UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No.	**EDCV 21-0877 JGB (SPx)**	Date	March 13, 2026
Title	***Natalie Panossian-Bassler v. City of Murrieta, et al.***		

Present: The Honorable	JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE

MAYNOR GALVEZ	Not Reported
Deputy Clerk	Court Reporter
Attorney(s) Present for Plaintiff(s):	Attorney(s) Present for Defendant(s):
None Present	None Present

Proceedings: **Order (1) GRANTING Defendants' Motion for Summary Judgment (Dkt. No. 63); and (2) VACATING the March 16, 2026, Hearing (IN CHAMBERS)**

Before the Court is Defendants City of Murrieta's, Officer Colin Acda's, and Officer Brent Sforzini's (collectively, "Defendants") motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 ("Rule 56"). ("Motion," Dkt. No. 63.) The Court finds this matter appropriate for resolution without a hearing. See Fed. R. Civ. P. 78; L.R. 7-15. After considering the papers filed in support of and in opposition to the Motion, the Court **GRANTS** Defendants' Motion. The March 16, 2026, hearing is **VACATED**.

I. BACKGROUND

On May 20, 2021, Plaintiff Natalie Panossian-Bassler filed a complaint against Defendants and Robert C. Bassler.[1] ("Complaint," Dkt. No. 1.) On June 22, 2021, Plaintiff filed a first amended complaint. ("FAC," Dkt. No. 22.) The case was stayed pursuant to Defendants' motion on August 26, 2021. (Dkt. No. 32.) The case was then reopened pursuant to Plaintiff's motion on June 27, 2024. (Dkt. No. 48.) On July 16, 2024, Defendants filed their answer.

[1] Robert C. Bassler is not a party to this Motion and all references to "Defendants" without further specification do not refer to him.

The instant Motion was filed on November 17, 2025. (Mot.) In support of the Motion, Defendants filed the following:

- Statement of Undisputed Facts ("Def. SUF," Dkt. No. 63-2);
- Declaration of Deborah Nash ("Nash Decl.," Dkt. No. 63-3); and
- Manually filed exhibits 1-46.

Plaintiff opposed the Motion on January 5, 2026. ("Opposition," Dkt. No. 69.) Plaintiff's Opposition is accompanied by:

- Declaration of Natalie Panossian-Bassler ("Plaintiff's Decl.," Dkt. No. 70);
- Plaintiff's Response to Def. SUF[2] ("Pl. Resp.," Dkt. No. 72); and
- Plaintiff's Exhibits in Support of Opposition (Dkt. No. 77.).

Defendant replied on January 13, 2026. ("Reply," Dkt. No. 78.)

II. FACTS

A. Evidentiary Objections

"A trial court can only consider admissible evidence in ruling on a motion for summary judgment." Orr v. Bank of America, NT & SA, 285 F.3d 764, 773 (9th Cir. 2002); see Fed. R. Civ. P. 56(e). For summary judgment, courts consider evidence with ***content*** that would be admissible at trial, even if the ***form*** of the evidence would not be admissible at trial. See, e.g., Fraser v. Goodale, 342 F.3d 1032, 1036 (9th Cir. 2003). The Court considers the parties' objections only where necessary.[3] All other objections are **OVERRULED AS MOOT**.

B. Undisputed Facts

The following material facts are sufficiently supported by admissible evidence and are uncontroverted, except as noted. They are "admitted to exist without controversy" for purposes of the Motion. See Fed. R. Civ. P. 56(e)(2); L.R. 56-3.

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[2] Plaintiff did not file her own statement of undisputed facts.

[3] "[O]bjections to evidence on the ground that it is irrelevant, speculative, and/or argumentative, or that it constitutes an improper legal conclusion are all duplicative of the summary judgment standard itself" and are therefore "redundant" and unnecessary to consider here. Burch v. Regents of Univ. of California, 433 F. Supp. 2d 1110, 1119 (E.D. Cal. 2006); see also Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986) ("Factual disputes that are irrelevant or unnecessary will not be counted.").

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1. Plaintiff's Arrest

On November 20, 2020, at approximately 7:30 p.m., Plaintiff was arrested by Defendant Acda during an encounter between Plaintiff, Acda, and Defendant Sforzini.[4] (Def. SUF ¶¶ 1, 8.) At the time of the encounter, Acda had three months of experience and was working with Sforzini, his Field Training Officer. (Id. ¶ 2.) Sforzini had been with the department since 2015 and had been a Field Training Officer for three and a half years. (Id. ¶ 3.) The two officers had been working with each other for about two weeks at the time of the underlying incident. (Id. ¶ 4.)

At the time of the officers' initial contact with Plaintiff on the night of her arrest, Plaintiff was located inside her home at 27416 Pinyon Street in Murrieta, California. (Id. ¶ 5.) Plaintiff heard a knock at her door and two men announced that they were police officers.[5] (Id. ¶ 6.) Plaintiff was inside talking to David Contreras on the phone at the time the police announced their presence. (Id. ¶ 7.) When Plaintiff opened the door, Acda and Sforzini were standing outside in full uniform and wearing body-worn cameras. (Id. ¶ 9.) After Plaintiff opened the door, Acda asked Plaintiff to step outside her house. (Id. ¶ 10.) Upon his request, Plaintiff stood outside her door, in front of the door, as she spoke with Acda. (Id. ¶ 11.)

