

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 19 2018

FOR THE NINTH CIRCUIT

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

ARTHUR LOPEZ,

Plaintiff-Appellant,

v.

CORONA POLICE DEPARTMENT,
official capacity; et al.,

Defendants-Appellees.

No. 17-56869

D.C. No. 5:17-cv-02379-VBF-
MRW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Valerie Baker Fairbank, District Judge, Presiding

Submitted June 12, 2018**

Before: RAWLINSON, CLIFTON and NGUYEN, Circuit Judges.

Arthur Lopez appeals pro se from the district court's order denying his application to proceed in forma pauperis ("IFP") in his 42 U.S.C. § 1983 action alleging unconstitutional seizure of his vehicle. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *O'Loughlin v. Doe*, 920

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

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

F.2d 614, 616 (9th Cir. 1990). We reverse and remand.

The district court denied Lopez's motion to proceed IFP finding that Lopez failed to state a Fourth Amendment claim relating to the seizure of his vehicle. However, Lopez alleged that defendants seized his currently registered vehicle without a warrant while it was lawfully parked outside his residence. These allegations are sufficient to state a claim for unreasonable seizure in violation of the Fourth Amendment. *See Miranda v. City of Cornelius*, 429 F.3d 858, 862 (9th Cir. 2005) (government bears the burden of showing that a warrantless impoundment of a vehicle is justified by the community caretaking exception to the Fourth Amendment's warrant requirement).

Lopez's request for injunctive relief (Docket Entry No. 10) is denied.

REVERSED and REMANDED.