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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ALAN BARCELONA,

Plaintiff,

v.

STATE OF CALIFORNIA DEPARTMENT OF JUSTICE, et al.,

Defendants.

No. 2:14-cv-02389-TLN-DB

ORDER

Plaintiff Alan Barcelona ("Plaintiff"), an employee of the California Department of Justice ("DOJ"), sued Defendants DOJ, Larry Wallace, Nathan DaValle, Brent E. Orick, and Catherine Gauthier ("Defendants") in connection with the DOJ's "handling of an internal affairs investigation initiated on the basis of a citizen's complaint."[1] (ECF No. 24 at 1–3.) On February 17, 2016, this Court granted Defendants' motion for summary judgment (ECF No. 8), denied Plaintiff's motion for summary judgment (ECF No. 12), and ordered the Clerk of the Court to enter judgment in Defendants' favor. (ECF No. 24.)

In an unpublished memorandum filed September 26, 2017, the Ninth Circuit affirmed this Court's grant of summary judgment in favor of DOJ on Plaintiff's claim for damages under the California Public Safety Officers Procedural Bill of Rights Act ("POBR"). (ECF No. 34 at 2–3.)

[1] Individual Defendants were sued in their representative capacities.

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However, the Ninth Circuit held that Plaintiff "lack[ed] standing to assert a claim for equitable relief under either the First Amendment or the POBR." (ECF No. 34 at 2.) Accordingly, the Ninth Circuit "vacate[d] [this Court's] denial on the merits of [Plaintiff's] request for injunctive and declaratory relief and remand[ed] with instructions to dismiss the equitable relief claims without prejudice for lack of standing." (ECF No. 34 at 2.) The Ninth Circuit issued its formal mandate on October 18, 2017, indicating that its judgment took effect that same day. (ECF No. 35 at 1.)

Pursuant to the Ninth Circuit's instructions, Plaintiff's claims for equitable relief under the First Amendment and the POBR are dismissed without prejudice for lack of standing.

IT IS SO ORDERED.

Dated: October 20, 2017

Troy L. Nunley
United States District Judge