Acda asked Plaintiff about messages she had sent to her ex-husband, Bassler, on Talking Parents, an app. (Id. ¶ 12.) Acda told Plaintiff that Bassler wanted her arrested pursuant to a citizen's arrest. (Id. ¶ 13.) Acda told Plaintiff, "So here's the thing ma'am, you're going to have to go to jail tonight." (Id. ¶ 14.) When Acda told Plaintiff he was going to arrest her, Plaintiff said "No, you are not." (Id. ¶ 17.) After Acda told Plaintiff he was going to arrest her, Plaintiff objected and walked through the open door of her home and attempted to shut the door. (Id. ¶ 18.) Acda was concerned that Plaintiff might be trying to escape arrest or retrieve a weapon. (Id.

[4] Plaintiff inadequately disputes this fact. (See "Standing Order," Dkt. No. 16, at 7 ("If a party fails to dispute a fact properly by offering evidence that does not contradict the proffered fact, the Court will deem the fact undisputed . . . .").) Plaintiff contends that both Acda and Sforzini arrested her, but her own Complaint indicates that Acda was the one who physically restrained her. (See Compl., Ex. A.) In any event, Defendants also acknowledge in the Def. SUF that both Acda and Sforzini were involved in the encounter. As such, this fact is deemed undisputed.

[5] Plaintiff inadequately disputes this fact. (See "Standing Order," Dkt. No. 16, at 7 ("If a party fails to dispute a fact properly by offering evidence that does not contradict the proffered fact, the Court will deem the fact undisputed . . . .").) Plaintiff contends that she did not know who the people at the door were. The fact asserted is that the officers identified themselves as police, which is not contested. The fact does not state that Plaintiff knew or acknowledged that the people at the door were police. As such, this fact is deemed undisputed.

¶ 19.) He pushed the door open before it closed and followed Plaintiff into the house.[6] (Id. ¶ 20.) Sforzini followed Acda into Plaintiff's home. (Id. ¶ 21.) Acda handcuffed Plaintiff inside her home within seconds after she entered her home.[7] (Id. ¶ 22.) Acda grabbed one of Plaintiff's arms to handcuff her. (Id. ¶ 24.)

Plaintiff spoke with officers for approximately five minutes after she was handcuffed. (Id. ¶ 26.) After handcuffing Plaintiff, officers accommodated some—but not all—of Plaintiff's requests. (Id. ¶ 28.) Plaintiff wanted to change out of her skirt but was not allowed to. (Id. ¶¶ 39-40.) Officers told Plaintiff that once at the jail, she would likely be booked and released so that she could return home the same night. (Id. ¶ 29.) Officers told Plaintiff she was being arrested at Bassler's request based on the messages exchanged on Talking Parents. (Id. ¶ 30.) Officers told Plaintiff they had compared the temporary restraining order and her messages and determined that her comments violated the court order.[8] (Id. ¶ 31.) Plaintiff admitted to making the comments reflected in the images of the messages that officers reviewed. (Id. ¶ 32.)

The DV 110 order states that, "If you do not obey this order you can be arrested and charged with a crime." (Id. ¶ 33.) It also states that, "Any law enforcement officer in California who receives, sees or verifies the order on a paper copy, in the California law enforcement telecommunication system, or NCIC protection order must enforce the orders." (Id. ¶ 35.) Plaintiff was arrested for a violation of the court temporary restraining order under PC 273.6 and Bassler's private persons arrest for her comments.[9] (Id. ¶ 38.)

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[6] Plaintiff inadequately disputes this fact. (See "Standing Order," Dkt. No. 16, at 7 ("If a party fails to dispute a fact properly by offering evidence that does not contradict the proffered fact, the Court will deem the fact undisputed . . . .").) Plaintiff contends that she was closing the door and Acda and Sforzini pushed it open, but this does not conflict with Defendants' statement of fact. As such, this fact is deemed undisputed.

[7] Plaintiff inadequately disputes this fact. (See "Standing Order," Dkt. No. 16, at 7 ("If a party fails to dispute a fact properly by offering evidence that does not contradict the proffered fact, the Court will deem the fact undisputed . . . .").) Plaintiff contends that both officers handcuffed her. Regardless of whether Sforzini participated in handcuffing her, it is undisputed that Acda played a role in handcuffing her. Thus, this fact is deemed undisputed.

[8] Plaintiff inadequately disputes this fact. (See "Standing Order," Dkt. No. 16, at 7 ("If a party fails to dispute a fact properly by offering evidence that does not contradict the proffered fact, the Court will deem the fact undisputed . . . .").) Plaintiff contends that, "the comments were not outside of the bounds of the restraining order because they all pertained to their son." (Pl. Resp. ¶ 31.) This fact does not address whether the officers were *correct* in their assertion that they determined she violated the temporary restraining order, only that this is what officers told Plaintiff. Thus, this fact is deemed undisputed.

