NOT FOR PUBLICATION

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARY LEWIS; DAVID EUGENE LEWIS,

Plaintiffs - Appellants,

v.

CITY OF MANHATTAN BEACH; SHAWN THOMPSON, individual and official capacity; STEVE KITSIOS, individual and official capacity; DANIEL BRANDT, individual and official capacity; JENNIFER LEACH, individual and official capacity; DONOVAN TORRES, individual and official capacity; IAN MIKELSON, individual and official capacity; DOES, 1 through 20, inclusive,

Defendants - Appellees.

No. 25-2291

D.C. No.
2:23-cv-03319-WLH-RAO

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Wesley L. Hsu, District Judge, Presiding

Submitted October 29, 2026**
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: R. NELSON and H.A. THOMAS, Circuit Judges, and PITTS, District Judge.[***]

Plaintiffs appeal the district court's grant of summary judgment and dismissal with prejudice of their judicial deception claim under 42 U.S.C. § 1983 in favor of Defendants and its dismissal without prejudice of their state law false imprisonment claim. We review the district court's grant of summary judgment de novo, *Pavoni v. Chrysler Grp., LLC*, 789 F.3d 1095, 1098 (9th Cir. 2015), and its dismissal of the state law claim for abuse of discretion, *Lima v. U.S. Dep't of Educ.*, 947 F.3d 1122, 1125 (9th Cir. 2020). We affirm both the grant of summary judgment and the dismissal.

1. To survive summary judgment, a plaintiff "alleging judicial deception must make a substantial showing of deliberate falsehood or reckless disregard for truth and establish that, but for the dishonesty, the challenged action would not have occurred." *Hervey v. Estes*, 65 F.3d 784, 788–89 (9th Cir. 1995) (cleaned up). Without addressing whether the alleged inaccuracies in Detective Thompson's statement of probable cause were intentional, we conclude that any discrepancies did not materially impact the issuance of the search warrant authorizing the search of Plaintiffs' home.

Applying all reasonable modifications proposed by Plaintiffs, the search

[***] The Honorable P. Casey Pitts, United States District Judge for the Northern District of California, sitting by designation.

warrant affidavit still contains facts sufficient for a neutral magistrate to find probable cause. *See Baldwin v. Placer Cnty.*, 418 F.3d 966, 971 (9th Cir. 2005) ("*Franks* [] permit[s] a court to purge the false statements and to sustain the warrant if the unpurged residue would justify it.") (citing *Franks v. Delaware*, 438 U.S. 154 (1978)). Even if Carrillo's inconsistent testimony is redacted and the timestamp from the security footage is included, the affidavit still describes the minor victim noticing a man covertly recording him, Detective Thompson reviewing the security footage and identifying the man fleeing the country club at approximately the same time as Plaintiffs' son, and Detective Thompson conducting surveillance to confirm that Plaintiffs' son resided at Plaintiffs' home. These facts alone would have established a "fair probability that . . . evidence of a crime would be found" at Plaintiffs' home. *United States v. Ruiz*, 758 F.3d 1144, 1148 (9th Cir. 2014) (cleaned up).

Because these undisputed facts in Detective Thompson's statement establish probable cause, the district court correctly granted summary judgment in favor of Defendants.

2. Having properly resolved all federal claims, the district court had authority to decline to exercise supplemental jurisdiction over Plaintiffs' remaining state law claims. 28 U.S.C. § 1367(c)(3). Plaintiffs do not contest that the district court's dismissal without prejudice of their false imprisonment claim was within its

discretion.

AFFIRMED.