

FILED

DEC 14 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SERGIO MORALES, as Special
Administrator and as the father and Heir of
the Estate of SERGIO HUGO MORALES-
PAREDES, deceased,

Plaintiff-Appellant,

v.

CITY OF NORTH LAS VEGAS; CHIEF
FORTI; NORHR, Capt.; JOSEPH
CHRONISTER, Assistant Chief;
POWELL, Lt.; ROGERS, Sgt.; J.
CAMPBELL, Sgt.; MCCAFFERTY,
Classification Counselor; PRESCILLA
TENUTA, P#1376, Classification
Technician; GIARMO, Sgt.; WOOLMAN,
Lt.; MOTE, Correctional Officer,

Defendants-Appellees.

No. 14-15746

D.C. No.
2:10-cv-02171-JCM-VCF

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
James C. Mahan, District Judge, Presiding

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

Submission Deferred April 11, 2016**
Resubmitted December 14, 2016
San Francisco, California

Before: WALLACE, SCHROEDER, and N.R. SMITH, Circuit Judges.

Sergio Hugo Morales-Paredes appeals from the judgment in favor of all defendants in this action arising out of the murder of his son, Sergio, while he was in the pretrial custody of the North Las Vegas Detention Center.

We affirm the judgment in favor of the City of North Las Vegas. There is no evidence that there was any policy or practice of placing pretrial detainees in dangerous situations. *See Monell v. Dep't of Social Services*, 456 U.S. 658, 690–97 (1978). A single instance is not sufficient. *City of Oklahoma City v. Tuttle*, 471 U.S. 808, 823 (1985); *see also Gant v. Cty. of Los Angeles*, 772 F.3d 608, 618 (9th Cir. 2014).

When the district court granted summary judgment in favor of the individual defendants, it did not have the benefit of our recent en banc decision in *Castro v. County of Los Angeles*, 833 F.3d 1060 (9th Cir. 2016) (en banc). That decision altered the analytical framework applicable to pretrial detainees' claims. We

** The panel unanimously concludes this case is suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2)*.

therefore vacate the judgment in favor of the individual defendants and remand for reconsideration in light of *Castro*.

Each party shall bear its own costs.

AFFIRMED in part, **VACATED** in part and **REMANDED**.