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8 **UNITED STATES DISTRICT COURT**
 9
 10 **EASTERN DISTRICT OF CALIFORNIA**

11 RAMIRO REYES and STELLA REYES)	Case No.: 2:15-cv-00932-JAM-CKD
)	
12 Plaintiffs,)	ORDER GRANTING DEFENDANT
)	LAWRENCE WIGHT’S MOTION FOR
13 vs.)	SUMMARY JUDGMENT
)	
14 JOSEPH OSBORNE, et al.,)	DATE: December 13, 2016
)	TIME: 1:30 p.m.
15 Defendants.)	DEPT: 6
)	
)	Judge John A. Mendez
)	
)	

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 20 Defendant LAWRENCE WIGHT’S Motion for Summary Judgment can on regularly for
 21 hearing on December 13, 2016 at 10:30 a.m. in the above-entitled court, the Honorable John A.
 22 Mendez presiding.

23 Amie McTavish of Angelo, Kilday & Kilduff LLP appeared on behalf of Defendant
 24 LAWRENCE WIGHT and moving party.

25 Frear Stephen Schmid appeared on behalf of Plaintiffs’ RAMIRO REYES and STELLA
 26 REYES.

27 Joseph A. Salazar, Jr. of Lewis Brisbois Bisgaard & Smith LLP appeared on behalf of
 28 Defendant THERESA WENTLAND.

1 The matter was fully brief and argued, whereupon the Court made the following order,
2 which incorporates by reference the Court's ruling and comments during the Motion for
3 Summary Judgment hearing:

4 Based upon the Court's review of the materials and argument at the hearing, the Court
5 finds there is a triable issue as to whether Defendant LAWRENCE WIGHT's actions amounted
6 to a state action for purposes of 42 USC §1983. However, the Court determines Defendant
7 LAWRENCE WIGHT is entitled to qualified immunity and grants summary judgment in favor
8 of Defendant LAWRENCE WIGHT on each of Plaintiffs' claims for denial of property under the
9 14th Amendment, and unreasonable seizure under the 4th Amendment. As to Plaintiffs' state
10 law claims, the Court grants summary judgment in favor of Defendant LAWRENCE WIGHT as
11 to: Plaintiffs' assault and/or battery claim; on Plaintiffs' claim for a violation of the Bane Act,
12 finding no of threats or coercion by Defendant LAWRENCE WIGHT; and finds Defendant
13 LAWRENCE WIGHT has immunity under Gov. Code section 821.6 for the wrongful eviction
14 and trespass claims.

15 Judgment is to be entered in favor of Defendant, LAWRENCE WIGHT, accordingly.

16
17
18 Dated: December 22, 2016

/s/ JOHN A. MENDEZ
JOHN A. MENDEZ
UNITED STATES DISTRICT JUDGE

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20 Approved as to form.

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22 */s/ Frear Stephen Schmid*
23 *(as authorized on 12.20.16)*

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Attorney for Plaintiffs
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