

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KATHLEEN ESPINOSA, et al.,

Plaintiffs,

No. C 06-04686 JSW

v.

CITY AND COUNTY OF SAN FRANCISCO,
et al.,

**ORDER REQUIRING
ADDITIONAL AUTHORITY**

Defendants.

_____ /

A probation search condition authorizes law enforcement to search with less than probable cause or reasonable suspicion, but “only if the police had advance knowledge that the search condition applied before they conducted the search.” *United States v. Caseres*, 533 F.3d 1064, 1075-76 (9th Cir. 2008). It appears as though Defendants contend that Mr. Sullivan had a diminished expectation of privacy in light of his probation search condition, even if the defendant officers were not aware of Mr. Sullivan’s probation or even of his presence in the house before they entered. To the extent Defendants are taking the position that Mr. Sullivan’s expectation of privacy was diminished by his probation search condition, despite the defendant officers’ lack of advance knowledge of his presence and of his probation search condition, they shall file a supplemental brief to set forth their supporting authority by no later than 5:00 p.m.

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on Friday, August 1, 2014. If the Court finds that Defendants provide convincing authority in support of their position, the Court will provide Plaintiffs with an opportunity to submit a responsive brief.

IT IS SO ORDERED.

Dated: July 29, 2014



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE