

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

MARIA ADAME, Surviving mother of
decedent, personal representative of
estate of Derek Adame, deceased;
CLARISA ABARCA, As parent of
minor child, surviving daughter of
decedent Derek Adame, on behalf of
C.A.,

Plaintiffs-Appellees,

v.

CITY OF SURPRISE,

Defendant-Appellant,

and

SURPRISE POLICE DEPARTMENT;
JOSEPH GRUVER, Officer; SHAUN
MCGONIGLE, Officer,

Defendants.

No. 21-16031

D.C. No.
2:17-cv-03200-
GMS

ORDER

Appeal from the United States District Court
for the District of Arizona
G. Murray Snow, Chief District Judge, Presiding

Argued and Submitted April 8, 2022
Submission Vacated June 14, 2022
Resubmitted September 1, 2022
Pasadena, California

Filed September 9, 2022

Before: Mary H. Murguia, Chief Judge, and Susan P.
Graber and Carlos T. Bea, Circuit Judges.

Order

COUNSEL

James M. Jellison (argued), Jellison Law Offices PLLC,
Carefree, Arizona, for Defendant-Appellant.

Dale K. Galipo (argued) and Eric Valenzuela, Law Offices
of Dale K. Galipo, Woodland Hills, California; Anthony J.
Ramirez, Warnock MacKinlay Law PLLC, Scottsdale,
Arizona; for Plaintiffs-Appellees.

Nancy L. Davidson, Phoenix, Arizona, for Amicus Curiae
League of Arizona Cities and Towns.

ORDER

In light of the Supreme Court of Arizona's August 29, 2022, order in response to this Court's June 14, 2022, certification order, this Court does not have interlocutory jurisdiction over this appeal pursuant to *Ryan v. Napier*, 425 P.3d 230, 237 (Ariz. 2018) (determining that A.R.S. Section 12-820.05(B) provides immunity from only liability for damages, not from suit). This appeal is therefore dismissed.

This order constitutes the mandate of this court.

DISMISSED.