

1 immunity argument. Constitutional violation notwithstanding, the qualified immunity analysis
2 must inquire into whether a reasonable defendant would have known that the specific actions in
3 this case were unlawful based on the “clearly established law.” *See Ziglar v. Abbasi*, 137 S. Ct.
4 1843, 1867 (2017). “[O]fficers are entitled to qualified immunity unless existing precedent
5 ‘squarely governs’ the specific facts at issue.” *Kisela v. Hughes*, 138 S. Ct. 1148, 1153 (2018)
6 (per curiam) (citation omitted). Courts typically rely on “[p]recedent involving similar facts” to
7 determine the parameters of clearly established law. *Id.* (citation omitted). While “a general
8 constitutional rule already identified in the decisional law may apply with obvious clarity to the
9 specific conduct in question, even though ‘the very action in question has [not] previously been
10 held unlawful,’” *Bonivert v. City of Clarkston*, 883 F.3d 865, 872 (9th Cir. 2018) (citation
11 omitted), the Supreme Court has clarified that the trial court’s obligations in evaluating qualified
12 immunity are not to be taken lightly. The analysis required is searching, comparing factual
13 details of prior controlling case law with the facts of the present case. *Kisela*, 138 S. Ct. at 1153.

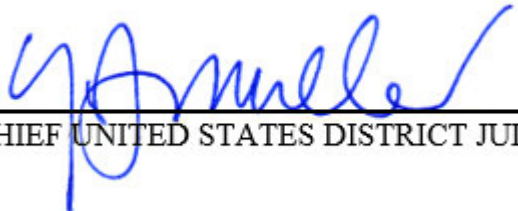
14 Accordingly, IT IS HEREBY ORDERED that:

15 1. The court declines to adopt the findings and recommendations filed March 7, 2022;

16 and

17 2. This matter is referred back to the assigned magistrate judge for further development of
18 the qualified immunity analysis at page 8, lines 9–14. *See City of Escondido, Cal. v. Emmons*,
19 139 S. Ct. 500, 504 (2019) (remanding case for further proceedings where appellate court “failed
20 to properly analyze whether clearly established law barred” officer’s conduct). The balance of
21 the findings and recommendations may be resubmitted without change.

22 DATED: September 6, 2022.

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25 CHIEF UNITED STATES DISTRICT JUDGE
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