[9] Plaintiff inadequately disputes this fact. (See "Standing Order," Dkt. No. 16, at 7 ("If a party fails to dispute a fact properly by offering evidence that does not contradict the proffered

Plaintiff told Acda and Sforzini that they were violating her rights. (Id. ¶ 42.) Plaintiff did not have difficulty walking across the street to the patrol car from her home with handcuffs. (Id. ¶ 43.) While outside the patrol car, Acda conducted a pat down of Plaintiff for weapons with Sforzini present. (Id. ¶ 45.) At that time, Plaintiff's handcuffs were adjusted. (Id.) Sforzini felt that Acda's pat down in Sforzini's presence rather than a full search was appropriate. (Id. ¶ 46.) Plaintiff told officers one handcuff was "a little tight," after which Acda adjusted the handcuffs, placing his finger between the cuff and Plaintiff's arm before securing them. (Id. ¶¶ 47-48.) Plaintiff was then transported to jail. (Id. ¶ 49.)

2. Messages Investigation

Before contacting Plaintiff, Acda and Sforzini were called to the police station to speak with Bassler. (Id. ¶ 65.) Bassler showed officers the DV 110 domestic violence temporary restraining order ("TRO") that he had against Plaintiff. (Id. ¶ 66.) The TRO was in place from May 31, 2019, to May 31, 2022. (Id. ¶ 67.) The TRO was for the protection of Bassler and restrained Plaintiff.[10] (Id. ¶ 68.) Plaintiff had sought to get a TRO against Bassler, but was not successful. (Id. ¶ 69.) The TRO states that Plaintiff must not "[h]arass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (on the Internet, electronically or otherwise), or block movements" of Bassler. (Mot., Ex. 1.) It also states that Plaintiff "must not . . . [c]ontact [Bassler], either directly or indirectly, in any way, including but not limited to, by telephone, mail, e-mail or other electronic means." (Id.) The TRO offers an exception for "[b]rief and peaceful contact with [Bassler] . . . as required for court-ordered visitation of children." (Id.; Def. SUP ¶ 75.) Bassler reported that Plaintiff harassed him multiple times through messages on the Talking Parents app.[11] (Def. SUP ¶ 71.)

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fact, the Court will deem the fact undisputed . . . .").) Plaintiff contends that, "Plaintiff did not violate the court order because the communications were about their son." (Pl. Resp. ¶ 38.) This fact as stated here does not take a position on whether the comments in fact constituted a violation of the temporary restraining order, only that the comments formed the basis for officers' arrest.

[10] Plaintiff inadequately disputes this fact. (See "Standing Order," Dkt. No. 16, at 7 ("If a party fails to dispute a fact properly by offering evidence that does not contradict the proffered fact, the Court will deem the fact undisputed . . . .").) She contends that "[t]he restraining order was a litigation tool used by Mr. Bassler to continue to abuse Ms. Panossian through the court system." (Pl. Resp. ¶ 68.) The underlying fact does not address the validity of the TRO, only that it existed for Bassler's benefit. Whatever reason the TRO may have been sought or imposed is immaterial here; what matters is that it existed. As such, this fact is deemed undisputed.

[11] Plaintiff inadequately disputes this fact. (See "Standing Order," Dkt. No. 16, at 7 ("If a party fails to dispute a fact properly by offering evidence that does not contradict the proffered fact, the Court will deem the fact undisputed . . . .").) She contends that she "has been the documented victim of domestic violence and was protected under the Safe at Home Program

On August 21, 2020, Bassler completed a private persons arrest form and reported Plaintiff's messages to Murrieta police for a violation of California Penal Code § 273.6. (Id. ¶ 72.) In November 2020, Bassler showed officers the messages Plaintiff sent on Talking Parents after his prior complaint. (Id. ¶ 73.) Bassler told officers that he wanted to make a private persons arrest of Plaintiff. (Id. ¶ 76.) He completed a private persons arrest form. (Id. ¶ 77.) Acda and Sforzini made independent determinations that Plaintiff's messages on Talking Parents violated the domestic violence restraining order.[12] (Id. ¶ 78.) Plaintiff had been given a copy of the DV 110 TRO following trial when the judge issued the order against her. (Id. ¶ 79.)

3. Post-Arrest Events

Plaintiff filed a complaint with the Murrieta Police Department concerning her arrest. (Id. ¶ 80.) Plaintiff wrote to Police Chief Sean Hadden complaining about her arrest. (Id. ¶ 81.) The City of Murietta has a Professional Standards Unit that investigates complaints with designated administrative investigations. (Id. ¶ 82.) The results of investigations include distinct findings that are governed by Murrieta policy and internal procedures, and the Peace Officer Bill of Rights. (Id. ¶ 83.) Murrieta Police Department has been compliant with state reporting requirements since 1992 and remains compliant with changes in the law as they occur. (Id. ¶ 84.) In the five years prior to Plaintiff's arrest, Murrieta investigated all allegations of misconduct and, depending on the findings, levied appropriate discipline. (Id. ¶ 86.) Such discipline can include retraining, counseling, written reprimand, suspension, or termination. (Id.)

