

No. 26-5072

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SANTA PAULA ANIMAL RESCUE CENTER, INC. and CLAIRE BIRGY, THE GUARDIAN
OF CANINE COMPANION BRUCE,

Plaintiffs-Appellants,

v.

VENTURA COUNTY, VENTURA COUNTY ANIMAL SERVICES, and CITY OF OXNARD

Defendants-Appellees.

On Appeal from the United States District Court
for the Central District of California

**EMERGENCY MOTION UNDER CIRCUIT RULE 27-3
FOR STAY OR INJUNCTION PENDING APPEAL**

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

Form 16. Circuit Rule 27-3 Certificate for Emergency Motion

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form16instructions.pdf>

9th Cir. Case Number(s)

Case Name

I certify the following:

The relief I request in the emergency motion that accompanies this certificate is:

An emergency stay or injunction during the pendency of appeal requiring that Bruce, Animal ID A842188, remain alive in the custody of Ventura County Animal Services, pending further order of this Court.

Relief is needed no later than *(date)*:

The following will happen if relief is not granted within the requested time:

Bruce, Animal ID A842188, will be destroyed by Ventura County Animal Services tomorrow, August 12, 2026. When asked, opposing counsel did not provide a time tomorrow.

I could not have filed this motion earlier because:

Beginning on August 6, 2026, after filing the Notice of Appeal, Plaintiffs/Appellants attempted to work with counsel for Defendants/Appellees, Ms. Kelly Duncan, to reach a stipulation to preserve Bruce's life pending appellate review so that judicial intervention would be unnecessary. However, counsel for Petitioners/Appellants were informed by Ms. Duncan at approximately 1 p.m. today that Bruce is scheduled to be destroyed tomorrow, August 12, 2026.

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

I requested this relief in the district court or other lower court: ☒ Yes ☐ No

If not, why not:

I notified 9th Circuit court staff via voicemail or email about the filing of this motion: ☒ Yes ☐ No

If not, why not:

I have notified all counsel and any unrepresented party of the filing of this motion:

On *(date)*: August 11, 2026 at 1:23 p.m.

By *(method)*: Via Email

Position of other parties: Respondents/Appellees are opposed to our request for the stay of Bruce's execution.

Name and best contact information for each counsel/party notified:

Counsel for Defendants/Appellees Venura County and Ventura Animal Services
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Michelle McCarron, Assistant City Attorney, City of Oxnard
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I declare under penalty of perjury that the foregoing is true.

Signature /s/ Dan C. Bolton

Date August 11, 2026

(use "s/[typed name]" to sign electronically-filed documents)

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MOTION

I. INTRODUCTION AND RELIEF REQUESTED

Plaintiffs-Appellants Santa Paula Animal Rescue Center, Inc. and Claire Birgy move under Circuit Rule 27-3 and FRAP 8 for an emergency stay or injunction pending appeal.

The requested relief is narrow. Plaintiffs do not ask this Court to release Bruce, transfer Bruce, place Bruce in the community, or decide whether the Ventura County Superior Court's dangerous-dog determination was correct. Plaintiffs ask only that Bruce remain alive in the custody of Ventura County Animal Services (VCAS) pending further order of this Court. Photographs of Bruce are set forth in *Exhibit A* to the accompanying Declaration of Dan C. Bolton.

Emergency relief is warranted since VCAS counsel advised Plaintiffs' counsel today at approximately 1:00 p.m. that VCAS intends to end Bruce's life tomorrow, August 12, 2026. When asked at what time, VCAS counsel could not say. This despite Plaintiffs counsel's letter to VCAS counsel asking that VCAS preserve Bruce's life during the pendency of the appeal. Exhibit. B to Bolton Declaration.

That narrow preservation relief is necessary because the district court's August 6 order did more than deny an ordinary temporary restraining order. It lifted the existing stay that had preserved Bruce's life, dismissed the Ventura Defendants as to Birgy, and dismissed SPARC. Unless this Court grants emergency relief, VCAS will destroy Bruce tomorrow before this Court can review whether the district court erred in lifting the stay and dismissing SPARC, whose rights were never adjudicated in the state proceedings and whose claims the district court recognized were not barred by Rooker-Feldman.

Plaintiffs request an order requiring that Bruce, Animal ID A842188, remain alive in the custody of VCAS pending further order of this Court.

II. RELEVANT BACKGROUND

Bruce is an Anatolian Sheperd dog currently held by VCAS. On April 15, 2026, the Ventura County Superior Court entered an order finding Bruce “vicious” and ordering that he be destroyed. *ECF No. 32, Exh. C to Bolton Declaration*.

On May 14, 2026, Plaintiffs filed this federal civil-rights action and an emergency application seeking to preserve Bruce's life. On May 15, 2026, the district court entered emergency preservation relief preventing execution of the destruction order while the court addressed threshold jurisdictional issues. The district court has now characterized that relief as a stay.

The First Amended Complaint (FAC) was the operative pleading before the district court. The FAC alleged that SPARC originally rescued Bruce and adopted him to Birgy under a written adoption agreement. It further alleged that the agreement retained in SPARC specific rights in Bruce, including rights of notice, return, recovery, resumed custody, forfeiture or reversion, first refusal, and exclusion of unauthorized disposition or destruction. The FAC alleged that County and VCAS possess Bruce and intend to destroy him, which would permanently extinguish the specific property to which SPARC's claimed rights attach.

On August 6, 2026, the district court denied the emergency application, amended the May 15 order, lifted the stay, dismissed Birgy's claims against the Ventura Defendants for lack of subject-matter jurisdiction, and dismissed SPARC for lack of standing. *ECF No. 32, Exh. C to Bolton Declaration*.

The district court did not hold that Rooker-Feldman barred SPARC's claims. To the contrary, the court recognized that Rooker-Feldman does not bar SPARC because SPARC was not a party to the state-court proceeding. The court dismissed SPARC only for lack of standing, after faulting Plaintiffs for not attaching the adoption agreement and for not pleading additional details concerning notice and transfer mechanics.

That ruling presents serious appellate questions. If Bruce is destroyed—tomorrow—before those questions are reviewed, the appeal will be effectively moot.

III. LEGAL STANDARD

A stay or injunction pending appeal is governed by the familiar equitable factors: likelihood of success on the merits, irreparable harm, the balance of equities, and the public interest. *Nken v. Holder*, 556 U.S. 418 (2009).

The Ninth Circuit also applies a sliding-scale approach under which serious questions going to the merits, combined with a balance of hardships tipping sharply in the movant's favor, may support relief where irreparable harm and the public interest are also satisfied. *See Leiva-Perez v. Holder*, 640 F.3d 962 (9th Cir. 2011); *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127 (9th Cir. 2011).

This motion easily satisfies that standard. At minimum, the appeal presents serious legal questions; the irreparable harm is absolute; the equities overwhelmingly favor maintaining Bruce alive in VCAS custody; and the public interest favors meaningful appellate review before irreversible destruction.

IV. ARGUMENT

A. Bruce's destruction would irreparably moot the appeal.

The irreparable harm is immediate and absolute. If VCAS kills Bruce tomorrow, no court can restore him. The appeal would be effectively mooted before this Court can review the district court's standing, jurisdictional, and preservation rulings.

The requested relief is narrow. Plaintiffs do not seek public release, transfer, or possession through this emergency motion. They seek only preservation: Bruce alive in VCAS custody pending further order.

The requested stay does not create any new public-safety concern because it does not release Bruce, transfer Bruce, or alter custody. It simply leaves Bruce alive in VCAS custody pending further order.

B. SPARC's appeal presents serious questions because SPARC is not *Rooker-Feldman* barred and its rights were never adjudicated.

SPARC is the cleanest path for preservation. The district court itself recognized that *Rooker-Feldman* does not bar SPARC because SPARC was not a party to the state court proceeding. [ECF No. 32 at 14 n.11.] SPARC was not named, served, joined, treated as a party, or heard as a rights-holder in the VCAS administrative proceeding or the April 15 de novo hearing. Nor did any tribunal adjudicate SPARC's adoption-agreement rights before VCAS sought to execute an order that would permanently destroy the property to which those rights attach.

That distinction matters. SPARC is not asking the federal courts to exercise appellate jurisdiction over a judgment entered against SPARC. It seeks adjudication of its own rights for the first time.

Plaintiffs also alleged an adverse-party-conduct theory. VCAS allegedly had records and written notice connecting Bruce to SPARC, yet sought destruction through proceedings that omitted SPARC, the adoption agreement, SPARC's asserted rights, and SPARC's availability as a return or non-destruction option. That theory concerns what County and VCAS knew, whom they chose to name, what they presented, and whose rights they omitted. It does not depend on legal error by the state court.

Because SPARC is not barred by *Rooker-Feldman*, the stay motion need not rise or fall on Birgy's more difficult *Rooker-Feldman* issues. SPARC's separate appeal from the standing dismissal is enough to justify preserving Bruce alive while this Court reviews whether the district court properly dismissed SPARC and lifted the stay.

C. The standing dismissal presents serious appellate questions.

The district court recognized that a plaintiff need only show a colorable property interest to establish Article III injury. But the court then required far more than a colorable showing. It faulted Plaintiffs for not attaching the adoption agreement, for not pleading the mechanics of

notice and transfer, and for not proving that Birgy had already triggered forfeiture before entry of the Superior Court order.

That analysis presents serious appellate questions because it collapses Article III standing into the merits of SPARC's contract and property-rights claims.

SPARC alleged that it originally rescued Bruce and adopted him to Birgy under a written adoption agreement. The FAC alleged that the agreement retained in SPARC specific rights in Bruce himself, including rights of notice, return, recovery, resumed custody, forfeiture or reversion, first refusal, and exclusion of unauthorized disposition or destruction. Those alleged rights were sufficient, at minimum, to present a serious question whether SPARC had a colorable contract-based property interest for Article III purposes.

The district court also treated SPARC's interest as only a "future reversionary interest" dependent on Birgy's prior notice. But SPARC's asserted injury is broader. County and VCAS possess Bruce and intend to destroy him tomorrow. Destruction would permanently eliminate the specific property to which SPARC's alleged rights attach and would forever extinguish SPARC's claimed contractual ability to recover, protect, rehome, resume custody of, or prevent unauthorized destruction of Bruce.

Nor does Birgy's ownership defeat SPARC's standing. The fact that Birgy also claims a property and possessory interest in Bruce does not mean SPARC lacks a separate legally protected contractual interest. Multiple parties may hold different legally protected interests in the same property.

The district court also treated Plaintiffs' alternative pleading as undermining SPARC's standing. That ruling presents a serious appellate question. The FAC's recognition that Birgy retained her own property and possessory interests did not negate SPARC's separate contract-based rights in Bruce. Those interests are not mutually exclusive. Birgy could remain Bruce's legal owner while SPARC retained independent rights of notice, return, recovery, resumed custody, forfeiture or reversion, first refusal, and exclusion of unauthorized disposition or destruction.

Nor should SPARC's alternative pleading have been treated as a concession that SPARC had no present, legally protected interest unless Birgy's ownership was first extinguished. Federal pleading rules permit alternative and inconsistent theories. Fed. R. Civ. P. 8(d)(2)-(3). At minimum, SPARC's alternative pleading did not justify dissolving the stay and dismissing SPARC for lack of standing without considering the adoption agreement itself or allowing amendment.

D. The missing adoption agreement supports preservation and leave to supplement or amend, not dismissal followed by destruction.

The district court's standing analysis turned heavily on the absence of the adoption agreement and on asserted pleading gaps about notice and transfer mechanics. But if the district court believed the agreement or additional detail was required, the appropriate course was preservation and supplementation or amendment, not dissolution of the stay and destruction of the property to which SPARC's alleged rights attach.

The FAC alleged concrete agreement-based rights, including rights of notice, return, recovery, resumed custody, forfeiture or reversion, first refusal, and exclusion of unauthorized disposition or destruction. The court's concern that the agreement had not been attached may be relevant to what additional material should be submitted, but it does not eliminate the serious question whether SPARC alleged a colorable contract-based property interest sufficient for Article III standing.

The district court dismissed SPARC without allowing amendment or supplementation, even though the court's standing ruling turned on a document and alleged pleading gaps that could be cured. That is a serious appellate issue, especially where the effect of dismissal and lifting the stay is not merely procedural. It exposes Bruce to immediate destruction tomorrow and would extinguish SPARC's claimed rights before they can ever be adjudicated.

E. The requested relief is narrower than the relief characterized below.

The district court characterized Plaintiffs' emergency application as seeking to enjoin enforcement of the Superior Court order and obtain release to SPARC or another rescue placement. But the relief requested here is materially narrower.

Plaintiffs do not ask this Court to release Bruce. They do not ask this Court to transfer Bruce. They do not ask this Court to decide the dangerous-dog merits. They ask only that Bruce remain alive in VCAS custody pending further order.

A preservation order requiring Bruce to remain alive in VCAS custody does not place Bruce in the public, does not transfer custody, and does not finally disturb the Superior Court order. It simply prevents the irreversible act that would moot appellate review.

F. Birgy's claims against the Ventura Defendants also present serious questions, but SPARC alone supports preservation.

Birgy's claims against the Ventura Defendants present additional serious questions. The district court characterized those claims as an effort to void the Superior Court judgment. But Birgy alleged injuries arising from County and VCAS's own conduct, including obtaining and retaining custody of Bruce, proceeding through the VCAS process without timely and adequate disclosure of the evidentiary case, denying a meaningful opportunity to prepare and present material witnesses and evidence, refusing release or transfer, and continuing to seek destruction.

The allegations concerning the April 15 de novo hearing addressed Defendants' asserted cure argument. They did not require the federal court to review the dangerous-dog merits. Whether a later proceeding cured alleged nondisclosure, inadequate preparation, witness-access problems, or other defects in the County process is at least a serious question. It does not transform all of Birgy's claims into legal-error claims against the Superior Court.

Nor did Plaintiffs have to allege extrinsic fraud to avoid *Rooker-Feldman*. Fraud is one way to show that the alleged injury was caused by adverse-party misconduct rather than state-court legal error, but it is not the only way. Plaintiffs alleged injuries from County and VCAS's own acts and omissions in the administrative and enforcement sequence leading to irreversible

destruction. At minimum, whether those claims are independent of state-court legal error presents a serious appellate question.

The district court also concluded, in the alternative, that Birgy had not shown likely success because she had not shown noncompliance with Ventura County Code section 4470 *et seq.* But compliance with local dangerous-dog procedures does not necessarily resolve whether federal due process was adequate before irreversible destruction. Plaintiffs alleged inadequate evidence disclosure, inadequate opportunity to prepare and present material evidence, failure to adjudicate lawful non-destruction alternatives, and failure to adjudicate SPARC's retained rights.

In any event, this Court need not resolve the full scope of Birgy's claims to preserve Bruce. Even if this Court has reservations about some of Birgy's claims against the Ventura Defendants, SPARC's non-*Rooker-Feldman* barred appeal and serious standing questions independently justify a stay. If Bruce is destroyed tomorrow, SPARC's appeal will be mooted before those questions can be reviewed.

G. Remaining claims against Oxnard further support preservation.

The district court did not dismiss all claims against the City of Oxnard. The court concluded that *Rooker-Feldman* did not clearly bar claims arising from Oxnard's separate municipal administrative proceedings because those proceedings had not resulted in a state-court judgment. *ECF No. 32, Exh. B to Bolton Declaration*.

But Oxnard does not have custody of Bruce. Ventura County and VCAS do. Once the stay was lifted, the existence of remaining Oxnard claims did not protect Bruce from destruction by VCAS. That posture further supports preservation pending appeal: federal claims remain, but the subject of the litigation may be destroyed unless this Court acts.

H. The balance of equities and public interest favor preservation.

The balance of equities sharply favors Plaintiffs. Without relief, Bruce will be killed tomorrow and the appeal will be mooted. With relief, Bruce remains exactly where he is now: alive in VCAS custody.

The requested stay does not require VCAS to release Bruce to the public. It does not require transfer. It does not require VCAS to surrender possession. It only prevents VCAS from taking the irreversible act that would destroy appellate review.

VCAS has held Bruce for months. Maintaining Bruce alive in VCAS custody pending appellate review imposes far less burden than the permanent and irreversible harm that will occur if the stay is denied.

The public interest favors preservation for the same reason. Bruce remains in VCAS custody. The stay does not place him in the community or change the existing custody arrangement; it only preserves appellate review before irreversible destruction occurs. Indeed, public interest support for Bruce is considerable. A petition to urge the Ventura County Board of Supervisors to transfer Bruce to SPARC has now been signed by 4,360 people.

https://www.change.org/p/save-bruce-tell-ventura-county-to-release-him-to-rescue?source_location=search

V. CONCLUSION

Plaintiffs-Appellants respectfully request that this Court grant an emergency stay or injunction pending appeal requiring that Bruce, Animal ID A842188, remain alive in the custody of Ventura County Animal Services pending further order of this Court.

Dated: August 11, 2026

Respectfully submitted,

WALTER CLARK LEGAL GROUP

By: /s/ Dan C. Bolton

Dan C. Bolton

Attorneys for Plaintiffs-Appellants

No. 26-5072

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SANTA PAULA ANIMAL RESCUE CENTER, INC. and CLAIRE BIRGY, THE GUARDIAN
OF CANINE COMPANION BRUCE,

Plaintiffs-Appellants,

v.

VENTURA COUNTY, VENTURA COUNTY ANIMAL SERVICES, and CITY OF OXNARD

Defendants-Appellees.

On Appeal from the United States District Court
for the Central District of California

**DECLARATION OF DAN C. BOLTON IN SUPPORT OF
EMERGENCY MOTION UNDER CIRCUIT RULE 27-3
FOR STAY OR INJUNCTION PENDING APPEAL**

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DECLARATION OF DAN C. BOLTON

I, Dan C. Bolton, do hereby declare as follows:

1. I am an attorney licensed to practice law in the State of California and in the Ninth Circuit Court of Appeals with Walter Clark Legal Group. We represent Petitioners/Appellants Santa Paula Animal Rescue Center, Inc. and Claire Birgy, the Guardian of Canine Companion Bruce.
2. I make this declaration in support of Petitioners/Appellants Emergency Motion Under Circuit Rule 27-3 for Stay or Injunction Pending Appeal.
3. Attached hereto as Exhibit A are true and correct copies of photographs of Bruce.
4. Attached hereto as Exhibit B is a true and correct copy of my August 6, 2026 letter to counsel for Respondents/Appellees, requesting Respondents stipulate to staying the destruction of Bruce pending the appeal.
5. Attached hereto as Exhibit C is a true and correct copy of the Order Denying Emergency Ex Parte Application for Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction and Amending Order to Show Cause (ECF No. 32), filed in the United State District Court, Central District of California, Case No. 2:26-cv-05196-SPG-E.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 11, 2026, at Rancho Mirage, California.

By: /s/ Dan C. Bolton

A Dog Named Bruce





□ REPLY TO

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August 6, 2026

VIA ELECTRONIC TRANSMISSION ONLY

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Re: *Santa Paula Animal Rescue Center, Inc., et al. v. Ventura County, et*
C.D. Cal. Case No. 2:26-cv-05196-SPG-E

Dear Counsel:

I write to request that Ventura County Animal Services stipulate with Plaintiffs that Bruce will not be killed during the pendency of the appeal filed today of the district court order. It is the decent and humane approach for the “model citizen” of VCAS. Notably, VCAS has now placed treats for visitors to hand-feed Bruce through the fence and has asked members of his family to hand-feed him kibble. Further, it will preserve judicial resources and not require the Ninth Circuit to address emergency relief during the appeal. Please let me know by noon tomorrow. Thank you.

Sincerely,

Walter Clark Legal Group

/s/ Dan C. Bolton

Dan C. Bolton

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 SANTA PAULA ANIMAL RESCUE
12 CENTER, INC; and CLAIRE BIRGY, the
13 Guardian of Canine Companion BRUCE,
14 Plaintiffs,

15 v.

16 VENTURA COUNTY; VENTURA
17 COUNTY ANIMAL SERVICES; CITY
18 OF OXNARD; and DOES 1-10,
Defendants.

Case No. 2:26-cv-05196-SPG-E

**ORDER DENYING EMERGENCY EX
PARTE APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE RE PRELIMINARY
INJUNCTION [ECF NO. 2] AND
AMENDING ORDER TO SHOW
CAUSE [ECF NO. 13]**

19 Before the Court is an Emergency Ex Parte Application for Temporary Restraining
20 Order and Order to Show Cause re Preliminary Injunction filed on May 14, 2026, by
21 Plaintiffs Santa Paula Animal Rescue Center, Inc. (“SPARC”) and Claire Birgy, the
22 Guardian of Canine Companion Bruce, against Defendants Ventura County; Ventura
23 County Animal Services (“VCAS”) (together with Ventura County, the “Ventura
24 Defendants”); and the City of Oxnard (collectively, “Defendants”). (ECF No. 2
25 (“Application”).

