

2006 WL 132078

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United States District Court,
C.D. California.

S.A. THOMAS, Plaintiff,
v.

Leroy BACA, Michael Antonovich, Yvonne Burke,
Deane Dana, Don Knabe, Gloria Molina, Zev
Yaroslavsky, Defendants.

No. CV 04-08448 DDP(SHX). | Jan. 13, 2006.

Attorneys and Law Firms

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Opinion

ORDER GRANTING DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS

PREGERSON, J.

[Motion filed on November 28, 2005]

*1 This matter is before the Court on the defendants' motion for judgment on the pleadings. After considering the parties' arguments, the Court grants the motion and adopts the following order.

I. Background

S.A. Thomas and E.L. Gibson bring this class action suit against Sheriff Leroy Baca ("Sheriff Baca") and six members of the Los Angeles County Board of Supervisors ("Supervisor Defendants"). The class alleges that they were required to sleep on the floor in the Los Angeles County jail in violation of their constitutional

rights.

On May 17, 2005, the Court granted the plaintiffs' motion for class certification. Accordingly, the plaintiffs filed a Third Amended Complaint ("TAC") alleging official capacity and individual capacity claims against the Supervisor Defendants and Sheriff Baca. The TAC alleges that the defendants violated the plaintiffs' constitutional rights under the Fourth and Fourteenth Amendments. The TAC also alleges that there was a conspiracy between the defendants to engage in the wrongful conduct. (TAC ¶¶ 25-29.) On November 17, 2005, the Court entered a Stipulation and Order dismissing the individual capacity claims against the Supervisor Defendants without prejudice.

II. Discussion

A. Legal Standard

Judgment on the pleadings provides a vehicle for summary adjudication on the merits after the pleadings are closed but before trial. *See* Fed.R.Civ.P. 12(c). The standard for a Rule 12(c) motion is the same as that for a Rule 12(b)(6) motion. Judgment on the pleadings is appropriate when, even if all material facts in the pleadings are true, the moving party is entitled to judgment as a matter of law. *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1550 (9th Cir.1989). Accordingly, the Court must accept all factual allegations of the complaint as true and draw all reasonable inferences in favor of the nonmoving party. *General Conference Corp. of Seventh-Day Adventists v. Seventh-Day Adventist Congregational Church*, 887 F.2d 228, 230 (9th Cir.1989). The moving party is not entitled to judgment on the pleadings if the complaint raises issues of fact that, if proved, would support recovery. *General Conference Corp. of Seventh-Day Adventists*, 887 F.2d at 230.

B. Official Capacity Claims Against the Supervisor Defendants are Dismissed

Official capacity suits provide "another way of pleading an action against an entity of which an officer is an agent." *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 690 n. 55, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978). If the government entity receives notice and an opportunity to respond, an official capacity suit is, in all respects other than name, to be treated as a suit against the entity. *Kentucky v. Graham*, 473 U.S. 159, 165 n. 14, 105 S.Ct. 3099, 87 L.Ed.2d 114 (1985).

The Court finds that the official capacity claims against the Supervisor Defendants are duplicative of the official

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capacity claims against Sheriff Baca. Therefore, the official capacity claims are dismissed. Additionally, Sheriff Baca may not, absent unusual circumstances unknown to the parties at this time, raise lack of funding as a defense in this case. Lack of funds is not a defense to a purported constitutional violation.

III. Conclusion

*2 Based on the foregoing reasons, the Court grants the motion.

IT IS SO ORDERED.