

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 TONJA AMES,

9 Plaintiff,

10 v.

11 KING COUNTY, Washington; Deputies
12 HEATHER R. VOLPE, member of the
13 King County Sheriff's Department;
14 CHRISTOPHER SAWTELLE, member of
15 the King County Sheriff's Department;
16 DANIEL L. CHRISTIAN, member of the
17 King County Sheriff's Department; and
18 DOES I-V, inclusive, individual employees
19 of King County,

20 Defendants.

Case No. C13-1030RSM

ORDER OF DISMISSAL

21 THIS MATTER comes before the Court after remand from the Ninth Circuit Court of
22 Appeals. The relevant factual background has been set forth in the Court's prior Order
23 Granting in Part and Denying in Part Defendants' Motion for Summary Judgment, and is
24 incorporated by reference herein. Dkt. #44 at 2-7. Plaintiff initially brought a number of
25 claims against Defendants under 42 U.S.C. § 1983, alleging that:

- 26 1) Deputy Volpe violated Ms. Ames Fourth Amendment rights by arresting her
27 without probable cause (Dkt. #1 at ¶¶ 37-41);
- 28 2) Deputy Volpe violated Ms. Ames' Fourth Amendment right to be free from
excessive force during that arrest (Dkt. #1 at ¶¶ 42-45);

ORDER OF DISMISSAL
PAGE - 1

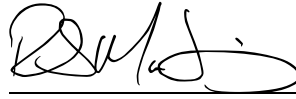
- 1 3) Deputy Volpe violated Ms. Ames' Fourth Amendment rights by conducting an
2 unreasonable seizure (Dkt. #1 at ¶¶ 46-49);
- 3 4) Deputies Volpe, Sawtelle and Christian violated Ms. Ames' Fourth Amendment
4 rights by conducting an unlawful search (Dkt. #1 at ¶¶ 50-52);
- 5 5) King County acted with deliberate indifference to Ms. Ames' rights by failing to
6 adequately train its Deputies (Dkt. #1 at ¶¶ 53-61); and
- 7 6) Deputy Volpe violated Ms. Ames' First Amendment rights by retaliating against her
8 for refusing to let her enter her home (Dkt. #1 at ¶¶ 62-65).

9 On Defendants' motion for summary judgment, the Court found that Deputy Volpe was
10 entitled to qualified immunity on all but the excessive force claim. Dkt. #44 at 19.
11 Specifically, the Court found that questions of material fact existed such that a jury should
12 determine whether the amount of force used during Ms. Ames' arrest was reasonable and
13 justified. *Id.* at 14-15. The Court further found that Deputies Sawtelle and Christian were not
14 entitled to qualified immunity on the federal claims against them because there was a question
15 of fact as to whether the emergency doctrine applied to the search they conducted. Dkt. #44 at
16 15-16. Defendant then appealed this Court's decision. Dkt. #47.

17 On January 13, 2017, the Ninth Circuit Court of Appeals issued an Opinion reversing
18 "[t]hat portion of the district court's order denying qualified immunity on Ames's excessive
19 force and unlawful search claims", finding that Deputy Sawtelle's and Deputy Christian's
20 "actions were reasonable under the emergency doctrine and they are entitled to qualified
21 immunity from suit", and remanding the matter to this Court "for entry of an order of
22 dismissal." Dkt. #58 at 19. The Court of Appeals issued its Mandate on February 6, 2017.
23 Dkt. #59.

1 Accordingly, at the direction of the Ninth Circuit Court of Appeals, this case is
2 DISMISSED and this matter is now CLOSED.

3 DATED this 7 day of February, 2017.

4
5 

6 RICARDO S. MARTINEZ
7 CHIEF UNITED STATES DISTRICT JUDGE