Murrieta Police Department opened Investigation No. 2020-05 with respect to Plaintiff's complaint. (Id. ¶ 87.) An investigator was appointed in December 2020 to review Acda's and Sforzini's conduct that Plaintiff alleged was improper. (Id. ¶ 88.) Plaintiff complained that officers did not explain why they were at her house and why she was arrested; that officers violently opened her door; that officers entered her home without a warrant; that an officer was not wearing a mask and may have exposed Plaintiff to COVID-19; that the officers did not have a

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through the State of California." (Pl. Resp. ¶ 71.) Whether Plaintiff herself has been the victim of domestic violence has no bearing on this fact, which states that Bassler reported her for harassment. The fact also does not assert that Bassler was correct, only that he reported her. As such, this fact is deemed undisputed.

[12] Plaintiff inadequately disputes this fact. (See "Standing Order," Dkt. No. 16, at 7 ("If a party fails to dispute a fact properly by offering evidence that does not contradict the proffered fact, the Court will deem the fact undisputed . . . .").) She contends that "Officers effected Mr. Bassler's private person's arrest without investigation to the context of the messages." (Pl. Resp. ¶ 78.) While the source Plaintiff cites indicates that officers did not know the full context of her relationship with Bassler, the cited evidence also indicates that officers reviewed the messages themselves, which supports that they conducted an independent investigation and determination about the messages in relation to the TRO. As such, this fact is deemed undisputed.

female backup officer with them during her arrest; that officers were rude and had poor demeanor; that her handcuffs were too tight and it was excessive that they were used at all; and that her arrest was unlawful. As a result of Plaintiff's complaints, the investigator identified three potential policy violations: MPD Policies 322.2, 600.10, and 340.5.9(f). (Id. ¶ 90.) The investigator reviewed documents incident to Plaintiff's arrest and her complaints. (Id. ¶ 91.) Plaintiff was interviewed as part of the investigation. (Id. ¶ 92.) Sforzini and Acda were also interviewed as part of the investigation. (Id. ¶¶ 95-96.)

The investigation ultimately resulted in a determination that Sforzini and Acda did a thorough job of explaining to Plaintiff why they were at her residence and clarifying to her why she was arrested. (Id. ¶ 98.) The investigation also determined that there was no evidence the door to Plaintiff's house was opened violently.[13] (Id. ¶ 100.) The investigation further determined that Plaintiff was outside her residence when Acda initiated a lawful arrest for a court order violation, and that because Plaintiff attempted to evade arrest and flee into her residence, Acda made an exigent entry under the hot pursuit doctrine. (Id. ¶ 102.) The investigator determined that both officers were wearing face masks and that Acda's mask fell for about one minute when he followed Plaintiff into her house. (Id. ¶ 104.) The investigator also found that Murrieta does not dictate that female officers must be present any time a female is being detained. (Id. ¶ 106.) While Murrieta has a policy for female officers to be involved in custody searches, the investigation found that the search officers did of Plaintiff was not a custody search and therefore did not require a female officer. (Id.) The investigation also determined that officers were polite and respectful during their interactions with Plaintiff. (Id. ¶ 108.)

Regarding Plaintiff's handcuffing and officers' use of force, the investigation determined that officers were justified in handcuffing Plaintiff because she attempted to flee arrest, and the body camera footage shows that Plaintiff's comfort was considered when the handcuffs were put on. (Id. ¶ 110.) During the investigation, Plaintiff produced photographs indicating that she had been bruised during her arrest. (Id. ¶ 111.) The investigation determined that Acda's grasp of Plaintiff's upper right arm was a "low level control method" and a reasonable measure to effectuate arrest. (Id. ¶ 112.) Finally, the investigation determined that Plaintiff's arrest was lawful and consistent with Murrieta Police Department policy. (Id. ¶ 115.) Murrieta Police Department police requires that all personnel attend mandatory trainings, including those required by legal mandates and Peace Officer Standards and Training ("POST") mandates. (Id. ¶ 124.) In November 2020, Acda received training on California Penal Code § 835a, California's

[13] Plaintiff inadequately disputes this fact. (See "Standing Order," Dkt. No. 16, at 7 ("If a party fails to dispute a fact properly by offering evidence that does not contradict the proffered fact, the Court will deem the fact undisputed . . . .").) She contends that "[t]he door was opened violently as can be seen on the body worn camera footage." (Pl. Resp. ¶ 100.) This fact asserts the investigator's position on how the door was opened. Plaintiff disputes additional findings of the investigation. The Court will not address each one, but in each instance the fact simply states what the investigation determined, which is not taken as proof of what actually occurred. As such, these facts are deemed undisputed.

use of force statute, in the police academy. (Id. ¶ 127.) At the time of Plaintiff's arrest, Sforzini and Acda were compliant with all mandatory training requirements. (Id. ¶¶ 128-29.) At the time of Plaintiff's arrest, POST found Murrieta Police Department in compliance with state training requirements.

During Plaintiff's criminal process related to the arrest she received diversion. (Id. ¶ 120.)

