

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 17-cv-01131-CMA-SKC

DEON LAMON JONES,

Plaintiff,

v.

JOSE MANRIQUEZ, and
GREGORY BLACK,

Defendants.

**ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AS TO
PLAINTIFF'S FIRST, SECOND, AND THIRD CLAIMS FOR RELIEF CONSISTENT
WITH THE APRIL 23, 2020 ORDER AND JUDGMENT OF THE COURT OF APPEALS**

This matter is before the Court on the April 23, 2020 Order and Judgment of the Tenth Circuit Court of Appeals (Doc. # 100), wherein the Court of Appeals reversed this Court's denial of Defendants' Motion for Summary Judgment on Plaintiff's 42 U.S.C. § 1983 Fourth Amendment claims (Doc. # 92). In its Order and Judgment, the Tenth Circuit concluded that Plaintiff failed to establish that Defendants violated his Fourth Amendment rights as follows:

In sum, we determine that the officers had reasonable suspicion that Jones was trespassing, such that their investigative detention of Jones did not violate his Fourth Amendment rights. See [*United States v. Sokolow*, 490 U.S. [1,] 7[(1989)]. We also determine that when Jones did not comply with Black's orders to exit his car, the officers had probable cause that Jones violated a Denver ordinance, such that Jones's arrest did not violate his Fourth Amendment rights. See [*Atwater v. City of Lago Vista*], 532 U.S. [318,] 354[(2001)]. Further, we determine that the officers'

search of Jones was a lawful search incident to arrest under the Fourth Amendment. See [*Michigan v. DeFillippo*, 443 U.S. [31,] 35[(1979)]. Finally, we determine that because the stop was justified at its inception, Jones did not demonstrate that Manriquez violated his Fourth Amendment rights when he searched Jones's car. See [*United States v. King*, 990 F.2d [1552,] 1557 [(10th Cir. 1993)].

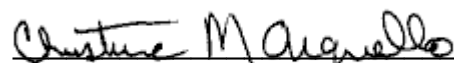
(Doc. # 100 at 11.) The Court of Appeals went on to conclude that, even if Plaintiff had established a constitutional violation on any of his claims, it would nevertheless have granted Defendants qualified immunity because Plaintiff failed to show the law was clearly established at the time of the incident. (*Id.* at 11–12.) Ultimately, the court held that Defendants are entitled to qualified immunity and reversed this Court's April 18, 2019 Order concluding otherwise. (*Id.* at 15–16.)

For the reasons set forth in the Order and Judgment of the Tenth Circuit Court of Appeals (Doc. # 100), Defendants' Motion for Summary Judgment (Doc. # 65) as to Plaintiff's First, Second, and Third Claims for Relief is hereby GRANTED. It is

FURTHER ORDERED that the Clerk of Court shall enter judgment in favor of Defendants on all claims in this action and shall close the case.

DATED: May 21, 2020

BY THE COURT:


CHRISTINE M. ARGUELLO
United States District Judge