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Pierce v. San Mateo County Sheriff's Department

**Court of Appeal, First District, Division 1, California - December 31, 2014 - Cal.Rptr.3d - 15
Cal. Daily Op. Serv. 100 - 2015 Daily Journal D.A.R. 46**

Resident brought action against sheriff's department and individual officers under § 1983 to challenge a warrantless search of her home. The Superior Court sustained demurrer without leave to amend. Resident appealed.

The Court of Appeal held that:

- Resident stated claim that warrantless search of her home violated Fourth Amendment;
- County sheriff's department was not a "person" subject to a suit for damages under section 1983; and
- Officers of sheriff's department were "persons" potentially liable under section 1983 to the extent that they were sued in their individual capacity.

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