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III. LEGAL STANDARD

Summary judgment is appropriate when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a). The moving party has the initial burden of identifying the portions of the pleadings and record that it believes demonstrate the absence of an issue of material fact. Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986). Where the nonmoving party bears the burden of proof at trial, the moving party need not produce evidence negating or disproving every essential element of the nonmoving party's case. Id. at 325. Instead, the moving party need only prove there is an absence of evidence to support the nonmoving party's case. Id.; In re Oracle Corp. Sec. Litig., 627 F.3d 376, 387 (9th Cir. 2010). The moving party must show that "under the governing law, there can be but one reasonable conclusion as to the verdict." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 250 (1986).

If the moving party has sustained its burden, the nonmoving party must then show that there is a genuine issue of material fact that must be resolved at trial. Celotex, 477 U.S. at 324. The nonmoving party must make an affirmative showing on all matters placed at issue by the motion as to which it has the burden of proof at trial. Id. at 322; Anderson, 477 U.S. at 252. A genuine issue of material fact exists "if the evidence is such that a reasonable jury could return a verdict for the non-moving party." Anderson, 477 U.S. at 248. "This burden is not a light one. The nonmoving party must show more than the mere existence of a scintilla of evidence." In re Oracle, 627 F.3d at 387 (citing Anderson, 477 U.S. at 252).

When deciding a motion for summary judgment, the court construes the evidence in the light most favorable to the nonmoving party. Barlow v. Ground, 943 F.2d 1132, 1135 (9th Cir. 1991). Thus, summary judgment for the moving party is proper when a "rational trier of fact" would not be able to find for the nonmoving party based on the record taken as a whole. Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986).

IV. DISCUSSION

Defendants move for summary judgment on all of Plaintiffs' claims. (Mot.) They argue that (1) the force officers used was objectively reasonable and that officers are entitled to qualified immunity on Plaintiff's excessive force claims; (2) that officers had probable cause to detain and

arrest plaintiff, defeating her state and federal false arrest and malicious prosecution claims; (3) the officers' entry into Plaintiff's home was lawful under exigent circumstances and officers are entitled to qualified immunity; (4) Plaintiff cannot establish a distinct Fourteenth Amendment violation because she cannot demonstrate that officers' conduct shocked the conscience and her claims are fully governed by the Fourth Amendment; and (5) Plaintiff cannot establish Monell liability because there was no underlying constitutional wrong. (Mot. at 3.)

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A. Excessive Force

Plaintiff's first claim is for excessive force in violation of 42 U.S.C. § 1983. (FAC, Ex. A.) Plaintiff's FAC alleges that the "officers forcefully entered my premises by pushing the door open against my will and entered my living room, without my consent, to place handcuffs on me. Officer Acda grabbed my arms with such force that I developed bruises on my arms." (Id.) "Determining whether the force used to effect a particular seizure is 'reasonable' under the Fourth Amendment requires a careful balancing of 'the nature and quality of the intrusion on the individual's Fourth Amendment interests' against the countervailing governmental interests at stake." Graham v. Connor, 490 U.S. 386, 396 (1989) (internal citations omitted). Thus, only unreasonable force implicates a constitutional interest. The Supreme Court's "Fourth Amendment jurisprudence has long recognized that the right to make an arrest . . . necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it." Id. In weighing the reasonableness of the force used during an arrest, important factors to consider include "the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." Id. (internal citations omitted). "Whether the amount of force used was reasonable is usually a question of fact to be determined by the jury," but not universally so. Barlow v. Ground, 943 F.2d 1132, 1135 (9th Cir. 1991).

Plaintiff makes much of the fact that she was being arrested for "a nonviolent misdemeanor at best," that she "was not a threat warranting force," and that the body camera footage does not "show Ms. Panossian resisting arrest or even attempting to evade arrest." (Opp'n at 9-10.) The undisputed facts demonstrate that officers were seeking to arrest Plaintiff for what they believed was probable cause that she had violated a domestic violence temporary restraining order. (Def. SUF ¶ 31.) California law singles out violations of domestic violence restraining orders for unique officer authority to arrest. See Cal. Pen. Code § 836(c)(1). In fact, officers are required to effectuate arrests without getting a warrant when they have probable cause that a restraining order has been violated, even if it was not violated in the officers' presence. Id. Plaintiff may make light of the offense she was alleged to have committed, but California law does not.

Beyond the severity of the offense, Plaintiff attempted to evade officers. When officers sought to arrest Plaintiff, she turned away from officers, walked into her house, and attempted to close the door on the officers. (Def. SUF ¶ 18.) Acda then followed plaintiff into her home, grabbed her upper right arm briefly, and handcuffed her. (Id. ¶¶ 20, 22.) There is simply no way to interpret Plaintiff walking away from and trying to close the door on officers after she was told she was being arrested other than as an effort to evade arrest.

The undisputed facts also show that officers were concerned that Plaintiff may have been entering her home to find a weapon. (Def. SUF ¶ 19.) This factor is certainly the weakest in Defendants' favor here. There is no indication that Plaintiff has ever been armed or threatened anyone, including her ex-husband, with any kind of physical violence. While officers might generally carry a fear of being confronted with weapons, that does not seem to be a very likely outcome of this scenario had they not promptly arrested Plaintiff. But even without this factor weighing in Defendants' favor, the other two factors—the severity of the offense and Plaintiff's attempted flight—are sufficient to justify some degree of force in arresting her. The question, then, is whether the force officers used was reasonable.

