

FILED

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TONI ANTONELLIS,

Plaintiff-Appellant,

v.

STATE OF CALIFORNIA and AARON
ROTHBERG, CHP Officer,

Defendants-Appellees,

and

DOES, 1-15,

Defendant.

No. 17-55412

D.C. No.
8:15-cv-00024-JVS-JCG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
James V. Selna, District Judge, Presiding

Submitted June 5, 2018**
Pasadena, California

* 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).

Before: FERNANDEZ and CHRISTEN, Circuit Judges, and BENNETT,^{***}
District Judge.

Toni Antonellis appeals the district court's order granting summary judgment in favor of defendants on her claims for excessive force under the Fourth Amendment, violation of bodily integrity under the Fourth and Fourteenth Amendments, and battery under California common law. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

1. When viewing the facts in the light most favorable to Antonellis, no reasonable juror could conclude that Officer Rothberg violated Antonellis's constitutional rights. *See Mueller v. Aufer*, 576 F.3d 979, 993 (9th Cir. 2009). It was objectively reasonable for Officer Rothberg to handcuff Antonellis for a total of nine minutes and to prohibit her from leaving the scene to use the restroom; Antonellis committed multiple traffic violations and fled the scene when Officer Rothberg first pulled her over. Thus, Officer Rothberg is entitled to qualified immunity.

2. For the same reason, Antonellis's battery claim fails. *See Arpin v. Santa Clara Valley Transp. Agency*, 261 F.3d 912, 922 (9th Cir. 2001).

AFFIRMED.

^{***} The Honorable Mark W. Bennett, United States District Judge for the Northern District of Iowa, sitting by designation.