

1 Bruce D. Praet SBN 119430
2 FERGUSON, PRAET & SHERMAN
3 A Professional Corporation
4 1631 East 18th Street
5 Santa Ana, California 92705
6 (714) 953-5300
7 (714) 953-1143 FAX
8 bpрает@aol.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

E-FILING

**ORDER GRANTING IN PART,
AND DENYING IN PART,
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

16 ||

Plaintiffs,

17 || SANGER

17 SANGER POLICE OFFICER MANUEL)
18 CHAVEZ; SANGER POLICE OFFICER ERIC)
19 GRIJALVA; SANGER POLICE SERGEANT)
FRED SANDERS; UNKNOWN LAW)
ENFORCEMENT OFFICERS; THE CITY OF)
SANGER, CALIFORNIA,)

Defendants.

23 The Motion for Summary Judgment or Summary Adjudication of Issues by
24 Defendants, Officers Manuel Chavez and Eric Grijalva, Sergeant Fred Sanders, and the
25 City of Sanger was heard on October 6, 2008, by the Honorable Oliver W. Wanger. At
26 the conclusion of the hearing, the matter was taken under submission.

27 | //

28 | //

1 The issues having now been fully considered and a decision having been duly
2 rendered:

3 | **IT IS HEREBY ORDERED AND ADJUDGED:**

4 Defendants' motion for summary judgment is GRANTED IN PART AND
5 DENIED IN PART

6 1. Summary judgment is GRANTED for Defendants City of Sanger Police
7 Officer Eric Grijalva, City of Sanger Police Sergeant Fred Sanders, and the City of
8 Sanger.

9 2. Summary judgment is GRANTED for Defendants on Plaintiff's claim
10 for violation of 42 U.S.C. § 1985.

11 3. Summary judgment is DENIED for Defendant City of Sanger Police
12 Officer Manuel Chavez for the use of deadly force in violation of 42 U.S.C. § 1983 and
13 for qualified immunity from liability based on his use of deadly force.

14 || DATED: November 30, 2008

/s/ OLIVER W. WANGER
Hon. Oliver W. Wanger
United States District Judge