"[F]orms of force capable of inflicting significant pain and causing serious injury . . . are regarded as 'intermediate force' that, while less severe than deadly force, nonetheless present a significant intrusion upon an individual's liberty interests." Young v. Cnty. of Los Angeles, 655 F.3d 1156, 1161 (9th Cir. 2011). Plaintiff contends that Acda's actions here constituted intermediate force. The cases Plaintiff cites in support of finding unreasonable intermediate force involve serious uses of force, including tasing, pepper spraying, shooting, and breaking a car window and dragging a person out of a car. See Bryan v. MacPherson, 630 F.3d 805, 824 (9th Cir. 2010); Young, 655 F. 3d at 1160; Nehad v. Browder, 929 F. 3d 1125, 1130 (9th Cir. 2019); Deville v. Marcantel, 567 F.3d 156, 168-169 (5th Cir. 2009). The force used here is not even remotely like any of those cases.

Arpin v. Santa Clara Valley Transp. Agency, however, is instructive here. In that case, a woman claimed that she was injured by excessive force when an officer arrested her. Arpin v. Santa Clara Valley Transp. Agency, 261 F.3d 912, 918 (9th Cir. 2001). The undisputed facts in that case indicated that the plaintiff was alleged by a bus driver to have touched the driver during a disagreement about her use of identification to ride the bus. Id. While speaking to officers, the plaintiff refused to hand over her purse to an officer after being requested to do so. Id. While arresting her for that refusal, the officer "allegedly handcuffed [plaintiff], twisting [plaintiff's] left arm behind her with enough force to lift her off the ground and break her watch band." Id. In that case, the plaintiff did "not set forth any specific facts disputing [the officer's] version of events." Id. at 922. The plaintiff's "claim of injury [was] equally unsupported as she [did] not provide any medical records to support her claim that she suffered injury as a result of being handcuffed." Id. The court thus found that the plaintiff had "failed to meet her burden of proof of providing specific facts to show that the force used was unreasonable or that she sustained actual injuries," and the district court's grant of summary judgment in defendants' favor was appropriate. Id.

The only evidence available for determining the appropriateness of the use of force in this case is the body worn camera footage, the parties' descriptions of the encounter, and photos of bruises provided by Plaintiff. The body worn camera footage for both officers shows that Acda followed Plaintiff into her home and quickly grabbed her. (Mot., Exs. 10, 23.) Acda's hand was on Plaintiff's upper arm for no more than three seconds, and Plaintiff does not appear to comment on the strength of the grip either during it or at any point after. (Id.) Acda swiftly gained control over Plaintiff's hands and was able to handcuff her without grabbing onto her arms again. (Id.) Plaintiff was not lifted off the ground as in Arpin, nor was her clothing damaged in any way as was the plaintiff's in Arpin. Plaintiff offers no evidence that she sought medical care for her bruises or that they were severe and long-lasting. All she offers are undated photographs showing what appear to be two or three penny-sized, yellow bruises on her arm. (Opp'n, Ex. 3.)

It is hard to imagine how Acda could have placed Plaintiff, who was actively fleeing arrest for allegedly violating a domestic violence restraining order, under arrest with any less force than he used. Securely grabbing her arm for a matter of seconds to place her in handcuffs is an entirely unremarkable use of force. If facts existed demonstrating that Plaintiff was genuinely injured by virtue of this grab, or that it was somehow out of the ordinary for an arrest of this kind, she has not pled them. The videos speak for themselves, and the photos of small, faint bruises do nothing to undermine the conclusion that Acda's force was reasonable.

Defendants' Motion as to Plaintiff's excessive force claim is therefore **GRANTED**.[14]

B. False Arrest and Unlawful Entry

Plaintiff next argues that her arrest was unlawful. Specifically, she argues that officers did not independently investigate Bassler's allegations before carrying out his citizen's arrest, and that officers unlawfully followed her into her home to effectuate the arrest.

1. Independent Investigation

The Ninth Circuit has been clear that "[i]n establishing probable cause, officers may not solely rely on the claim of a citizen witness that [s]he was a victim of a crime, but must

[14] The Court notes that, even if Plaintiff had raised a triable issue as to whether the officers used an unconstitutional amount of force, the officers are entitled to qualified immunity on this claim. Whether officers are entitled to qualified immunity in use-of-force cases depends on "(1) whether the officer used excessive force in violation of the Fourth Amendment; and (2) if so, whether the officer violated clearly established law." Silva v. Chung, 740 F. App'x 883, 886 (9th Cir. 2018). Plaintiff has offered no case demonstrating that force used in the manner it was here—grabbing an individual attempting to evade arrest for violating a domestic violence restraining order by the upper arm while handcuffing them and causing several small bruises—was "clearly established" as unconstitutional.

independently investigate the basis of the witness' knowledge or interview other witnesses." Hopkins v. Bonvicino, 573 F.3d 752, 767 (9th Cir. 2009) (quoting Arpin, 261 F.3d at 925). Plaintiff relies on Hopkins to assert that officers did not properly investigate Bassler's claim that she violated the restraining order before arresting her. Plaintiff's apparent basis for this allegation is that officers did not know "the whole history" of her relationship with Bassler. (Opp'n at 12.)