26 Among other relief, Plaintiffs ask this Court to (1) enjoin enforcement of an April
27 15, 2026, order and judgment from the Ventura County Superior Court (“Superior Court”)
28 determining, after de novo review of a VCAS administrative order, that Bruce is “vicious”

1 and ordering Bruce to be euthanized, *see* (ECF No. 12, Ex. 1 (“Superior Court Order”)
2 at 8–9); and (2) order either that VCAS maintain Bruce safely, release Bruce to SPARC,
3 or release Bruce to an out-of-state, rescue organization. (App. at 14–15); *see also* (ECF
4 No. 2-1 (“Proposed Order”) at 2). In support of their request, Plaintiffs assert, among other
5 arguments, that the procedures resulting in the Superior Court Order and judgment were
6 constitutionally inadequate, in violation of their Fourth, Fifth, and Fourteenth Amendment
7 rights. *See* (ECF No. 18 (“FAC”) ¶¶ 13, 36–40). The Ventura Defendants oppose the
8 Application, arguing that this Court lacks subject matter jurisdiction to adjudicate Plaintiff
9 Birgy’s claims under the *Rooker-Feldman* doctrine because the Application impermissibly
10 seeks review of a state court judgment, and that Plaintiff SPARC lacks standing to
11 challenge the judgment. (ECF No. 19 (“Supp. Brief”) at 3–4). Defendant City of Oxnard
12 separately argues that Plaintiffs’ claims are insufficient to support the requested
13 preliminary relief. (*Id.* at 5–6).

14 Having read and considered the parties’ submissions in support of and in opposition
15 to the Application, the relevant law, and the current record in this case, the Court concludes
16 this matter is suitable for decision without oral argument, *see* Fed. R. Civ. P. 78(b); C.D.
17 Cal. L.R. 7-15, and DENIES the Application.

18 **I. BACKGROUND**

19 **A. Factual Background**

20 Unless otherwise noted, the following facts are taken from the FAC.¹

21 Plaintiff Birgy is the owner, guardian, and person with a property and possessory
22 interest in Bruce, “a large-breed male dog.”² (FAC ¶ 74). Plaintiff SPARC, a nonprofit
23 benefit corporation and animal rescue organization, originally rescued Bruce, but on or
24

25 ¹ Plaintiff filed the FAC within twenty-one (21) days of serving the Complaint. In
26 addressing the Application, the Court therefore refers to the allegations of the FAC as the
27 operative pleading. *See* Fed. R. Civ. P. 15(a)(1)(A).

28 ² Although Plaintiff Birgy’s former husband, Erick Krasnoff, is also listed as an owner in
the challenged orders, he is not a named Plaintiff in the present lawsuit. *See* (Superior
Court Order at 8).

1 about June 21, 2023, executed an adoption agreement with Plaintiff Birgy for her to adopt
2 Bruce from SPARC. (*Id.* ¶¶ 12–15, 75–77); (App. at 2). According to Plaintiffs, the
3 adoption agreement, which is not attached to the FAC or Application, “required Birgy to
4 notify SPARC without delay if she could no longer care for or keep Bruce” and “give
5 SPARC reasonable time to rehome Bruce or place Bruce in an approved foster home.”
6 (FAC ¶¶ 78, 79). The adoption agreement also “advised Birgy not to rehome or euthanize
7 [Bruce] without contacting SPARC.” (*Id.* ¶ 80).

8 1. Bruce’s Four Incidents in the Cities of Oxnard and Ventura

9 After his adoption, from approximately May 2023 to February 2024, Bruce lived
10 with Plaintiff Birgy and her then-spouse, Eric Krasnoff, without any known incidents. (*Id.*
11 ¶ 88). Thereafter, however, Plaintiffs acknowledge that between February 1, 2024, through
12 February 6, 2026, Bruce had at least four incidents, during which he bit three different
13 individuals and lunged at a fourth individual, and knocked down that fourth individual.
14 (*Id.* ¶¶ 94, 98, 104–06); (ECF No. 12 (“Opp.”) at 3). Of the four described incidents, two
15 of the individuals involved were in the City of Ventura, and the remaining two were in the
16 City of Oxnard.³ (Opp. at 3). After the first “bite incident” in early 2024, VCAS ordered
17 Bruce to be quarantined for a period of time, which Bruce completed at Plaintiff Birgy’s
18 home. (FAC ¶ 95). After a subsequent bite incident, which occurred on or around
19 September 16, 2025, VCAS again ordered Bruce to be quarantined, which Bruce completed
20 in the apartment of the “family’s daughter.” (*Id.* ¶¶ 98, 100, 101). At some point thereafter,
21 Plaintiff Birgy and Bruce relocated to the City of Oxnard, California. (*Id.* ¶ 102).

22
23
24 ³ Although the FAC vaguely alludes to “incidents” having occurred and does not dispute
25 the brief summary in the Ventura Defendants’ Opposition to the Application that three
26 incidents occurred in which individuals were bitten by Bruce and one incident occurred in
27 which Bruce knocked an individual down, the FAC does not provide any facts regarding
28 Bruce’s encounter with each individual during the four incidents. Instead, the FAC merely
speculates as to why encounters with Bruce may have occurred because of what Bruce may
have been experiencing and how he may have been feeling at the time. *E.g.* (FAC ¶¶ 91–
109).

2. The City of Oxnard's Administrative Proceedings Against Bruce

According to the City of Oxnard, it received two public nuisance complaints from two separate incidents involving Bruce. *See* (Supp. Brief at 5).⁴ One of the complaints involved a serious bite injury “requiring significant medical care.” (*Id.*). The second complaint involved the previously referenced incident where Bruce lunged at an individual and knocked the individual down. (*Id.*). Based on the public nuisance complaints, the City of Oxnard notified Plaintiff Birgy that it would commence proceedings against Bruce to determine whether Bruce should be deemed a nuisance pursuant to Oxnard City Code ch. 5, art. I, § 5-1 *et seq.* *See (id.* at 4).⁵⁶ Neither the FAC nor the Application address whether, pursuant to the adoption agreement executed between Plaintiffs, Plaintiff Birgy notified Plaintiff SPARC of the City of Oxnard proceedings.

On or about March 5, 2026, Plaintiff Birgy appeared for a municipal administrative hearing conducted by the City of Oxnard regarding the nuisance complaint involving at least one of Bruce's incidents. (FAC ¶¶ 141–45). The City of Oxnard held a second municipal administrative hearing on or about March 12, 2026, regarding the nuisance complaint involving the individual who was knocked down by Bruce. (*Id.* ¶¶ 150, 151, 152). The FAC alleges that neither Plaintiff Birgy nor Plaintiff SPARC “received constitutionally adequate notice” of the March 12, 2026, hearing. (*Id.* ¶ 153). Plaintiff

⁴ Based on the facts as alleged in the FAC and as represented in the Opposition and Supplemental Brief, it is unclear whether the two public nuisance complaints received by the City of Oxnard are among the four described in the Opposition. *See* (Supp. Brief at 5); (Opp. at 3).

⁵ The Court infers from the allegations of the FAC that two of the four incidents occurred after September 2025. *See, e.g.,* (FAC ¶¶ 98–103).

⁶ In referring to Oxnard City Code provisions, the Court takes judicial notice of and relies on the provisions published by American Legal Publishing, which are uncontroverted by the parties' filings. *See* Oxnard, California, Codified Ordinances, American Legal Publishing, https://codelibrary.amlegal.com/codes/oxnard/latest/oxnard_ca/0-0-0-65120 (last visited July 15, 2026) (current through Jan. 26, 2026); *see also* (ECF No. 2, Ex. B (“Relevant Statutory and Ordinance Provisions”) at 18) (paraphrasing Oxnard City Code ch. 5, art. I, §§ 5-4, 5-7, 5-10, and 5-12).

1 Birgy did not attend the March 12, 2026, hearing. (*Id.* ¶ 154). After the March 12, 2026,
2 hearing, she received an audio recording of the hearing. (*Id.* ¶ 157).

3 The City of Oxnard represents that the written decision for the March 5, 2026,
4 hearing was issued on April 16, 2026, and served on Plaintiff Birgy on April 17, 2026, and
5 that the written March 12, 2026, decision was issued on May 14, 2026, and served on
6 Plaintiff Birgy on May 19, 2026. (Supp. Brief at 6). According to the City of Oxnard, both
7 decisions determined that Bruce was a nuisance pursuant to Oxnard City Code ch. 5, art. I,
8 § 5-2(a)(2). (*Id.*). In relevant part, Section 5-2(a)(2) defines an act constituting a public
9 nuisance as the “[i]n infliction of physical injury upon any person by any animal.” Oxnard
10 City Code ch. 5, art. I, § 5-2(a)(2).

11 The FAC and Application do not allege whether Plaintiff Birgy sought judicial
12 review of the City of Oxnard’s two administrative decisions by filing a petition for writ of
13 mandate within ninety (90) days from when the decisions became final pursuant to
14 California Code of Civil Procedure § 1094.6(a) and (b). The City of Oxnard represents
15 that Plaintiffs have not filed such a petition or otherwise challenged the Oxnard
16 administrative proceedings in state court. *See* (Supp. Brief at 13).⁷

17 3. Bruce’s Impound and the City of Ventura’s Administrative Proceeding
18 Against Bruce

19 The FAC alleges on February 23, 2026, “the family” brought Bruce to be impounded
20 into VCAS’ custody within the VCAS shelter system after they received a notice “door
21 hanger” from VCAS, “had contact with VCAS personnel, and contacted VCAS regarding
22 Bruce.” (FAC ¶¶ 110–14, 122, 125). According to Plaintiffs, VCAS personnel “told the
23 family they had no choice” but to surrender custody of Bruce to VCAS for veterinary
24 evaluation or care. (*Id.* ¶ 121). At the time Bruce was placed in VCAS’ custody, the
25 administrative hearing before the City of Oxnard remained pending. (*Id.* ¶ 119).

26
27
28 ⁷ Although the parties have referenced the Oxnard administrative proceedings regarding
Bruce, they have not filed any records with the Court from the administrative proceedings.

