

OCT 23 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RON FIELD,

Plaintiff - Appellant,

v.

COUNTY OF ORANGE; A. WYFFELS,
Deputy, #1027, individually and peace
officer,

Defendants - Appellees.

No. 08-55939

D.C. No. 8:06-cv-00595-PSG-AN

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Philip S. Gutierrez, District Judge, Presiding

Argued and Submitted October 5, 2009
Pasadena, California

Before: HALL, W. FLETCHER, and CLIFTON, Circuit Judges.

Appellant Ron Field appeals the district court's grant of summary judgment to County of Orange and Deputy A. Wyffels on the grounds that there was

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

probable cause for Field's arrest and no constitutional violation in the length of his detention. This court has jurisdiction pursuant to 28 U.S.C. § 1291. We affirm.

Field's physical resistance and attempts to depart the scene provided probable cause to arrest him for resisting, delaying, or obstructing an officer. *See* Cal. Penal Code § 148(a)(1). Whether or not Deputy Wyffels provided verbal instructions to Field is immaterial, because Deputy Wyffels's actions clearly indicated that Field should remain with his vehicle. *See People v. Allen*, 167 Cal. Rptr. 502, 505-06 (Cal. Ct. App. 1980); *In re Gregory S.*, 169 Cal. Rptr. 540, 543, 547 (Cal. Ct. App. 1980).

The length of Field's detention was reasonable. Wyffels's actions during the stop were all reasonably necessary to the completion of Wyffels's duties regarding the two infractions—the failure to display registration tags and the failure to produce proof of insurance—as well as the misdemeanor Section 148 violation. *See Florida v. Royer*, 460 U.S. 491, 500 (1983).

AFFIRMED.