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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PABLO ROBLES,  
  
Plaintiff,  
  
v.  
  
COUNTY OF SACRAMENTO; SHERIFF  
SCOTT JONES, in his official  
capacity, DEPUTY HARDY (Badge  
No. 1434), DEPUTY DANIEL  
(Badge No. 645), DEPUTY  
MOVAHAN (Badge No. 452),  
DEPUTY PAM (Badge No. 31),  
SGT. M. LOPEZ (Badge No.  
179), DEPUTY MATOON (Badge  
No. 1095), OFFICER S. ROBY  
(Badge No. 529), and Does 1-  
40, inclusive ,  
  
Defendants.

No. 2:17-cv-01580-JAM-AC  
  
**ORDER DENYING DEFENDANT'S  
REQUEST FOR RECONSIDERATION**

Pablo Robles ("Plaintiff") filed a complaint against the  
County of Sacramento ("the County" or "Defendant"), alleging  
Defendant unlawfully imprisoned him without charges after a DUI  
arrest on April 3, 2016. First Am. Compl. ("FAC"), ECF No. 18.  
Defendant thereafter filed a motion for summary judgment. Mot.  
for Summ. J., ECF No. 32. Plaintiff opposed the motion. ECF No.  
36. The Court held oral argument on Defendant's motion on

1 February 11, 2020. The Court ruled from the bench and denied  
2 Defendant's motion. ECF No. 44; see also Transcript of Hearing  
3 ("Transcript"), ECF No. 49.

4 Defendant now moves the Court to reconsider its ruling  
5 denying summary judgment. Mot., ECF No. 56. Plaintiff opposes  
6 this motion. Opp'n., ECF No. 57. For the reasons set forth  
7 below, the Court DENIES Defendant's motion for reconsideration.<sup>1</sup>

8  
9 I. OPINION

10 A. Legal Standard

11 A district court will not grant a motion for  
12 reconsideration unless (1) it is presented with newly discovered  
13 evidence; (2) the Court committed clear error; or (3) there was  
14 an intervening change in the controlling law. School Dist. No.  
15 1J v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993). Clear  
16 error exists "when the reviewing court is left with the definite  
17 and firm conviction that a mistake has been made." In re  
18 Adamson Apparel Inc., 785 F.3d 1285, 1290 (9th Cir. 2015)  
19 (internal citations omitted). Moreover, Local Rule 230(j)  
20 requires a party filing a motion for reconsideration to show  
21 "new or different facts or circumstances [] claimed to exist  
22 which did not exist or were not shown upon prior motion, or what  
23 other grounds exist for the motion." E.D. Cal. Local Rule  
24 230(j).

25 ///

26  
27 <sup>1</sup> This motion was determined to be suitable for decision without  
28 oral argument. E.D. Cal. L.R. 230(g). The hearing was  
scheduled for May 5, 2020.

1           B.     Judicial Notice

2           Plaintiff asks the Court to take judicial notice of: (1) a  
3 news article alleging Defendant held another "DUI suspect for 27  
4 days without charges" and (2) a copy of the complaint that  
5 person filed against Defendant. Req. for Judicial Notice, ECF  
6 No. 58.

7           A district court may take judicial notice of a fact that is  
8 "not subject to reasonable dispute because it can be accurately  
9 and readily determined from sources whose accuracy cannot  
10 reasonably be questioned." Fed. R. Evid. 201(b)(2). It is  
11 well-established that "a court may take judicial notice of  
12 matters of public record." Lee v. City of Los Angeles, 250 F.3d  
13 668, 688-89 (9th Cir. 2001). Both the article and the complaint  
14 are matters of public record—the Court can therefore take  
15 judicial notice of these documents.

16           However, as Defendant points out, a Court cannot take  
17 judicial notice of the truth asserted in those documents.  
18 Reply, ECF No. 60, at 2 (citing Von Saher v. Norton Simon Museum  
19 of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010)). Thus,  
20 the Court will only take judicial notice of the existence of  
21 these documents, but not of the truth of any facts or  
22 allegations asserted in them.

23           C.     Analysis

24           Defendant argues the Court committed clear error: (1) by  
25 finding a triable issue of fact despite holding "this case does  
26 not flow from any policy of inaction based on Proposition 47,"  
27 and (2) by "supplanting its own interpretation" of the  
28 Sacramento County Superior Court order at issue. Mot. at 4-5.

1 Defendant does not identify any new legal or factual issues that  
2 were not raised in the earlier briefings. Instead, Defendant  
3 simply contends the Court got it wrong.

4 But Defendant fails to prove the Court committed clear  
5 error when denying Defendant's motion for summary judgment.  
6 First, for the same reasons articulated at the hearing, the  
7 Court finds there is a triable issue of fact as to the Monell  
8 claim despite this case not flowing from any policy or inaction  
9 based on Proposition 47. See Transcript at 17. Here, there is  
10 a dispute of material fact as to whether the Defendant's  
11 practice of relying on JIMS was unreasonable, "and that's why  
12 summary judgment cannot be granted." Transcript at 18:16-20.  
13 It is up to a jury to decide whether Defendant's use of the  
14 system was reasonable. Id.; see also Greene v. Allstate Ins.  
15 Co., 242 F.3d 381, \*1 (9th Cir. 2000) (noting "questions of  
16 reasonableness are usually questions of fact for the jury.").

17 Second, the Court did not "supplant its own interpretation"  
18 of the Sacramento County Superior Court Order. If Defendant had  
19 carefully read the transcript at the page it cited in support of  
20 this contention, it would find that the Court prefaced that  
21 statement with the following: "[t]he Plaintiff argues that  
22 because the order said . . . ." Transcript at 20:15-17.

23 Accordingly, the Court attributed such interpretation to the  
24 facts produced by Plaintiff. The Court did not concoct this  
25 interpretation on its own as Defendant erroneously suggests.  
26 For this reason alone, Defendant's second argument fails.

27 Defendant has failed to prove the Court committed clear  
28 error when it denied Defendant's motion for summary judgment.

1 As it also did not contend any newly discovered evidence or an  
2 intervening change in controlling law warranted reconsideration,  
3 this motion is DENIED.

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II. ORDER

For the reasons set forth above, the Court DENIES  
Defendant's Motion for Reconsideration.

IT IS SO ORDERED.

Dated: May 18, 2020



JOHN A. MENDEZ,  
UNITED STATES DISTRICT JUDGE