

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

REFUGIO NIETO, et al.,  
Plaintiffs,  
v.  
CITY AND COUNTY OF SAN  
FRANCISCO, et al.,  
Defendants.

Case No. [14-cv-03823 NC](#)

**ORDER GRANTING PLAINTIFF  
THE OPPORTUNITY TO RESPOND  
TO DEFENDANTS'  
SUPPLEMENTAL EVIDENCE;  
CONTINUING HEARING TO  
NOVEMBER 6, 2015, 1:00 P.M.; AND  
TENTATIVE RULING ON  
SUMMARY JUDGMENT**

Re: Dkt. Nos. 59-62

In their reply in support of summary judgment, Defendants have submitted four additional declarations with evidence they wish this Court to consider. See Dkt. Nos. 59-62. However, “[t]he district court need not consider arguments raised for the first time in a reply brief.” *Zamani v. Carnes*, 491 F.3d 990, 997 (9th Cir. 2007). Therefore, this Court is not required to consider the four additional declarations. If the Nietos wish to object to these declarations or respond to their merits, they have until November 5, 2015, at noon to do so.

The Court continues the hearing to November 6, 2015, at 1:00 p.m. in San Francisco Courtroom D.

Finally, the Court’s tentative ruling on Defendants’ motion for summary judgment is to DENY it due to a genuine dispute of material facts. This does not apply to the Nietos’

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Monell claim, which they have agreed not to pursue.

**IT IS SO ORDERED.**

Dated: November 2, 2015

  
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NATHANAEL M. COUSINS  
United States Magistrate Judge