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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAMESON ASHLEY, et al.,

Plaintiffs,

v.

CITY AND COUNTY OF SAN  
FRANCISCO, et al.,

Defendants.

Case No. 12-cv-00045-JST

**ORDER WITHDRAWING PORTION  
OF FEBRUARY 2, 2014 AMENDED  
ORDER RE SUMMARY JUDGMENT**

Re: Dkt. No. 132

On February 2, 2014, the Court issued an Amended Order Granting In Part And Denying In Part Motion for Summary Judgment. ECF No. 132. On February 15, 2014, Defendants filed a motion seeking leave to file a motion for reconsideration. The underlying motion asked the Court to reconsider the portion of its February 2 order holding that Deputy Edwards' intentional booking of Plaintiff Ashley under a false name violated Ashley's Fourth Amendment right to be free from unlawful seizure. ECF No. 133. The Court granted leave to file the motion and, on February 15, Defendants filed it. ECF No. 137.

Shortly thereafter, however, and before the Plaintiff could respond to the motion for reconsideration or the Court could consider it, the parties reached a settlement in principle. See ECF No. 140. All dates in the case have now been vacated, other than a Case Management Conference in June, because the parties believe that they will successfully resolve the matter without trial.

Because the Defendants' motion for reconsideration reasonably cast doubt on one of the conclusions in the Court's February 2 order, because the issue will now not be fully briefed or considered, and given the importance of issue, the Court now WITHDRAWS page 19, lines 6 to 19, of its February 2, 2014 order; withdraws footnote 8 on page 19; and withdraws numbered paragraph four

1 on page 25. Those portions of the Court's order may not be cited for any purpose, in this case or any  
2 other.

3 To be clear, the Court does not now reach a conclusion opposite to the one reached in those  
4 portions of its February 2 order. Rather, for now, the Court does not reach any conclusion. The  
5 Fourth Amendment issue discussed there requires further briefing, argument, and consideration, which  
6 must await a future case.

7 **IT IS SO ORDERED.**

8 Dated: March 28, 2014

  
JON S. TIGAR  
United States District Judge

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