants, as the moving party, however, have the initial burden to show that
2 Plaintiffs do not have enough evidence to establish a *prima facie* case for their claims.
3 *See Williams v. Gerber Prods. Co.*, 552 F. 3d 934, 938 (9th Cir. 2008). Defendants
4 have met this initial burden. *See Williams*, 552 F.3d at 938. Thus, the burden shifts
5 to Plaintiffs to establish, with admissible evidence, a *prima facie* case for their claims.
6 *See Celotex*, 477 U.S. at 322. At this juncture, the Court cannot weigh evidence or
7 make credibility determinations. *Anderson v. Liberty Lobby*, 477 U.S. 242, 255
8 (1986). Further, the Court must accept Plaintiffs facts as true and draw all reasonable
9 inferences in their favor. *See Liberty Lobby*, 477 U.S. at 255.

10 Plaintiffs' excessive force claim is predicated on Defendants' use of the WRAP
11 on Decedent. In their motion for summary judgment, Defendants argue that there was
12 either: (1) No constitutional violation; or (2) Qualified immunity that bars this claim.
13 Because qualified immunity acts as a bar to litigation and should be addressed at the
14 earliest opportunity, the Court will address it first. *See Pearson v. Callahan*, 555 U.S.
15 223, 231-232 (2009).

16 Qualified immunity attaches when an official's conduct does not violate a clearly
17 established constitutional right. *See Kisela v. Hughes*, 138 S. Ct. 1148, 1152 (2018).
18 Although Defendants have the ultimate burden of proof as to this affirmative defense,
19 Plaintiffs have the initial burden to show that there was a clearly established
20 constitutional right at the time the alleged violation occurred. *See Sweaney v. Ada*
21 *Cty., Idaho*, 119 F.3d 1385, 1388 (9th Cir. 1997).

22 Existing precedent must be specific enough to place the contours of the
23 constitutional right beyond debate. *Kisela*, 138 S. Ct. at 1152. Specificity is especially
24 important where the constitutional right at issue is the Fourth Amendment. *Kisela*, 138
25 S. Ct. at 1152. Law enforcement officers are entitled to qualified immunity for an
26 alleged use of excessive force unless "existing precedent squarely governs the specific
27 facts at issue." *Kisela*, 138 S.Ct. at 1152.

28 Here, Plaintiffs argue that a reasonable officer would have had fair notice that

1 the conduct in this case was unlawful given the Santa Barbara Police Department's
2 policies and the WRAP's training manual. However, Plaintiffs acknowledge that there
3 is an "absence of a Ninth Circuit case presenting the same set of facts" that establishes
4 a constitutional violation, which acts as a tacit admission that they cannot satisfy their
5 initial burden. *See Kisela*, 138 S. Ct. at 1152.

6 In *Tatum v. City and Cty. of S.F.*, 441 F.3d 1090 (9th Cir. 2006), the Ninth
7 Circuit held that an officer's use of a restrictive hold was objectively reasonable
8 because, although the defendant was being arrested for non-severe conduct, the
9 defendant was resisting arrest. *Tatum*, 441 F.3d at 1096-1097. The record before the
10 Court is clear that Decedent struggled against the Defendant Officers during his arrest.
11 Plaintiffs rely on the declaration of Barry Gustin to characterize Decedent's actions
12 during his arrest as manifestations of medical distress rather than active resistance.
13 However, Gustin's declaration is replete with mentions that Decedent "resisted" arrest.
14 Moreover, Plaintiffs' characterization of distress as opposed to resistance is a
15 distinction without a difference. *See Tatum*, 441 F.3d at 1097. Like in *Tatum*, the fact
16 that Decedent resisted arrest, regardless of the reason, justified the use of further force,
17 here. *See Tatum*, 441 F.3d at 1096-1097.

18 Because Plaintiffs have not established that Defendants violated a clearly
19 established right at the time of the alleged violation, Defendants are entitled to qualified
20 immunity for Plaintiffs' excessive force claim. *See Kisela*, 138 S. Ct. at 1152.

21 Plaintiffs' deliberate indifference to a serious medical need claim alleged that the
22 Defendants violated the Fourth, Fifth, Eighth, and Fourteenth Amendments because
23 Defendants failed to summon medical assistance for Decedent after his arrest.

24 As an initial matter, Plaintiffs reliance on the Fourth, Fifth, and Eighth
25 Amendments is misplaced. A pretrial detainee has a right to care for serious medical
26 needs under only the substantive due process clause of the Fourteenth Amendment. *See*
27 *Lolli v. Cty. of Orange*, 351 F.3d 410, 418-419 (9th Cir. 2003). To establish a
28 deliberate indifference claim, Plaintiffs must show that: (1) Decedent was at serious

1 risk of medical harm; and (2) Defendants knew of and disregarded an “excessive risk”
2 to Decedent’s health and safety. *See Long v. City of La Habra*, 2005 WL 2219442, *1
3 (9th Cir. 2005).

4 Here, Plaintiffs failed to show that Defendant Officers knew of, and disregarded,
5 an excessive risk to Decedent’s health and safety. Plaintiffs’ theory as to the cause of
6 Decedent’s serious medical need was a preexisting heart condition exacerbated by
7 methamphetamine intoxication and his prolonged struggle in the WRAP. However,
8 when asked, Decedent did not tell Defendants that he had a preexisting medical
9 condition. Moreover, because Plaintiffs’ theory is that Decedent’s serious medical need
10 developed over time, Plaintiffs’ failed to pinpoint when Decedent’s needs became a
11 serious medical need, and when Defendant Officers became aware of it and then
12 disregarded Decedent’s needs. *See Long*, 2005 WL 2219442, at *1-2.

13 Accordingly, Defendants are entitled to summary judgment on Plaintiffs’
14 deliberate indifference claim.

15 Because Plaintiffs failed to establish an underlying constitutional violation, their
16 interference with a familial relationship claim, also, fails. *See Gausvik v. Perez*, 392
17 F.3d 1006, 1008 (9th Cir. 2004).

18
19 Accordingly,

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21 **It is Ordered** that the motion for summary judgment be, and hereby is,
22 **Granted** as to Plaintiffs’ Fourth and Fourteenth Amendment claims.

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24 **It is further Ordered**, *sua sponte*, that the Court declines to exercise
25 supplemental jurisdiction over Plaintiffs’ remaining state law claims.

26
27 **It is further Ordered, Adjudged, and Decreed**, that judgment be, and
28 hereby is, **Entered** in favor of Defendants City of Santa Barbara, John Barriga,

1 Nathan Beltran, Sonja Crawford, Andre Feller, James Lombardo, Joshua Morton,
2 Gareth Newmann, and Tyler Thompson and against Plaintiffs Sonya Huerta and
3 Yvonne Huerta as to the federal claims.

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5 **It is further Ordered** that Plaintiffs Sonya Huerta and Yvonne Huerta shall
6 take nothing as to the federal claims.

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8 Date: October 1, 2019

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11 **Terry J. Hatter, Jr.**
12 **Senior United States District Judge**