1 On or about March 11, 2026, VCAS signed a Petition to Determine Bruce as Vicious
2 and requested an administrative order authorizing Bruce’s destruction. (*Id.* ¶¶ 182–83).
3 On March 12, 2026, VCAS animal control officer, Alina Hoffman, personally served
4 Plaintiff Birgy and Eric Krasnoff with two packets containing (1) a notice of the
5 administrative hearing to be held on March 25, 2026; and (2) a copy of the Petition to
6 Determine Bruce as Vicious; and (3) supporting documents. (Opp. at 3–4); (ECF No. 12,
7 Ex. 2 at 11–12). The Proof of Service indicates “Claire Birgy” signed for the packets on
8 March 12, 2026, at 3:43 p.m. (ECF No. 12, Ex. 2 at 11–12). According to Plaintiffs, the
9 VCAS petition states that eighty-nine (89) supporting documents were attached but “the
10 available records do not clearly establish when, if ever, Birgy received the completed 89-
11 page evidentiary packet.” (FAC ¶ 185).

12 The FAC alleges that on March 24, 2026, Eric Krasnoff emailed Alina Hoffman
13 requesting that Bruce be placed with a friend, and if VCAS was unwilling to do so, to be
14 returned to SPARC. (*Id.* ¶¶ 188, 190–91). On March 25, 2026, VCAS conducted an
15 administrative hearing over Zoom to determine whether Bruce should be declared vicious
16 and should be destroyed. (*Id.* ¶¶ 193–94). Both Plaintiff Birgy and Jean Marie Webster of
17 SPARC attended. (*Id.* ¶¶ 195, 204). Jean Webster spoke in her personal capacity during
18 the hearing. (*Id.* ¶¶ 206, 208). According to Plaintiff Birgy, at least two of Plaintiff Birgy’s
19 witnesses were unable to attend due to technical difficulties. (*Id.* ¶ 197).

20 On March 26, 2026, the VCAS administrative hearing officer issued an order finding
21 that Bruce was “vicious,” ordered Bruce to be euthanized, and prohibited Birgy and
22 Krasnoff from “owning, controlling, or having custody of any dog for a period of . . . three
23 (3) years” because their continued ownership or possession of any dog “would create a
24 significant threat to the public health, safety, and welfare.” (*Id.* ¶¶ 213–15); *see* (ECF
25 No. 12, Ex. 3 (“VCAS Order”) at 13–14).

4. Plaintiff Birgy’s Appeal of Administrative Hearing Decision to the
Ventura County Superior Court and Its De Novo Review

On April 1, 2026, Plaintiff Birgy appealed the VCAS Order to the Ventura County Superior Court. *See* (FAC ¶ 219); *In the Matter of: Monique Claire Birgy*, No. 2026CLPT063248 (Supr. Ct. Ventura County, 2026). On April 15, 2026, the Ventura County Superior Court held a hearing for the appeal, during which VCAS presented witnesses and Plaintiff Birgy’s counsel presented evidence. *See* (FAC ¶¶ 229–34). On April 15, 2026, after its review of the dangerous dog determination *de novo*, the Superior Court found Bruce to be “vicious,” affirmed the VCAS determination, and ordered Bruce to be euthanized. *See* (*id.* ¶ 241); (Superior Court Order at 8–9). In its written determination, the Superior Court indicated that a party could appeal its order within five days after receipt. (Superior Court Order at 9).

On April 20, 2026, Plaintiff Birgy filed a Notice of Appeal. (FAC ¶ 248). The Ventura Defendants opposed the Notice of Appeal on April 21, 2026, arguing the April 15, 2026, order was final and conclusive and that the Superior Court lacked jurisdiction to conduct a second hearing. (FAC ¶¶ 248, 250–51). On April 30, 2026, the Superior Court found that it lacked jurisdiction to review the appeal. (*Id.* ¶ 254). On May 6, 2026, the Superior Court modified the Superior Court Order by removing the language providing that Plaintiff Birgy could appeal the April 15, 2026, decision and denied Plaintiff Birgy’s request to stay execution of the judgment. (*Id.* ¶¶ 254, 256); *see* (Superior Court Order at 10).

B. Procedural History

On May 14, 2026, Plaintiffs filed both the Complaint and Application. *See* (ECF No. 1 (“Complaint”)); (App.). The Complaint asserted six causes of action, labeled as follows: (1) “42 U.S.C. § 1983 for Fourth, Fifth, and Fourteenth Amendment Violations Due Process Clause of the Fourteenth Amendment to the United States Constitution 42 U.S.C. § 1983 and 42 U.S.C. § 1981 Against All Defendants”; (2) “42 U.S.C. § 1983 for Procedural Due Process Violations Substantive and Procedural”; (3) “The Ventura County

Animal Services and City of Oxnard Code is Unconstitutional and/or Unconstitutionally Vague as Applied”; (4) “Due Process, The Burden of Proof for the Quasi Criminal Hearings Should Have Been Higher As Applied”; (5) “Declaratory Relief”; and (7)⁸ “Unconstitutional Violation of California Constitutional Art. XI, Sec. 7. (Similar to U.S. Const. Art. VI., § 2.” *See* (Complaint). Essentially, the Complaint alleged the proceedings before VCAS, Ventura County Superior Court, and City of Oxnard were deficient because, among other reasons, Plaintiffs did not have an opportunity to review or challenge the evidence presented in favor of Bruce’s destruction or present evidence in opposition, *see, e.g., (id. ¶ 123)*, and Plaintiff SPARC was not named as a party to the City of Oxnard’s and County of Ventura’s administrative proceedings, (*id. ¶¶ 125*). In addition, Plaintiffs claim Plaintiff Birgy did not receive constitutionally adequate notice of the March 12, 2026, City of Oxnard hearing and that these proceedings were also constitutionally inadequate. (*Id. ¶ 123*).

Plaintiffs’ Application asserts, among other arguments, they are likely to succeed on the merits of their claims and requests as relief, that the Court (1) stay the Superior Court Order; and (2) enjoin Defendants from executing the state court judgment. *See* (App. at 1). Plaintiffs also filed a “Notice of Non-Opposition,” stating that Plaintiffs’ counsel spoke with counsel for the City of Oxnard, who, in turn, represented that the City of Oxnard “did not have any opposition to Plaintiffs[’] request for a stay of execution.” (ECF No. 9 at 1). On May 15, 2026, the Ventura Defendants filed an opposition to the Application, arguing that the Application should be denied because Plaintiffs already had an opportunity to appeal and contest the order determining Bruce to be a vicious dog pursuant to Ventura County Code 4470-6 and should not be allowed to pursue a second appeal in federal court. (Opp. at 6).

On May 15, 2026, upon reviewing the Complaint, Application, Opposition, as well as a declaration from Plaintiffs’ counsel representing Bruce was scheduled to be euthanized that day at 11:30 a.m., the Court issued an Order to Show Cause, which temporarily

⁸ The Complaint does not include a Sixth Cause of Action.

1 “Enjoined”⁹ Defendants from executing the state judgment and ordered the parties to show
2 cause regarding the Court’s subject matter jurisdiction, (ECF No. 13 (“Order to Show
3 Cause”)). Thereafter, the parties requested and were granted additional time to respond to
4 the Order to Show Cause, and on June 1, 2026, the parties filed a joint supplemental brief,
5 (Supp. Brief).

6 The same day, on June 1, 2026, Plaintiffs filed the FAC, which abandons Plaintiffs’
7 facial challenges to Ventura County Animal Services Municipal Code § 42470-3 and City
8 of Oxnard Code § 5-12 and the violation of the California Constitution claim, re-labels,
9 and alleges the following five § 1983 causes of action: (1) 42 U.S.C. § 1983—Fourth
10 Amendment Unreasonable Seizure, Continued Seizure, Interference With Possessory
11 Interests Against All Defendants; (2) 42 U.S.C. § 1983—Fourteenth Amendment
12 Inadequate Procedural Due Process Against All Defendants; (3) 42 U.S.C. § 1983—Fifth
13 Amendment Takings, Destruction of SPARC’s Contract-Based Property Rights, Right to
14 Exclude, Reversionary Interests Against All Defendants; (4) 42 U.S.C. § 1983—
15 Unconstitutional As-Applied Procedures, Dangerous-Dog and Nuisance Proceedings As
16 Applied Against All Defendants; (5) 42 U.S.C. § 1983—Municipal Liability, *Monell*
17 Against Ventura County, VCAS and City of Oxnard; and Declaratory and Injunctive Relief
18 Against All Defendants. *See* (FAC).

19 **II. LEGAL STANDARD**

20 The standards for a temporary restraining order (“TRO”) and preliminary injunction
21 are “substantially identical.” *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co., Inc.*, 240
22 F.3d 832, 839 n.7 (9th Cir. 2001). Both are “extraordinary” equitable remedies that are

23 ⁹ Plaintiffs’ counsel attests in a declaration in support of the Application that some time
24 before May 14, 2026, Plaintiff Birgy received a telephone call from VCAS that they would
25 euthanize Bruce on May 15, 2026, at 11:30 a.m. (ECF No. 2, Ex. C (“Kelly Decl.”) ¶ 6).
26 The Court’s Order to Show Cause inadvertently “ENJOINED” the Defendants from
27 executing the March 24, 2026, judgment pending adjudication of the Application. Instead,
28 the Order to Show Cause should have “STAYED” execution of the judgment pending
adjudication of the Application. The Court hereby amends the Order to Show Cause to
accurately reflect the Court’s intention.

1 never awarded as of right. *See Garcia v. Cnty. of Alameda*, 150 F.4th 1224, 1229 (9th Cir.
2 2025) (internal quotation marks omitted). To obtain preliminary relief, a plaintiff must
3 make a clear showing “(1) that he is likely to succeed on the merits, (2) that he is likely to
4 suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities
5 tips in his favor, and (4) that an injunction is in the public interest.” *All. for the Wild*
6 *Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011) (quoting *Winter v. Nat. Res. Def.*
7 *Council, Inc.*, 555 U.S. 7, 20 (2008)). Of the factors, the likelihood of success on the
8 merits, is “the most important factor” in determining whether preliminary relief is
9 warranted. *Garcia*, 150 F.4th at 1230. In addition, the Ninth Circuit has adopted a “sliding
10 scale approach” for issuance of preliminary injunctions. *See All. for the Wild Rockies*, 632
11 F.3d at 1135. “[S]erious questions going to the merits and a balance of hardships that tips
12 sharply towards the [movant] can support issuance of a preliminary injunction so long as
13 the [movant] also shows that there is a likelihood of irreparable injury and that the
14 injunction is in the public interest.” *Id.* (internal quotation marks and citation omitted).
15 “In each case, courts ‘must balance the competing claims of injury and must consider the
16 effect on each party of the granting or withholding of the requested relief.’” *Winter*, 555
17 U.S. at 24 (quoting *Amoco Prod. Co. v. Gambell*, 480 U.S. 531, 542 (1987)). ““In
18 exercising their sound discretion, courts of equity should pay particular regard for the
19 public consequences in employing the extraordinary remedy of injunction.”” *Id.* (quoting
20 *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 312 (1982)).

21 When determining whether to issue preliminary relief, the court is permitted to
22 consider the parties’ pleadings, as well as declarations, affidavits, and exhibits submitted
23 in support of and in opposition to a request for preliminary relief. *See K-2 Ski Co. v. Head*
24 *Ski Co.*, 467 F.2d 1087, 1088–89 (9th Cir. 1972) (“A verified complaint or supporting
25 affidavits may afford the basis for a preliminary injunction” provided that the facts “consist
26 largely of general assertions” not “substantially controverted by counter-affidavits.”);
27 *Harper v. Poway Unified Sch. Dist.*, 345 F. Supp. 2d 1096, 1119–20 (S.D. Cal. 2004)
28 (considering declarations submitted by defendants to deny plaintiff’s request for a

preliminary injunction). “The trial court may give even inadmissible evidence some weight, when to do so serves the purpose of preventing irreparable harm before trial.” *Flynt Distrib. Co., Inc. v. Harvey*, 734 F.2d 1389, 1394 (9th Cir. 1984) (citations omitted). The urgency of the relief sought necessitates a prompt determination and can make it difficult to obtain admissible evidence. *Id.* However, in deciding whether to issue preliminary relief, “the district court is not bound to decide doubtful and difficult questions of law or disputed questions of fact.” *Int’l Molders’ & Allied Workers’ Loc. Union No. 164 v. Nelson*, 799 F.2d 547, 551 (9th Cir. 1986) (internal quotation marks and citation omitted).

III. DISCUSSION

The parties contest whether the Court has subject matter jurisdiction to issue the requested injunction. In support of the Application, Plaintiffs contend they raise permissible federal claims pursuant to 42 U.S.C. § 1983, within the purview of the Court’s subject matter jurisdiction, because they challenge the processes and procedures resulting in Bruce’s seizure, continued detention, and destruction orders. *See* (Supp. Brief at 7–9). Plaintiffs also argue that the *Rooker-Feldman* doctrine is inapplicable to the City of Oxnard because a municipal administrative proceeding is not a state court action or judgment. (*Id.* at 11). Additionally, Plaintiffs argue that Plaintiff SPARC’s federal claims survive because it was not a named party to the administrative proceedings held by VCAS or the City of Oxnard and, therefore, did not have an opportunity to adjudicate the reversionary property interest it claims it holds in Bruce. (*Id.* at 10).

The Ventura Defendants argue in the Supplemental Brief that the Court lacks subject matter jurisdiction pursuant to the *Rooker-Feldman* doctrine because Plaintiffs are seeking to undo the state judgment. (*Id.* at 3–4). The City of Oxnard contends, among other arguments, that Plaintiffs have failed to sufficiently state their claims and thus have failed to demonstrate a likelihood of success to support preliminary relief. (*Id.* at 6).

Based on the record presented before the Court, the Court concludes, (A) under the *Rooker-Feldman* doctrine that it lacks subject matter jurisdiction over Plaintiff Birgy’s claims against the Ventura Defendants; (B) Plaintiff SPARC lacks standing in this

1 proceeding to enjoin the Superior Court Order entered against Bruce; and (C) Plaintiff
2 Birgy has failed to make a clear showing of a likelihood of success on the merits of her
3 claims against the City of Oxnard.

4 **A. Plaintiff Birgy’s Claims Against the Ventura Defendants Are Barred by**
5 **the *Rooker-Feldman* Doctrine**

6 Title 28, United States Code, section 1257(a) provides that the Supreme Court has
7 “exclusive” jurisdiction over cases challenging final state-court judgments. 28 U.S.C.
8 § 1257(a); *Lance v. Dennis*, 546 U.S. 459, 463 (2006). By implication, federal district
9 courts lack subject matter jurisdiction over direct appeals of state court final judgments.
10 *Noel v. Hall*, 341 F.3d 1148, 1154–55 (9th Cir. 2003).¹⁰

11 In *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923), the Supreme Court
12 acknowledged that, pursuant to congressional legislation, no federal court, other than the
13 United States Supreme Court, may preside over a direct appeal to reverse or modify a state
14 court judgment because federal district courts are courts of original, not appellate,
15 jurisdiction. *Rooker*, 263 U.S. at 416; *see also Fontana Empire Ctr., LLC v. City of*
16 *Fontana*, 307 F.3d 987, 992 (9th Cir. 2002). Sixty years later, in *District of Columbia*
17 *Court of Appeals v. Feldman*, 460 U.S. 462 (1983), the Supreme Court again reiterated that
18 federal district courts lack subject matter jurisdiction to review direct appeals of final
19 judgments of state courts when the state court proceedings are judicial in nature, but not
20 legislative, ministerial, or administrative. *Feldman*, 460 U.S. at 479.

21 The *Feldman* court also held district courts are prohibited from hearing
22 constitutional claims that are “inextricably intertwined with the state court’s final
23 determinations in the state proceedings” such that the district court, in essence, is “being
24 called upon to review the state court decision.” *Id.* at 482 n.16; *see also Bianchi v.*
25 *Rylaarsdam*, 334 F.3d 895, 898 (9th Cir. 2003) (“If claims raised in the federal court action
26 are ‘inextricably intertwined’ with the state court’s decision such that the adjudication of
27

28 ¹⁰ Title 28, United States Code, Section 2241 is an exception allowing federal district courts
to review in habeas proceedings state judicial decisions. *See* 28 USC § 2241(a).

1 the federal claims would undercut the state ruling or require the district court to interpret
2 the application of state laws or procedural rules, then the federal complaint must be
3 dismissed for lack of subject matter jurisdiction.”). Thus, under what has come to be
4 known as the *Rooker-Feldman* doctrine, a plaintiff that “asserts as a legal wrong an
5 allegedly erroneous decision by a state court, and seeks relief from a state court judgment
6 based on that decision,” raises a forbidden de facto appeal and the federal court lacks
7 subject matter jurisdiction. *See Noel*, 341 F.3d at 1163–65. Such a plaintiff also may not
8 “seek to litigate an issue that is inextricably intertwined with the state court judicial
9 decision from which the forbidden de facto appeal is brought”; these issues, too, are barred
10 by the *Rooker-Feldman* doctrine and outside the scope of the federal court’s subject matter
11 jurisdiction. *Id.* at 1158.

12 Recognizing since the *Feldman* decision that the *Rooker-Feldman* doctrine has been
13 “variously interpreted” by lower federal court to “sometimes be construed to extend far
14 beyond the contours of the *Rooker* and *Feldman* cases,” the Supreme Court in *Exxon Mobil*
15 *Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280 (2005) (“*Exxon Mobil*”), clarified that “the
16 *Rooker-Feldman* doctrine is confined to cases . . . brought by state-court losers
17 complaining of state-court judgments rendered before the district court proceedings
18 commenced and inviting district court review and rejection of those judgments.” *Exxon*
19 *Mobil*, 544 U.S. at 284. Most recently, the Supreme Court held that the doctrine applies to
20 “federal cases in which plaintiffs seek review of state-court judgments, regardless of
21 whether those judgments are final trial-court judgments or those of a State’s highest court.”
22 *T. M. v. Univ. of Maryland Med. Sys. Corp.*, 146 S. Ct. 1739, 1752 (2026).

23 Applying *Exxon Mobil*, the Ninth Circuit has emphasized, “[t]he *Rooker-Feldman*
24 doctrine occupies narrow ground and applies only in limited circumstances.” *Searle v.*
25 *Allen*, 148 F.4th 1121, 1128 (9th Cir. 2025) (internal quotation marks omitted), *cert. denied*
26 *sub nom. Roshan v. Searle*, 224 L. Ed. 2d 500 (Apr. 20, 2026). Specifically, it is confined
27 to cases: (1) brought by litigants who lost in state court; (2) “complaining of injuries caused
28 by the state-court judgments”; (3) “rendered before the district court proceedings

1 commenced” and (4) inviting the district court to review and reject those state judgments.
2 *Id.* (citing *Exxon Mobil*, 544 U.S. at 284).

3 Plaintiff Birgy’s claims against the Ventura Defendants satisfy the above *Searle*
4 criteria and are therefore barred by *Rooker-Feldman* for several reasons.¹¹ *See id.* First,
5 this case is brought by Plaintiff Birgy, who did not prevail in the VCAS and Superior Court
6 proceedings. After the VCAS administrative proceeding, wherein VCAS determined
7 Bruce is vicious and ordered him to be euthanized, Plaintiff Birgy appealed the VCAS
8 administrative order to the Ventura County Superior Court. (FAC ¶¶ 219, 221, 241). On
9 April 15, 2026, Plaintiff Birgy presented evidence before the Superior Court in opposition
10 to a finding of viciousness and destruction and, after de novo review, the Superior Court
11 determined that Bruce was vicious, that his release “would create a significant threat to the
12 public health, safety, and welfare,” and ordered Bruce to be euthanized. (Superior Court
13 Order at 8); *see* (FAC ¶¶ 219, 221, 241). Further, the Superior Court denied Plaintiff
14 Birgy’s request for a stay of the judgment. (Superior Court Order at 10).

15 Second, Plaintiff Birgy filed this federal lawsuit pursuant to 42 U.S.C. § 1983.
16 Although Plaintiff Birgy attempts to couch her claims against the Ventura Defendants in
17 different terms, the gravamen of these claims is this Court should enjoin execution of the
18 state court judgment declaring Bruce to be “vicious” and ordering Bruce to be euthanized
19 because the state court made erroneous decisions during the de novo proceeding that
20 violated Plaintiff Birgy’s due process rights. *See e.g.*, (FAC ¶ 42 (“[T]he de novo hearing
21 itself lacked constitutionally adequate process”)); (FAC ¶ 43 (“The cumulative effect is
22 that constitutionally deficient administrative proceedings were followed by a
23 constitutionally deficient de novo hearing”)); (FAC ¶ 244 (“Plaintiffs allege that the de
24 novo hearing did not cure the prior VCAS administrative-process defects, did not
25 adjudicate SPARC’s retained rights, and did not provide constitutionally adequate process
26

27 ¹¹ SPARC’s claims are not barred by *Rooker-Feldman* because the doctrine “does not bar
28 actions by a nonparty to the earlier state suit.” *Lance*, 546 U.S. at 464 (citing *Johnson v.*
De Grandy, 512 U.S. 997, 1005–06 (1994)).

1 before Defendants sought to execute an irreversible destruction order”); (FAC ¶ 319
2 (alleging the de novo hearing procedures were inadequate and “resulted in destruction
3 order without adequate adjudication of available non-destruction alternatives”)).

4 Third, Plaintiff Birgy commenced this case after entry of the state court judgment,
5 *see* (Complaint), and, as relief, requests that this Court stay execution of the judgment,
6 which was denied by the Superior Court; enjoin “Defendants from destroying Bruce unless
7 and until Plaintiffs receive constitutionally adequate process”; and order alternatives to
8 destruction, including Bruce’s release from VCAS. *See* (FAC at Prayer for Relief ¶ 10);
9 (App. at 14–15); (Proposed Order at 2). Plaintiff Birgy is essentially requesting that this
10 Court void the proceedings conducted by the Ventura County Superior Court for
11 constitutional inadequacy, reject the state court judgment, and issue a mandatory injunction
12 releasing Bruce from VCAS. Further, her claims against the Ventura Defendants, alleging
13 that their use of constitutional inadequate procedures resulted in Bruce’s seizure, detention,
14 and VCAS administrative vicious dog order, are inextricably intertwined with the state
15 court judgment, *see* (FAC ¶¶ 347, 352–57). Plaintiff Birgy’s claims against the Ventura
16 Defendants are thus prohibited by *Rooker-Feldman*. *See Bianchi*, 334 F.3d at 898 (*Rooker-*
17 *Feldman* bars constitutional challenges that “ask[] the federal court to review the state
18 court’s denial in a judicial proceeding . . . and to afford [the plaintiff] the same remedy he
19 was denied in state court”) (internal quotation marks and citation omitted); *see also Preven*
20 *v. Cnty. of Los Angeles*, No. CV 11-2340-R RNB, 2011 WL 2882399, at *11–*12 (C.D.
21 Cal. June 17, 2011), *report and recommendation adopted*, No. CV 11-2340-R RNB, 2011
22 WL 2882853 (C.D. Cal. July 19, 2011) (concluding that the *Rooker-Feldman* doctrine
23 precluded the court from reviewing as-applied constitutional challenges to an allegedly
24 erroneous state court proceeding finding plaintiffs’ dogs as “potentially dangerous”).

25 Although Plaintiffs argue that the *Rooker-Feldman* doctrine does not apply because
26 Plaintiff Birgy “allege[s] injury from Defendants’ conduct and omissions in the
27 administrative/enforcement sequence leading to execution of Bruce’s destruction order,”
28 and alleges a failure to “provide constitutionally adequate process,” (Supp. Brief at 8–9),

1 Plaintiffs’ argument is foreclosed by case law. The Ninth Circuit counsels that district
2 courts “cannot simply compare the *issues* involved in the state-court proceeding to those
3 raised in the federal-court plaintiff’s complaint,” but instead under *Rooker-Feldman* “must
4 pay close attention to the *relief* sought by the federal court plaintiff.” *Bianchi*, 334 F.3d
5 at 900 (emphasis in original). Here, the primary relief Plaintiff Birgy seeks on her claims
6 against the Ventura Defendants is an order enjoining enforcement of the state court
7 judgment, which amounts to an “undoing of the prior state-court judgment—a
8 particularized challenge to an adjudication against [her] in state court clearly barred under
9 *Rooker-Feldman*.” *Id.* (internal quotation marks and citation omitted). Moreover, Plaintiff
10 Birgy’s requested relief—issuance of a stay of execution of the judgment and injunction
11 prohibiting Bruce from being euthanized—mirrors the relief sought in Plaintiff Birgy’s
12 appeal before the Superior Court, which the Superior Court denied. *Compare* (FAC
13 at Prayer for Relief ¶ 10) *with* (Superior Court Order at 10). This Court cannot redress
14 Plaintiff Birgy’s alleged injury, including ordering release or transfer of Bruce or
15 alternatives to Bruce’s destruction, without undoing the state court judgment. *See Bianchi*,
16 334 F.3d at 900.

17 The FAC also does not raise a facial challenge to the statutory or municipal authority
18 invoked to seize Bruce or conduct the dangerous dog proceedings against him. *See* (FAC);
19 *see also Noel*, 341 F.3d at 1157 (stating federal district courts have subject matter
20 jurisdiction over cases raising general challenges to the constitutionality of a rule,
21 “unrelated to any particular application” by the state court). Instead, the FAC raises an as-
22 applied challenge to the state court proceedings and asks this Court to adjudicate Plaintiff
23 Birgy’s claims on the merits. *See* (FAC ¶¶ 347, 352–57). Adjudication of Plaintiff Birgy’s
24 claims would necessarily require this Court to review the procedural decisions made by the
25 Superior Court that Plaintiff Birgy claims caused her injury, which is barred by *Rooker-*
26 *Feldman*. *See Bianchi*, 334 F.3d at 898 (a complaint “must be dismissed for lack of subject
27 matter jurisdiction” where “the adjudication of the federal claims would undercut the state
28 ruling or require the district court to interpret the [state court’s] application of state laws or

procedural rules”).¹² Thus, this Court lacks subject matter jurisdiction to adjudicate Plaintiff Birgy’s claims.

Notwithstanding, even if Plaintiff Birgy’s claims were not barred by *Rooker-Feldman*, Plaintiff has not clearly shown a likelihood of success on the merits of her claims against the Ventura Defendants. For purposes of due process under § 1983, the Supreme Court has long recognized that “[p]roperty in dogs is of an imperfect or qualified nature and they may be subject to peculiar and drastic police regulations by the state without depriving their owners of any federal right. *Nicchia v. People of State of New York*, 254 U.S. 228, 230 (1920). Here, although the Court recognizes Plaintiff Birgy’s strong ownership interest in maintaining Bruce, Plaintiff Birgy has not shown for her claims against the Ventura Defendants that the procedures followed by the Ventura Defendants did not comply with Ventura County Ordinance Code Sections 4470 *et seq.* Instead, the Application incorrectly asserts that “the codes fail to proscribe a burden of proof and method of appeal,” and then purports to reserve Plaintiff Birgy’s right to identify the Ventura code sections she claims the Ventura Defendants violated for a later time. *See* (App. at 13, 18). Given VCAS’ strong public interest in protecting the safety of the public from potentially dangerous or vicious dogs, Plaintiff Birgy has not sufficiently shown that the procedures followed by the Ventura Defendants and Superior Court were constitutionally deficient.

¹² The FAC also does not allege, nor does the record support, that Defendants engaged in extrinsic fraud to evade *Rooker-Feldman*’s jurisdictional bar. *See Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1140 (9th Cir. 2004); *see also Miroth v. Cnty. of Trinity*, 136 F.4th 1141, 1151–52 (9th Cir. 2025) (holding that *Rooker-Feldman* did not apply because plaintiffs alleged that county officials made false and misleading statements to the state court, which caused the court to terminate plaintiffs’ parental rights, and plaintiffs did not seek to reinstate their parental rights). Plaintiff Birgy only argues that the dangerous dog proceedings were constitutionally inadequate. *See* (Supp. Brief at 7–8).

B. Plaintiff SPARC Has Failed to Show It Has Standing to Bring Its Claims Against Defendants

The Court also concludes that SPARC lacks standing to enjoin the enforcement of the Superior Court Order. When seeking temporary relief, “a plaintiff must make a ‘clear showing’ that she is ‘likely’ to establish each element of standing.” *Murthy v. Missouri*, 603 U.S. 43, 58 (2024) (quoting *Winter*, 555 U.S. at 22); *see also Lujan v. Defs. of Wildlife*, 504 U.S. 555, 5661 (1992); *Warth v. Seldin*, 422 U.S. 490, 498 (1975) (standing is “the threshold question in every federal case, determining the power of the court to entertain the suit”).¹³ To establish standing, a plaintiff must demonstrate “(i) that she has suffered or likely will suffer an injury in fact, (ii) that the injury likely was caused or will be caused by the defendant, and (iii) that the injury likely would be redressed by the requested judicial relief.” *Food & Drug Admin. v. All. for Hippocratic Med.*, 602 U.S. 367, 380 (2024).

A plaintiff suffers an “injury in fact” where there is “an invasion of a legally protected interest” that is concrete and particularized, and actual, or imminent. *Lujan*, 504 U.S. at 560. “The claimant’s burden under Article III is not a heavy one; the claimant need demonstrate only a colorable interest in the property, for example, by showing actual possession, control, title, or financial stake.” *United States v. Real Prop. Located at 5208 Los Franciscos Way, Los Angeles, Cal.*, 385 F.3d 1187, 1191 (9th Cir. 2004); *see also Tennessee Elec. Power Co. v. Tennessee Val. Auth.*, 306 U.S. 118, 137 (1939) (recognizing that a legally protected interest may be “one of property, one arising out of contract, one protected against tortious invasion, or one founded on a statute which confers a privilege”).

Generally, “[o]wnership interest is determined under the law of the state in which the interest arose.” *Real Prop. Located at 5208 Los Franciscos Way, Los Angeles, Cal.*, 385 F.3d at 1191. Under California law, ownership can apply to “all domestic animals,”

¹³ Although Defendants do not squarely address the issue of standing, “federal courts are required sua sponte to examine jurisdictional issues such as standing.” *B.C. v. Plumas Unified Sch. Dist.*, 192 F.3d 1260, 1264 (9th Cir. 1999); *see also Nat’l Org. for Women, Inc. v. Scheidler*, 510 U.S. 249, 255 (1994) (“Standing represents a jurisdictional requirement which remains open to review at all stages of the litigation.”).

1 Cal. Civ. Code § 655. The parties do not appear to dispute that Plaintiff Birgy is the party
2 that owns and holds a possessory interest in Bruce. Plaintiffs, however, have failed to
3 allege sufficient facts to make a clear showing in support of the Application that Plaintiff
4 SPARC has a colorable interest in Bruce and therefore has standing to pursue injunctive
5 relief. The FAC alleges that Plaintiff Birgy adopted Bruce from Plaintiff SPARC and is
6 Bruce’s legal owner. (FAC ¶¶ 12, 51–52). Nevertheless, Plaintiff SPARC points out that,
7 pursuant to an adoption agreement with Plaintiff Birgy, Plaintiff Birgy was required “to
8 notify SPARC without delay if she could no longer care for or keep Bruce,” and that the
9 adoption agreement required Plaintiff Birgy “not to rehome or euthanize her SPARC pet
10 without contacting SPARC.” (*Id.* ¶¶ 78, 80). According to the FAC, Plaintiff Birgy was
11 also required to “give SPARC reasonable time to rehome Bruce or place Bruce in an
12 approved foster home, if one was available.” (*Id.* ¶ 79). Further, the FAC alleges that the
13 adoption agreement stated that “failure to comply with any of the above provisions will
14 result in immediate forfeiture of the animal to SPARC.” (*Id.* ¶ 81). These notice provisions
15 in the adoption agreement, argue Plaintiffs, establish SPARC’s “future, reversionary and/or
16 contract-based property interest in Bruce” (hereinafter referred to as, “Future Reversionary
17 Interest”). (*Id.* ¶ 55). Plaintiffs also assert in conclusory fashion that SPARC retained “the
18 bundle of property rights” through the adoption agreement to control or object if the
19 government sought to destroy Bruce. (*Id.* ¶ 58).

20 Although Plaintiffs first raised their theory of SPARC’s Future Reversionary Interest
21 in the original Complaint, *see* (Complaint ¶ 1), Plaintiffs have not attached a copy of the
22 adoption agreement as an exhibit to the FAC or the Application. Nor have Plaintiffs alleged
23 whether Plaintiff Birgy must provide such notices to SPARC under the adoption agreement
24 orally or in writing; identified the SPARC authorized legal representative designated to
25 receive Plaintiff Birgy’s notice; and specified what steps Plaintiff Birgy must take to
26 transfer actual possession of Bruce back to SPARC under the adoption agreement. At best,
27 Plaintiffs have alleged facts indicating that Birgy’s obligation to notify SPARC under the
28 notice provisions is a condition precedent to SPARC’s Future Reversionary Interest

1 accruing. *See* (FAC ¶ 54 (“The SPARC adoption agreement required Birgy to notify
2 SPARC if she could no longer care for or keep Bruce. It also gave SPARC rights to protect,
3 recover, rehome, or resume custody of Bruce under circumstances set forth in the
4 agreement.”)); *see* Cal. Civ. Code § 1436 (“A condition precedent is one which is to be
5 performed before some right dependent thereon accrues, or some act dependent thereon is
6 performed.”). In other words, under Plaintiffs’ Future Reversionary Interest theory, if
7 Plaintiff Birgy notified SPARC of her inability to care for or keep Bruce or decided to
8 rehome or euthanize Bruce without contacting SPARC, then Birgy would forfeit ownership
9 of Bruce to SPARC, giving rise to SPARC’s Future Reversionary Interest. *See* (FAC ¶¶ 51,
10 77–83).

11 Plaintiffs, however, have not alleged sufficient facts to establish that SPARC’s
12 Future Reversionary Interest began to accrue before the Superior Court judgment. In
13 particular, the FAC does not allege that, before issuance of the Superior Court Order,
14 Plaintiff Birgy actually notified SPARC that she was invoking any of the notice provisions
15 under the adoption agreement to relinquish her ownership interest in Bruce to SPARC. To
16 the contrary, the FAC is premised on Plaintiff Birgy’s assertions that she currently holds a
17 protected property and possessory interest in Bruce, which she seeks to enforce, and that
18 Defendants’ seizure, continued detention, and threatened destruction of Bruce interferes
19 with Plaintiff Birgy’s protected property interest, in violation of her constitutional rights.
20 *See e.g.*, (FAC ¶¶ 51–52 (“Birgy has protected property and possessory interests in Bruce
21 arising from her adoption of Bruce, her relationship with him as his owner, guardian,
22 keeper, and/or person responsible for him, and Defendants’ pursuit of dangerous-dog and
23 nuisance proceedings against her based on that relationship. Birgy’s protected interests are
24 not limited to whether Bruce may return to her physical custody.”)). Insofar as the FAC
25 asserts that SPARC holds a Future Reversionary Interest, Plaintiffs represent they have
26 merely pleaded that theory “in the alternative to the extent that Defendants or any party
27 disputes whether Birgy’s ownership rights remained in effect.” (*Id.* ¶¶ 17, 86). However,
28

1 based on the FAC and briefs related to the Application, no party disputes Plaintiff Birgy's
2 ownership interest in Bruce.

3 The FAC also does not allege sufficient facts to demonstrate that Bruce's
4 impoundment into VCAS custody on February 23, 2026, triggered SPARC's Future
5 Reversionary Interest. (*Id.* ¶ 125). To the extent that Plaintiffs contend that SPARC's
6 Future Reversionary Interest in Bruce began to accrue upon "any government action that
7 would permanently extinguish SPARC's ability to recover, protect, rehome, or resume
8 custody of Bruce," (*id.* ¶ 56), Plaintiffs have failed to allege sufficient facts to support this
9 legal conclusion. In particular, Plaintiffs have not alleged sufficient facts to demonstrate
10 that, at the time of the seizure, SPARC had actual control, possession, title, or a financial
11 stake in Bruce arising out of its adoption agreement with Plaintiff Birgy under the
12 circumstances. The Court thus finds that Plaintiffs have failed to demonstrate that SPARC
13 has a colorable property interest that has been injured in fact to establish its standing to
14 assert its claims against the Defendants in federal court.¹⁴ *See, e.g., Karcher v. May*, 484
15 U.S. 72, 395 (1987) (dismissing an appeal "for want of jurisdiction" because the appellants
16 were not "parties to [the] case in the capacities under which they seek appeal").

17 With Plaintiff Birgy's claims against the Ventura Defendants being barred by the
18 *Rooker-Feldman* doctrine and Plaintiff SPARC having failed to meet its burden of
19 establishing standing to bring its claims against the Defendants, the Court next determines
20 whether preliminary relief is warranted based on Plaintiff Birgy's remaining claims against
21 the City of Oxnard.

22
23 ¹⁴ Even if Plaintiff SPARC was able to establish its standing to seek the requested
24 preliminary relief, for the same reasons as discussed as to the Ventura Defendants, *see*
25 (Section III.A), and the City of Oxnard, *see* (Section III.C), Plaintiff SPARC has failed to
26 make a *clear* showing based on its Future Reversionary Interest theory of a likelihood of
27 succeeding on the merits of its claims against the Defendants and has failed to establish the
28 existence of serious questions going to the merits of those claims. However, given that the
parties have not addressed the issue of Plaintiff SPARC's standing, the Court declines to
address, on a motion for temporary restraining order, whether Plaintiff SPARC's claims
are futile.

C. Plaintiff Birgy Has Not Made a Clear Showing of a Likelihood of Success on the Merits of her Claims against the City of Oxnard

For Plaintiff Birgy’s § 1983 claims, the FAC alleges that the proceedings conducted by the City of Oxnard declaring Bruce a public nuisance were constitutionally inadequate as applied to Bruce, in violation of Plaintiff Birgy’s due process rights.¹⁵ *See* (FAC ¶¶ 164, 169–70). In addition, as to the City of Oxnard, Plaintiff Birgy appears to allege two theories of *Monell* liability—namely, that the City of Oxnard maintains policies, customs, practices, and procedures that allow for constitutionally inadequate administrative proceedings; and that the City of Oxnard fails to train its employees assigned to administer those proceedings. *See (id. ¶¶ 363, 367, 370).*

The Application asserts that the procedures preceding the administrative determination by the City of Oxnard that Bruce is a nuisance pursuant to City of Oxnard City Code Section 5-2(a)(2) were constitutionally inadequate. Specifically, Plaintiff Birgy contends that no notice was given regarding the appropriate standard of proof that would be applied to the hearing and none was applied, “there was no hearing prior to the City making findings and a decision to euthanize Bruce,” and “no evidence was provided to [Plaintiff Birgy] prior to any of the administrative hearings.” (App. at 8–9). Among other relief, the Application requests that the Court “toll the statute of limitations on the administrative appeal until this federal case is resolved” and enjoin Defendants from euthanizing Bruce. (*Id.* at 14–15). Plaintiff Birgy argues she is likely to succeed on the merits of her claims against the City of Oxnard because the deficiencies she identifies with

¹⁵ The FAC also makes repeated allegations that Defendants’ seizure and continued detention of Bruce violates Plaintiff Birgy’s Fourth, Fifth, and Fourteenth Amendment rights. *See* (FAC ¶¶ 119–24, 305, 313). However, Plaintiffs acknowledge in the FAC that Bruce was seized by Defendant VCAS, not the City of Oxnard, and that Bruce remains in VCAS’ custody. *See e.g., (id. ¶¶ 119, 137).* The FAC also alleges that the City of Oxnard’s administrative proceedings determining whether Bruce is a nuisance were separate from the VCAS’s administrative proceedings. (*Id. ¶¶ 140, 171).*

1 the administrative proceedings establish a “prima facie” violation of due process. (*Id.* at 8–
2 9).

3 While the City of Oxnard initially did not oppose a temporary stay,¹⁶ in the
4 Supplemental Brief, the City of Oxnard contends in opposition to the Application and
5 Plaintiffs’ § 1983 claims that the FAC fails to show that the City’s administrative and
6 regulatory procedures under Oxnard City Code regarding animal nuisances as applied to
7 Bruce caused a constitutional violation. (Supp. Brief at 6–7).

8 Based on the Court’s review of the FAC and briefs in support of and in opposition
9 to the Application, Plaintiff Birgy has failed to clearly show a likelihood of success on the
10 merits of her claims against the City of Oxnard and has also failed to establish the existence

11 ¹⁶ As one of its arguments, the City of Oxnard contends that Plaintiffs’ claims against it are
12 barred by the *Rooker-Feldman* doctrine. (Supp. Brief at 7). Generally, however, the
13 *Rooker-Feldman* doctrine applies to judicial, and not administrative, decisions unless such
14 decisions are appropriately characterized as being “inextricably intertwined with the
15 judicial decision.” *See Exxon Mobil*, 544 U.S. at 286–87. The FAC alleges that the City
16 of Oxnard’s administrative proceedings were separate from those before the Ventura
17 Superior Court, and the City of Oxnard acknowledges that Plaintiff Birgy did not seek a
18 writ of mandate in the Superior Court pursuant to Cal. Civ. Proc. Code § 1094.5
19 after issuance of the City of Oxnard’s administrative decision. *See* (Supp. Brief at 6).
20 Based on the current record, it is unclear whether issues related to the City of Oxnard’s
21 nuisance complaints were adjudicated in the VCAS proceedings or were adjudicated in the
22 appeal before the Ventura County Superior Court. If, however, the evidence and issues
23 presented for the administrative proceedings of the City of Oxnard and VCAS did overlap
24 and were addressed by the Superior Court, Plaintiff’s Birgy’s claims as to City of Oxnard
25 are arguably inextricably intertwined with the Superior Court Order and Plaintiff Birgy’s
26 requested relief—that the City of Oxnard may not destroy Bruce absent constitutionally
27 adequate process—“would effectively reverse the state court decision or void its ruling.”
28 *Fontana Empire Ctr., LLC*, 307 F.3d at 992.

The City of Oxnard also argues that this Court stated in its May 15, 2026, Minute
Order, the *Rooker-Feldman* doctrine applies to the City of Oxnard. (Supp. Brief at 6). The
Court made no such conclusive statement. What the Court stated was that, based on the
Court’s review of the Complaint, Application, and Opposition, the Court was, at the time,
“unable to conclude whether it has jurisdiction over the case” and ordered the parties to
show cause whether the Court has subject matter jurisdiction. (Order to Show Cause at 3).
Counsel for the City of Oxnard is cautioned against misrepresenting the Court’s orders.

1 of serious questions going to the merits of her claims as to warrant preliminary relief
2 against the City of Oxnard.

3 To state a claim for relief under § 1983, a complaint must allege: “(1) a violation of
4 rights protected by the Constitution or created by federal statute, (2) proximately caused
5 (3) by conduct of a ‘person’ (4) acting under color of law.” *Crumpton v. Gates*, 947 F.2d
6 1418, 1420 (9th Cir. 1991). For a procedural due process claim, a plaintiff must allege that
7 the procedures were constitutionally deficient under the test described in *Mathews v.*
8 *Eldridge*. *Duprey-Bennett v. Spokane Cnty.*, No. 2:14-CV-0398-TOR, 2015 WL 1439344,
9 at *5 (E.D. Wash. Mar. 27, 2015) (applying the *Mathews v. Eldridge* procedural due
10 process analysis to evaluate the constitutional sufficiency of the state’s impoundment of a
11 plaintiff’s dog) (citing *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)). A plaintiff must
12 “allege either that the defendant did not follow its procedures, or that defendant should
13 have provided some additional procedures and must explain why she believes that to be
14 true.” *Langarica v. Inland Valley Hum. Soc’y*, No. 2:25-CV-00804-JFW-BFM, 2025 WL
15 1510083, at *3 (C.D. Cal. May 19, 2025), *aff’d sub nom. Langarica v. Inland Valley*
16 *Humane Soc’y*, No. 25-3592, 2026 WL 1847354 (9th Cir. June 26, 2026).

17 “[A] plaintiff seeking to impose liability on a municipality under § 1983 [must]
18 identify a municipal ‘policy’ or ‘custom’ that caused the plaintiff’s injury.” *Hunter v. Cnty.*
19 *of Sacramento*, 652 F.3d 1225, 1232–33 (9th Cir. 2011) (quoting *Bd. of Cnty. Comm’rs of*
20 *Bryan Cnty., Okl. v. Brown*, 520 U.S. 397, 403 (1997)). Such policies can include “written
21 policies, unwritten customs and practices, failure to train municipal employees on avoiding
22 certain obvious constitutional violations, and, in rare instances, single constitutional
23 violations [that] are so inconsistent with constitutional rights that even such a single
24 instance indicates at least deliberate indifference of the municipality.” *Benavidez v. Cnty.*
25 *of San Diego*, 993 F.3d 1134, 1153 (9th Cir. 2021) (citations omitted). When *Monell*
26 liability turns on a municipality’s failure to train its officers, “the failure must amount to a
27 deliberate indifference to the rights of persons with whom the police come into contact.”
28 *Vanegas v. City of Pasadena*, 46 F.4th 1159, 1167 (9th Cir. 2022) (internal quotation marks

1 and citation omitted). “To allege such a failure, the plaintiff must establish ‘sufficient facts
2 to support a reasonable inference (1) of a constitutional violation; (2) of a municipal
3 training policy that amounts to a deliberate indifference to constitutional rights; and (3) that
4 the constitutional injury would not have resulted if the municipality properly trained their
5 employees.’” *Id.* (quoting *Benavidez*, 993 F.3d at 1153–54). “*Monell* liability is ‘at its
6 most tenuous where a claim turns on a failure to train.’” *Id.* (quoting *Benavidez*, 993 F.3d.
7 at 1154). Proving *Monell* liability under a failure-to-train theory “usually requires a pattern
8 of similar constitutional violations by untrained employees.” *Id.* (internal quotation marks
9 omitted).

10 Here, although the Application and FAC generally assert that the City of Oxnard
11 violated its policies and procedures and failed to properly train its administrative hearing
12 officials, Plaintiff Birgy has failed to set forth sufficient facts to demonstrate the
13 administrative procedures followed by the City of Oxnard in determining Bruce to be a
14 public nuisance violated her constitutional rights and has not alleged sufficient facts to
15 show a constitutional violation of a municipal training policy that amounts to a deliberate
16 indifference to her constitutional rights.

17 In the Supplemental Brief and FAC, both parties point to Oxnard City Code
18 Chapter 5, Article I, Secs. 5-1 through 5-18 as setting forth the regulatory and
19 administrative policies and procedures for animal nuisance matters. *See* (FAC ¶ 163);
20 (Supp. Brief at 5); Oxnard City Code ch. 5, art. I, §§ 5-1–5-18. From the Court’s review
21 of these procedures, Plaintiff Birgy has not shown that the City of Oxnard’s compliance
22 with its policies and procedures was deficient or that any such deficiencies amounted to a
23 constitutional violation.

24 First, pursuant to Section 5-3, a member of the public may file a sworn written
25 complaint detailing an animal nuisance incident. (Supp. Brief at 5); *see* Oxnard City Code
26 ch. 5, art. I, § 5-3. According to the City of Oxnard, it received two public complaints
27 regarding separate incidents with Bruce: one involved Bruce allegedly biting an individual
28

1 and the second incident involved Bruce allegedly lunging at an individual and knocking
2 the individual down. (Supp. Brief at 5).

3 Second, pursuant to Section 5-4, “[u]pon receipt of a complaint that alleges a public
4 nuisance . . . the hearing officer shall cause a notice of a public nuisance hearing to be
5 served upon the owner or keeper of the animal and upon the complainant.” Oxnard City
6 Code ch. 5, art. I, § 5-4. According to the City of Oxnard, based on these two complaints,
7 the City issued two Notice of Hearings to Plaintiff Birgy. (Supp. Brief at 5–6).

8 Third, the FAC acknowledges, contrary to the assertions in Plaintiffs’ Application,
9 that two hearings did, in fact, take place—one on March 5, 2026, and another on March
10 12, 2026—and that Plaintiff Birgy appeared at the March 5, 2026, hearing and provided
11 testimony. *See* (FAC ¶ 145); *compare* (App. at 9 (“[T]here was no hearing prior to the
12 City making findings and a decision to euthanize Bruce.”)). Although Plaintiff Birgy
13 asserts in the FAC that she did not appear at the March 12, 2026, hearing because she did
14 not receive “constitutionally adequate notice” of the second hearing,¹⁷ *see* (FAC ¶ 154),
15 the City of Oxnard represents, and Plaintiff Birgy does not dispute, that Plaintiff Birgy did
16 submit written testimony for the March 12, 2026, hearing. (Supp. Brief at 6).

17 Third, Sections 5-7 and 5-8 provide for the examination of witnesses and receipt of
18 relevant evidence, respectively. *See* Oxnard City Code ch. 5, art. I, §§ 5-7, 5-8. The FAC
19 acknowledges that a complaining witness appeared at the first administrative hearing, that
20 the complaining witness provided testimony during the hearing, and that Plaintiff Birgy
21 attended the first hearing. *See* (FAC ¶¶ 144–45). As stated previously, Plaintiff Birgy
22 provided written testimony for the second hearing. *See* (Supp. Brief at 6). Although
23 Plaintiff Birgy alleges in the FAC that she did not receive certain evidence before the

24 ¹⁷ Though it is unclear from the Application whether Plaintiff Birgy is asserting that she
25 received no notice whatsoever of the second hearing or that the notice she did receive of
26 the second hearing was “constitutionally deficient,” that Plaintiff Birgy submitted her
27 written testimony for the second hearing supports the latter assertion. *See* (Supp. Brief
28 at 6). Moreover, in considering the Application, the Court need not accept an assertion that
amounts to a legal conclusion.

1 hearing, consisting of “complete bite reports, witness materials, hearing packet,
2 investigative materials, or other evidence,” *see* (FAC ¶ 146), Plaintiff Birgy has not pointed
3 to a municipal policy or procedure that requires receipt of such evidence before or during
4 the hearing.

5 Fourth and finally, Sections 5-10 and 5-11 provide that the preliminary hearing and
6 public nuisance hearings are to be recorded and audio recordings made available upon
7 request, and that the public officer must make written findings and render a decision after
8 the public nuisance hearing on the issues presented at the hearing. *See* Oxnard City Code
9 ch. 5, art. I, §§ 5-10, 5-11. Although the FAC does not allege that Plaintiff Birgy requested
10 audio recordings after the hearings, it does allege that she was provided with an audio
11 recording of the public nuisance hearing after it occurred, *see* (FAC ¶ 157), and that the
12 City of Oxnard issued written decisions to Plaintiff Birgy after the hearings, *see* (FAC
13 ¶¶ 165–67).

14 Given the facts set forth above, Plaintiff Birgy has failed to show the administrative
15 procedures followed by the City of Oxnard in determining Bruce to be a public nuisance
16 violated her constitutional rights and, therefore, has failed to make a clear showing that she
17 is likely to succeed on the merits of her claims against the City of Oxnard.

18 **IV. CONCLUSION**

19 For all the foregoing reasons, the Court ORDERS as follows:

- 20 (1) The Court DENIES the Application;
- 21 (2) The May 15, 2026, Order to Show Cause, (ECF No. 13) is amended, as set
22 forth in footnote 6 of this order, to have temporarily STAYED, instead of
23 ENJOINED, Defendants’ execution of the state court judgment;
- 24 (3) The Court’s May 15, 2026, STAY is hereby lifted;
- 25 (4) Plaintiffs’ claims against the Ventura Defendants are DISMISSED for lack of
26 subject matter jurisdiction; and

27 //

28 //

(5) Plaintiff SPARC is DISMISSED for lack of standing.
IT IS SO ORDERED.

DATED: August 6, 2026


HON. SHERILYN PEACE GARNETT
UNITED STATES DISTRICT JUDGE