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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LASONJA PORTER,

Plaintiff,

v.

CITY OF DAVIS POLICE
DEPARTMENT, et al.,

Defendants.

No. 2:14-cv-02984-KJM-DB

ORDER

On January 25, 2018, the court denied in part defendants' motion for summary judgment as to plaintiff's § 1983 claim based on Fourth Amendment violations through the use of handcuffs in a *Terry*¹ stop. ECF No. 57. Specifically, the court explained that "although the [*Terry*] stop was supported by reasonable suspicion, a reasonable juror could find the decision to handcuff plaintiff, despite her total compliance and the absence of any particularized risk to the officers, was not reasonable." *Id.* at 5. On February 23, 2018, defendants appealed the court's decision, ECF No. 60, and on February 13, 2019, the Ninth Circuit issued a dispositional memorandum reversing this court's decision and remanding the case for further proceedings. ECF No. 68. The Circuit explained, "The court was correct in determining that handcuffing is not

¹ *Terry v. Ohio*, 392 U.S. 1 (1968).

1 part of a routine *Terry* stop, but that is only relevant to a determination of whether or not the act
2 of handcuffing transformed a *Terry* stop into an arrest without probable cause, not whether the
3 *Terry* stop itself was unreasonable.” *Id.* at 3–4. Plaintiff forfeited any argument that the stop had
4 been transformed into an arrest. *Id.* at 4. The Circuit’s judgment took effect on March 7, 2019.
5 ECF No. 69.

6 In effect, the Circuit’s decision resolves the sole remaining issue in this case in
7 defendants’ favor; therefore, judgment must be entered for defendants. The Clerk of Court is
8 directed to enter judgment in defendants’ favor and close the case in its entirety.

9 IT IS SO ORDERED.

10 DATED: March 20, 2019.

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13 UNITED STATES DISTRICT JUDGE
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