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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DEMETRICE SIGHTLER,

Plaintiff,

vs.

CITY OF SAN DIEGO, et al.,

Defendants.

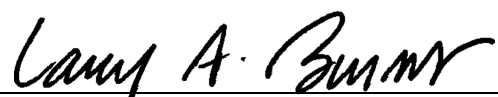
CASE NO. 15cv2235-LAB (RNB)

**ORDER DENYING CHUMAN
CERTIFICATION [Dkt. 93]**

Four months ago the Court partially granted Defendants’ motion for summary judgment, but denied six San Diego police officers qualified immunity. The officers appealed. Demetrice Sightler now asks the Court to certify that appeal as frivolous under *Chuman v. Wright*, 960 F.2d 104 (9th Cir. 1992). *Chuman* held that if the “district court find[s] that the defendants’ claim of qualified immunity is frivolous or has been waived, the district court may certify, in writing, that defendants have forfeited their right to pretrial appeal, and may proceed with trial.” *Id.* at 105. While the Court stands by its qualified immunity analysis, that doesn’t mean the appeal is frivolous, or “so baseless that it does not invoke appellate jurisdiction.” *Marks v. Clarke*, 102 F.3d 1012, 1017-18 n. 8 (1996). The motion is denied.

IT IS SO ORDERED.

Dated: July 27, 2018



HONORABLE LARRY ALAN BURNS
United States District Judge