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APPELLANT'S OPENING BRIEF

Statement of the Case

- I. Nature of the Case
 - A. Basis for Subject Matter Jurisdiction in the District Court

D. The Notice of Appeal Was Timely Filed

II. Introduction and Summary of Issues

III. Proceedings and Disposition in the District Court

IV. Statement of Facts

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R	The Elements	of a 8	S 1983	Claim
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				Wood v	trickland	
		00 500 14	000			
			ape			
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raham v onnor _____

1. Serious or Permanent Injuries are not an Element

chmerber v

alifornia _____

		riego v	nty of	aui		
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	eklev United tates			-		
С	owell v ogers					
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II. Taken in the Light Most Favorable to Appellant, There Was No Probable Cause to Arrest Her. Further, Disputed Issues of Material Fact Remain
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United tates v harpe

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2. Vehicular Offenses

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eople v arter _____

C. Argument

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owry v	ity of	an	iego			
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A. The Severity of the Intrusion on the Individual's Fourth Amendment Rights by Evaluating the Type and Amount of Force Inflicted and Risk of Harm

2.	Whether Dr. FOX Posed an Immediate Threat to the
	Safety of the Officers or Others is in Dispute

						ryan v	,
ac herson			_		ackinney v	ielsen	
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3. Whether Proper Warnings Were Given

eorlev utherford _____

4. The Availability of Less Intrusive Alternatives to the Force Employed

lenn v Washington nty

C. The Balance Between the Gravity of the Intrusion on the Individual and the Government's Need for That Intrusion

IV. The Law was either "Clearly Established" or "Obvious" and Genuine Disputes of Material Fact Existed

oreno v aca

hafer v nty of anta arbara

ongoria v inal nty

	unter v	ryant	
	shcroft v al-	idd	
aucierv	atz	ullenix v	una
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ist of	olumbia v Wesby		
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isela _				ughes v
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V.	The State Civil Arrest and Battery Claims Should be
	Decided on the Same Grounds as the Federal Claims, But
	Are Not Subject to a Qualified Immunity Defense

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ngeles	_			_
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			a minor v	nty of an iego
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A. The State Claim Under Civ. Code § 52.1 Is Viable

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homas v illard

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CERTIFICATE OF COMPLIANCE

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CERTIFICATION OF RELATED CASES

CERTIFICATE OF SERVICE

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