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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 TERRANCE JOE QUINLAN,

9 Plaintiff,

10 v.

11 CITY OF SEATTLE; and UNKNOWN  
12 SEATTLE POLICE DEPARTMENT  
13 OFFICERS,

14 Defendants.

C22-0445 TSZ

MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable  
16 Thomas S. Zilly, United States District Judge:

17 (1) Plaintiff's motion pursuant to Federal Rule of Civil Procedure 59, which is  
18 treated as a motion for reconsideration, docket no. 49, is DENIED, as follows:

19 (a) Plaintiff's request to add certain employees of the Washington State  
20 Department of Corrections ("DOC") as defendants is DENIED. If plaintiff wishes  
21 to pursue claims concerning the conditions of his confinement, he must commence  
22 a new action and pay the requisite filing fee.

23 (b) Plaintiff's contention that the City of Seattle violated his Fourth and  
Fourteenth (due process) Amendment rights by failing to notify him about the  
impoundment of his recreational vehicle ("RV") lacks merit. The entity tasked  
with providing such notice is the tow contractor, and not the City of Seattle or its  
police personnel. *See* SMC 11.30.100(A) ("Not more than twenty-four (24) hours  
after impoundment of any vehicle, the tow contractor shall mail a notice by first  
class mail to the last known and legal owners of the vehicles . . . . The notice shall

1 contain the full particulars of the impoundment, redemption, and opportunity for  
2 hearing to contest the propriety of the impoundment . . .”).

3 (c) Plaintiff’s evidence indicating that he was in DOC custody at the  
4 time his RV was impounded is untimely and does not constitute a basis for altering  
5 the judgment in this matter. The Declaration of Patty Willoughby, a paralegal  
6 employed in the Office of the Washington State Attorney General, which is dated  
7 December 19, 2023, and which was filed in support of plaintiff’s Rule 59 motion,  
8 docket no. 49, predates (i) the Report and Recommendation (“R&R”) issued on  
9 December 22, 2023, docket no. 45, (ii) plaintiff’s objections to the R&R docketed  
10 on January 5, 2024, docket no. 46, and (iii) the Court’s adoption of the R&R by  
11 Order dated February 21, 2024, docket no. 47. Plaintiff does not show why he  
12 could not have brought the Willoughby declaration and attachment thereto to the  
13 Court’s attention earlier through the exercise of reasonable diligence. *See* Local  
14 Civil Rule 7(h). Moreover, even assuming that plaintiff was incarcerated during  
15 the period in March 2020 when the 72-hour impound notice was placed on his RV  
16 and the vehicle was towed, plaintiff has not demonstrated how the City of Seattle  
17 could be held liable pursuant to *Monell v. Dep’t of Soc. Servs. of N.Y.C.*, 436 U.S.  
18 658 (1978). Plaintiff does not show that the alleged constitutional violation  
19 resulted from a policy or longstanding practice or custom, an unconstitutional  
20 action by an official with policy-making authority, ratification by a policymaker of  
21 a subordinate’s unconstitutional conduct, and/or a failure to train that amounts to  
22 “deliberate indifference” concerning the constitutional right at issue. *See, e.g.,*  
23 *Menotti v. City of Seattle*, 409 F.3d 1113, 1147 (9th Cir. 2005); *see also City of*  
*Canton v. Harris*, 489 U.S. 378 (1989). The Seattle police officers involved  
followed the procedures set forth in the Seattle Municipal Code, and plaintiff’s  
suggestion that he is entitled to relief under 42 U.S.C. § 1983 because the officers  
should have done more to find and notify him about the impoundment would be  
precluded by qualified immunity jurisprudence. *See Hope v. Pelzer*, 536 U.S. 730,  
739 (2002) (an individual defendant is entitled to qualified immunity if the  
constitutional right allegedly violated was not “clearly established” at the time of  
the events at issue).

17 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
18 record and to plaintiff pro se.

19 Dated this 27th day of March, 2024.

20 Ravi Subramanian  
21 Clerk

22 s/Laurie Cuaresma  
23 Deputy Clerk