"Probable cause to arrest exists when officers have knowledge or reasonably trustworthy information sufficient to lead a person of reasonable caution to believe that an offense has been or is being committed by the person being arrested." Rodis v. City & Cty. of S.F., 558 F.3d 964, 969 (9th Cir. 2009). The probable cause standard does not require an officer to know every possible detail about a situation so long as there is sufficient information to determine a crime is being committed. California Penal Code § 273.6 states that "[a]ny intentional and knowing violation of a protective order . . . is a misdemeanor." Cal. Pen. Code § 273.6(a). The restraining order against Plaintiff was clear that Plaintiff "must not . . . [c]ontact [Bassler], either directly or indirectly, in any way, including but not limited to, by telephone, mail, e-mail or other electronic means." (Mot., Ex. 1.) It offered a single exception for "[b]rief and peaceful contact with [Bassler] . . . as required for court-ordered visitation of children." (Id.) It notably did not contain any exception based on the parties' relationship history or any conduct on Bassler's part. Thus, it was irrelevant for purposes of arrest based on the restraining order what "the whole history" of the parties' relationship might be.

As for the investigation that did take place, officers did not just take Bassler's word that Plaintiff violated the restraining order. They reviewed the restraining order and the messages Bassler received from Plaintiff. (Def. SUF ¶ 31.) The following are several messages sent by Plaintiff to Bassler as reviewed by officers:

- "My boyfriend wants to meet with you. He is going to be an excellent dad for Curtis and an amazing husband to me." (Mot., Ex. 5.)
- "VENGENCE [sic] IS THE LORD'S Romans 12:19. Your evil conduct and abuse of Curtis will be stopped." (Id.)
- "Vengence [sic] is the Lord's. Romans 12:19. Not escaping it. Your continued actions and that of others of the parental alienation of Curtis and abuse will be dealt with by Him and there is NO stopping THE LORD. THE LORD has seen and continues to see it all." (Id.)
- "Ask you [sic] attorney when the divorce was final. I hope you move on with your life as I have. Thank [sic] for filing for divorce because my life has blossomed in more ways than I can count." (Id.)

None of these messages has any plausible relationship to "court-ordered visitation of children," the only exception in the restraining order. Having reviewed such messages, which do not fall into the exception to the restraining order, the officers had sufficient probable cause to arrest

Plaintiff for a violation of the restraining order, regardless of whatever "whole history" they did not know.

2. Exigent Circumstances

Even once an officer has probable cause to arrest, an officer may only do so with a warrant or under an exception to the basic rule that a warrant is required. One of those exceptions is the exigency exception, which applies in situations such as "(1) the need to prevent physical harm to the officers or other persons, (2) the need to prevent the imminent destruction of relevant evidence, (3) the hot pursuit of a fleeing suspect; and (4) the need to prevent the escape of a suspect." United States v. Struckman, 603 F.3d 731, 743 (9th Cir. 2010). As previously discussed, upon being told officers planned to arrest her, Plaintiff fled into her home in an effort to evade arrest. The officers' arrest was thus "in hot pursuit of a fleeing suspect." Officers' warrantless arrest of Plaintiff was thus permissible because they had probable cause to arrest her and there was an exigency produced by her efforts to flee into her home.

3. Officers' Entry Into Plaintiff's Home

Just because officers were permitted to arrest Plaintiff does not mean, however, that they were permitted to follow her into her residence to do so. The present state of the law is clear that while "[a] great many misdemeanor pursuits involve exigencies allowing warrantless entry" into a home, officers do not have categorical authority to so do. Lange v. California, 594 U.S. 295, 299 (2021). "[W]hether a given [misdemeanor pursuit] does so turns on the particular facts of the case." Id. "When the totality of circumstances shows an emergency—such as imminent harm to others, a threat to the officer himself, destruction of evidence, or escape from the home—the police may act without waiting." Id. at 308.

Importantly, though, Lange postdates the arrest in Plaintiff's case. As the Court in Lange acknowledged at the time it was written, "[c]ourts are divided over whether the Fourth Amendment always permits an officer to enter a home without a warrant in pursuit of a fleeing misdemeanor suspect." Id. at 300. Additionally, the Court in Lange referenced a previous case where it had granted qualified immunity to an officer who pursued a fleeing misdemeanant into a yard without a warrant. See Stanton v. Sims, 571 U.S. 3, 10-11 (2013). Lack of clearly established law is a fundamental feature of qualified immunity. "To determine whether qualified immunity applies, we ask whether (1) the plaintiff has plausibly alleged a violation of a constitutional right, and (2) the constitutional right was 'clearly established' at the time of the conduct at issue." Sampson v. Cty. of L.A., 974 F.3d 1012, 1018 (9th Cir. 2020) (internal citations omitted). Regardless of what Plaintiff's rights may be today with respect to entry into a home in pursuit of a fleeing misdemeanant, that right was not clearly established at the time of Plaintiff's arrest. At the time Plaintiff was arrested, United States v. Santana had authorized police pursuit of a suspect into her residence for arrest when there was probable cause to arrest and she had been outside the residence when officers sought to arrest her. 427 U.S. 38, 43 (1976). Plaintiff here was outside of her residence—on the door frame and standing in front of her door—with the

door open. (See Mot., Ex. 10.) She then, when officers sought to arrest her, fled inside her residence. (Id.) There was not clearly established law at the time of her arrest that officers' pursuit into her home to arrest her posed a constitutional problem. The officers are therefore entitled to qualified immunity on their arrest of Plaintiff within her home.

