1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

3

4 RAFAEL MATEOS SANDOVAL, et al.,

Case No. 11-cv-05817-TEH

5   Plaintiffs,

6   v.

ORDER RE: HEARING ON CROSS-MOTIONS FOR PARTIAL SUMMARY JUDGMENT

7 COUNTY OF SONOMA, et al.,

8   Defendants.

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10 The parties shall come prepared to address the following at the October 27, 2014

11 hearing on the parties' cross-motions for partial summary judgment:

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13 **QUESTION FOR PLAINTIFFS**

14   1. Given the duration of Plaintiff Ruiz's residency in California, and his lack of a

15 valid California license at the time of impoundment, why did he have any valid interest in

16 possessing his car during the impoundment period?

17

18 **QUESTIONS FOR DEFENDANTS**

19   1. Why aren't the protections of the Fourth Amendment and due process

20 independent? In other words, why would due process cut off the Fourth Amendment,

21 especially in light of decisions such as Soldal v. Cook County, 506 U.S. 56 (1992); United

22 States v. Sullivan, 753 F.3d 845 (9th Cir. 2014); Lavan v. City of Los Angeles, 693 F.3d

23 1022 (9th Cir. 2012); and United States v. Dass, 849 F.2d 414 (9th Cir. 1988)?

24

25   2. Apart from the California Legislature's determination that thirty days was an

26 appropriate period of impoundment, why is that period reasonable? If a driver without a

27 California license is inherently unsafe, why shouldn't his car be taken away indefinitely?

28 Why is it reasonable to return the car after thirty days without having him obtain a license?

United States District Court
Northern District of California

3. Law enforcement has other means to protect the public from unsafe drivers, including civil forfeiture and criminal prosecution, but these procedures come with judicial review. When the other available procedures contain such protections for offenders, why is it reasonable for law enforcement to deprive someone of property without judicial review?

IT IS SO ORDERED.

Dated: 10/21/2014

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THELTON E. HENDERSON
United States District Judge