UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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PHILLIP SEMPER, et al., Plaintiff(s), v. LAS VEGAS METROPOLITAN POLICE DEPARTMENT, et al., Defendant(s).	Case No. 2:20-CV-1875 JCM (EJY) ORDER

Presently before the court is plaintiffs' motion for clarification or, in the alternative, reconsideration of this court's order on defendants' partial motion for dismissal. (ECF No. 115). While defendants have not had a chance to respond, given the nature of this motion, the court finds further briefing unnecessary.

Plaintiffs request clarification of this court's intention regarding the status of the individual defendants in claims five and seven of this complex civil rights action. To recount, the second amended complaint in this action contained ten causes of action. However, the motion for partial dismissal did not address all of them. Specifically, and as relevant here, it did not argue that claim five (unreasonable search and seizure) or claim seven (unreasonable detention) should be dismissed as to the officers in their individual capacities.

After considering the motion, the court granted it in part and dismissed some of the claims. Specifically, the court dismissed (a) the ninth and tenth causes of action in their entirety, (b) the officers in their official capacity from all claims, (c) the officers from the first cause of action entirely, and (d) the officers from causes of action two through four in their individual capacities. The court never addressed the fifth or seventh claim (which were brought against the

officers). However, the order concludes by stating that it "dismisses the individual defendants from all causes of action in both their official and individual capacities, as well as the ninth and tenth causes of action in their entirety." (ECF No. 113 at 12). The court understands how this statement appears contradictory in the context of the order and feels clarification is appropriate pursuant to plaintiffs' motion.

Thus, to clarify, "all causes of action" as used in the conclusion refers to the claims otherwise addressed in the motion and order. The court has not had occasion to consider causes of action five and seven on their merits and now explicitly states that those claims remain live against the individual defendants in their individual capacities.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiffs' motion for clarification (ECF No. 1115) be, and the same hereby is, GRANTED. Causes of action five and seven have not been dismissed as to the individual officers in their individual capacities.

DATED August 7, 2023.

James C. Mahan

UNITED STATES DISTRICT JUDGE