Defendants' Motion is **GRANTED** with respect to Plaintiff's false arrest and unlawful entry claims.

C. Malicious Prosecution

Because the Court, as discussed above, has found that officers had probable cause to arrest Plaintiff, Plaintiff's malicious prosecution claim must fail. "[M]alicious prosecution claims fail" where a plaintiff "has not shown any genuine issue of fact as to whether there was probable cause." Zoellner v. City of Arcata, 2024 U.S. App. LEXIS 15348, at *2-3 (9th Cir. June 25, 2024). That is precisely the case here.

Defendants' Motion is **GRANTED** with respect to Plaintiff's malicious prosecution claim.

D. Monell Liability and Failure to Train

Under Monell v. Dep't of Soc. Servs., 436 U.S. 658, 690-91 (1978), municipalities cannot be sued under a theory of respondeat superior for injuries inflicted by their employees or agents. Rather, municipalities are subject to damages under Section 1983 in three situations: when the plaintiff was injured pursuant to an expressly adopted official policy, a long-standing practice or custom, or the decision of a final policymaker. Ellins v. City of Sierra Madre, 710 F.3d 1049, 1066 (9th Cir. 2013) (citing Delia v. City of Rialto, 621 F.3d 1069, 1081-82 (9th Cir. 2010)). "In limited circumstances," the failure to train municipal employees can serve as a policy underlying a Monell claim. Bd. of the Cty. Comm'rs v. Brown, 520 U.S. 397, 407 (1997).

"In such cases hinging on an individual officer's conduct, the plaintiff must establish both a deprivation of a constitutional right and that a municipal policy, custom or practice was the cause in fact of that deprivation." Clugston v. City of Garden Grove, 2023 WL 2400876, at *1 (9th Cir. Mar. 8, 2023). To state a failure to train claim, Plaintiff must allege that (1) she was deprived of a constitutional right, (2) the City had a training policy that amounts to deliberate indifference to the constitutional rights of the persons with whom its police officers are likely to come into contact; and (3) her constitutional injury would have been avoided had the city properly trained those officers. Blankenhorn v. City of Orange, 485 F.3d 463, 484 (9th Cir. 2007). A municipality's "continued adherence to an approach that they know or should know has failed to prevent tortious conduct by employees may establish the conscious disregard for the consequences of their action—the 'deliberate indifference'—necessary to trigger municipal liability." Bd. of Cty. Comm'rs, 520 U.S. at 40. Thus, Plaintiff may point to "a pattern of

tortious conduct" by employees as evidence that a regime of inadequate training was the "moving force" behind her injuries. Id. at 407-08.

Here, because the Court has found no factual dispute that, if resolved in Plaintiff's favor, would establish a constitutional violation, there can be no Monell liability either generally, or on a theory of failure to train. Clugston, 2023 WL 2400876, at *1 ("[I]n the specific context of police pursuits that there can be no municipal liability without an underlying constitutional violation by the officers.") As such, Defendants' Motion is **GRANTED** as to Plaintiff's Monell and failure to train claims.

E. State Law Claims

Plaintiff's state law claims fail for essentially the same reasons as her analogous federal claims. The Court found the arrest of Plaintiff to be lawful and carried out in a manner that was not unconstitutional, including with respect to officers' use of force. "Claims that police officers used excessive force in the course of an arrest, investigatory stop or other 'seizure' of a free citizen are analyzed under the reasonableness standard of the Fourth," and "[t]he question is whether a peace officer's actions were objectively reasonable based on the facts and circumstances confronting the peace officer." Brown v. Ransweiler, 171 Cal. App. 4th 516, 527 (Cal. Ct. App. 2009). As such, the Court **GRANTS** Defendants' Motion with respect to the state battery and negligence claims.

California law provides immunity from liability for officers where an arrest was lawful or, at the time of the arrest, officers had reasonable cause to believe the arrest was lawful. Cal. Pen Code § 847. The Court's prior analysis has established both to be the case. As such, the Court **GRANTS** Defendants' Motion with respect to the state false arrest claim.

Finally, state employees are immune from civil liability for "instituting or prosecuting any judicial or administrative proceeding within the scope of his employment, even if he acts maliciously and without probable cause." Cal. Gov't. Code § 821.6. As such, the Court **GRANTS** Defendants' Motion with respect to the state malicious prosecution claim.

V. CONCLUSION

For the foregoing reasons, the Court **GRANTS** Defendants' Motion. The March 16, 2026, hearing is **VACATED**.

IT IS SO ORDERED.