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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM SEPATIS,

Plaintiff - Appellant,

v.

CITY AND COUNTY OF SAN
FRANCISCO, et al.,

Defendants - Appellees.

No. 09-16537

D.C. No. 3:08-cv-02497-JCS

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Joseph C. Spero, Magistrate Judge, Presiding

Argued and Submitted November 5, 2010
San Francisco, California

Before: ALARCÓN and RYMER, Circuit Judges, and KENNELLY, District
Judge.**

William Sepatis appeals the district court's grant of summary judgment in
favor of the City and County of San Francisco and several police officers on his

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

** The Honorable Matthew F. Kennelly, United States District Judge for
the Northern District of Illinois, sitting by designation.

claim that the officers towed his car in retaliation for his exercise of his First Amendment rights.

We affirm. Sepatis's evidence of retaliatory motive was very weak at best, and the officers unquestionably had probable cause to tow his car for investigation of a hit-and-run accident involving property damage. Summary judgment is appropriate in a case like this one involving "very strong evidence of probable cause and very weak evidence of a retaliatory motive." *Dietrich v. John Ascuaga's Nugget*, 548 F.3d 892, 901 (9th Cir. 2008). Because no reasonable jury could find in Sepatis's favor on his claim, we need not reach the question of whether the officers are entitled to qualified immunity.

The district court's grant of summary judgment is **AFFIRMED**.