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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SAMANTHA VAZQUEZ,)	Case No.: 1:16-cv-01469 - JLT
)	
Plaintiff,)	ORDER DISCHARGING THE ORDER TO SHOW
)	CAUSE; ORDER DIRECTING JUDGMENT TO BE
v.)	ENTERED IN FAVOR OF THE DEFENDANTS
)	AND AGAINST THE PLAINTIFF
COUNTY OF KERN, et al.,)	
)	
Defendants.)	
)	

On December 18, 2017, the Court issued orders granting the motions for summary judgment filed by defendants George Anderson and Heathe Appleton. The Court found the evidence did not support a conclusion that the defendants violated Plaintiff’s rights arising under the United States Constitution. (Docs. 96, 97)

Plaintiff also stated claims for “municipal liability” against the County of Kern under 42 U.S.C. § 1983. *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 690 (1978). However, the County did not seek summary judgment. Nevertheless, the County may be held liable only if it inflicts the injury of which a plaintiff complains. *Gibson v. County of Washoe*, 290 F.3d 1175, 1185 (9th Cir. 2002). Thus, without a constitutional injury, Plaintiff’s claims for municipal liability against the County must fail. *See id.*; *see also Simmons v. Navajo Cty., Ariz.*, 609 F.3d 1011, 1021 (9th Cir. 2010) (municipal liability claim cannot be maintained unless there is an underlying constitutional violation).

The Court ordered the plaintiff and the County of Kern to show cause whether the plaintiff

1 could maintain this action against the County in light of the determination on the motions for summary
2 judgment filed by defendants Anderson and Appleton. (Doc. 98) The plaintiff responded and, though
3 preserving her right to appeal the Court's judgment, she agreed that the action may not be maintained
4 against the County in light of the Court's ruling. (Doc. 103) Thus, the Court **ORDERS:**

- 5 1. The action against the County of Kern is DISMISSED;
- 6 2. The Clerk of the Court is directed to enter judgment in favor of all defendants and
7 against the plaintiff;
- 8 3. Because this order terminates the action, the Clerk is directed to close the matter.

9
10 IT IS SO ORDERED.

11 Dated: December 29, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE