

No. 25-230

IN THE SUPREME COURT OF THE UNITED
STATES

JAMES CONERLY, CARINA CONERLY, and
MARILYN Y. TILLMAN—CONERLY, IN PRO
SE

Petitioners

v.

MICHELE COOKSEY, et al.

Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RESPONDENTS' OPPOSITION

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QUESTION PRESENTED

Petitioners list eleven questions to this Court that are couched in disguise as individual questions of constitutional or federal law that merit review. In actuality, Petitioners here seek a reversal of the district court's judgment for reasons difficult to discern.

Thus, the very simple question presented is:

Did the district court properly grant Respondents' motion to dismiss Petitioners' complaint under Federal Rule of Civil Procedure 12(b)(6)?

STATEMENT OF THE CASE

Petitioners are Carina Conerly ("Carina"), Minor M.T., James Conerly ("James") and Marilyn Tillman-Conerly ("Marilyn"). Based on the pleadings, Carina is the mother of Minor M.T. and James and Marilyn are Carina's parents (and grandparents to Minor M.T.). The substance of the complaint concerns what can only be presumed as a contentious custody battle between Carina and Sharif Tarpin over their minor child, M.T. The complaint makes only broad conclusory statements about an alleged conspiracy among private actors and the government.¹ Nothing more.

Multiple motions to dismiss were filed by the many named defendants. Respondents' motion to dismiss was based on multiple grounds, primarily failure to state a claim under Federal Rule of Civil Procedure 12(b)(6), failure to state a claim under the Fourteenth Amendment to the U.S. Constitution, lack of standing by James and Marilyn, and lack of standing by Carina to sue in *pro se* on behalf of her minor child M.T.

¹ It is unclear to Respondents if Petitioners are even appealing the dismissal of the complaint against Respondents or as to the other named defendants. Respondents hereby submit this opposition brief out of an abundance of caution.

REASONS FOR DENYING THE PETITION

Generally speaking, it is not the function of this Court to correct errors by lower courts yet that is precisely what Petitioners here seek: a reversal of the district court's judgment. As Chief Justice Rehnquist wrote, in evaluating petitions for certiorari the Court looks for cases "involving unsettled questions of federal constitutional or statutory law of general interest." Rehnquist, *The Supreme Court: How it Was, How it Is* 269 (1987). This case presents no such question, and there is nothing unsettled about the law applied by the district court in dismissing Petitioner's complaint.

The Court reviews for abuse of discretion a district court's decision to dismiss a complaint with prejudice. See *Benavidez v. Cty. of San Diego*, 993 F.3d 1134, 1141-42 (9th Cir. 2021) ("We review for abuse of discretion a district court's dismissal with prejudice and without leave to amend."); *Missouri ex rel. Koster v. Harris*, 847 F.3d 646, 656 (9th Cir. 2017).

For a complaint to survive a motion to dismiss, the non-conclusory factual content, and reasonable inferences drawn therefrom, must be plausibly suggestive of a claim

entitling the plaintiff to relief. *Moss v. U.S. Secret Service*, 572 F.3d 962, 969 (9th Cir. 2009) (quotations omitted). “Pleadings nonetheless must meet some minimum threshold in providing a defendant with notice of what it is that it allegedly did wrong.” *Brazil v. U.S. Dept. of Navy*, 66 F.3d 193, 199 (9th Cir. 1995)

A simple review of the complaint quickly demonstrates that it was proper for the district court to grant Respondents’ motion to dismiss. Speculation as to the allegations in the complaint is a common theme in the numerous motions to dismiss as well as the district court’s findings and recommendations. The only clear takeaway from the underlying facts is that there is a custody dispute between Carina and Mr. Tarpin over their minor child M.T. Beyond the underlying custody dispute, the complaint consists of multiple incoherent grievances.

Even when faced with a motion to dismiss, Petitioners were unable to develop a coherent opposition or even address specific points raised in the moving papers. In fact, the beginning of the 69-page opposition to the motion to dismiss filed by Respondents raises the apparent termination of Carina from her position as a pension

program analysis with CalSTRS. The opposition offers little to no connection to any of the Respondents.

Even with their 30-page opening brief to the U.S. Court of Appeals for the Ninth Circuit, and again here with their petition, Petitioners are unable to state simple facts of the case. Instead, Petitioners argue the decision by the district court was underscored by bias and retaliation.

There is no doubt that the district court was well within its authority to grant Respondents' motion to dismiss. The complaint lacked any coherent claims, and even under liberal pleading standards (and factoring in that Petitioners are appearing *pro se*) there can be no cognizable disagreement that Petitioners' complaint was rife with unreasonable inferences or unwarranted deductions by Petitioners that did not support any claims against Respondents. It was thus properly subject to dismissal on multiple grounds.

CONCLUSION

The petition for writ of certiorari should be denied.

Dated: September 26, 2025

Respectfully submitted.

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CERTIFICATE OF WORDS COMPLIANCE

In compliance with The United States Supreme Court Rules, we, Respondents, certify that our petition contains 789 words, excluding the parts of the brief that are exempted by the Supreme Court's Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 26, 2025.

Respectfully submitted.

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