

Application No. 26A_____

IN THE SUPREME COURT OF THE UNITED STATES

SANTA PAULA ANIMAL RESCUE CENTER, INC., AND CLAIRE BIRGY,
Applicants,

v.

**VENTURA COUNTY, VENTURA COUNTY ANIMAL SERVICES, AND CITY OF
OXNARD,**
Respondents.

**ON EMERGENCY APPLICATION ARISING FROM PROCEEDINGS IN THE UNITED
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, NO. 26-5072**

**EMERGENCY APPLICATION FOR AN IMMEDIATE ADMINISTRATIVE STAY AND
A STAY PENDING APPEAL**

Walter T. Clark (106019)
wclark@walterclark.com
Walter Clark Legal Group
71861 Highway 111
Rancho Mirage, CA 92270
(760) 862-9254

CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, Applicant Santa Paula Animal Rescue Center, Inc. states that it has no parent corporation and that no publicly held company owns 10% or more of its stock.

PARTIES TO THE PROCEEDING

Applicants (Plaintiffs-Appellants) are Santa Paula Animal Rescue Center, Inc. and Claire Birgy.

Respondents (Defendants-Appellees) are Ventura County, Ventura County Animal Services and City Of Oxnard.

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**TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE SUPREME
COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE NINTH
CIRCUIT:**

Pursuant to Supreme Court Rules 22 and 23 and the All Writs Act, 28 U.S.C. § 1651(a), Applicants Santa Paula Animal Rescue Center, Inc. (“SPARC”) and Claire Birgy respectfully request an immediate administrative stay of paragraph (3) of the district court’s August 6, 2026 order, restoring the preservation status quo while this application is considered. Applicants further request, upon consideration of this application, a stay of paragraph (3) pending disposition of their appeal in the United States Court of Appeals for the Ninth Circuit, No. 26-5072.

The requested relief is exceptionally narrow. Applicants do not ask this Court to release Bruce, transfer Bruce, place Bruce in the community, or review the merits of the underlying state-court dangerous-dog determination. They ask only that Bruce, Animal ID A842188, remain alive in the custody of Ventura County Animal Services (“VCAS”) while the federal appellate process determines whether SPARC’s independent federal claims were properly dismissed without adjudication.

Unless temporary relief is granted immediately, VCAS intends to destroy Bruce on the morning of August 12, 2026. VCAS Deputy Director Donna Gillespie personally advised Applicant Birgy that Bruce’s destruction is scheduled for that morning but declined to identify a specific time. The consequence of inaction is therefore not speculative. Once Bruce is destroyed, no judicial order can restore him, SPARC’s asserted interests in Bruce will be permanently extinguished, and meaningful appellate relief concerning those interests will become impossible.

On May 15, 2026, the district court entered emergency preservation relief preventing execution of the state-court destruction judgment while it considered threshold jurisdictional issues. In its August 6 order, the district court clarified that the May 15 relief should have stayed, rather than enjoined, execution of the judgment. The district court then lifted that stay while dismissing Applicant Birgy’s claims against Ventura County and VCAS and dismissing SPARC for lack of Article III standing.

At the same time, the district court expressly recognized that SPARC was not barred by the Rooker-Feldman doctrine because SPARC had never been a party to the state-court proceeding.

SPARC and Birgy immediately appealed.

On August 11, 2026, Applicants moved in the Ninth Circuit under Federal Rule of Appellate Procedure 8 and Circuit Rule 27-3 for emergency preservation relief, expressly requesting “a stay or injunction pending appeal.” The requested relief was narrow: Bruce would remain alive in VCAS custody pending further order of the court.

Later that day, the Ninth Circuit entered a one-sentence order stating only: “The emergency motion (Docket Entry Nos. 4, 5) for injunctive relief is denied.” The order did not, on its face, expressly address the alternatively requested stay.

Applicants therefore returned immediately to the Ninth Circuit and sought a partial administrative stay directed specifically to paragraph (3) of the district court’s August 6 order—the paragraph that lifted the May 15 preservation stay.

On August 12, 2026, the Ninth Circuit denied that request in a one-sentence order stating: “The emergency motion (Docket Entry No. 7) for a partial administrative stay is denied.” Applicants have therefore sought emergency preservation relief in both the district court and the

court of appeals, and no lower court has granted relief preventing the destruction VCAS scheduled for the morning of August 12. The requirement of Supreme Court Rule 23.3 that the requested relief ordinarily first be sought below is fully satisfied.

Applicants respectfully request an immediate administrative stay of paragraph (3) of the district court's August 6, 2026 order, restoring the preservation status quo while this application is considered. Applicants further request, upon consideration of this application, a stay of paragraph (3) pending disposition of Applicants' appeal in the United States Court of Appeals for the Ninth Circuit.

OPINIONS AND ORDERS BELOW

The district court's August 6, 2026 order denying emergency relief, lifting the existing stay, dismissing Applicant Birgy's claims against Ventura County and VCAS, and dismissing SPARC for lack of standing is reproduced at App. 1a–28a.

The Ninth Circuit's August 11, 2026 order denying “injunctive relief” is reproduced at App. 29a.

The Ninth Circuit's August 12, 2026 order denying Applicants' emergency motion for a partial administrative stay is reproduced at App. 30a.

JURISDICTION

The district court exercised federal-question jurisdiction over Applicants' claims under 28 U.S.C. §§ 1331 and 1343. Applicants timely appealed the district court's August 6, 2026 order, and that appeal is presently pending in the Ninth Circuit as No. 26-5072.

This Court has authority to grant the requested relief under the All Writs Act, 28 U.S.C. § 1651(a), and Supreme Court Rules 22 and 23, in aid of its potential jurisdiction under 28 U.S.C. § 1254(1).

This Court has exercised that authority to preserve a district-court order while the merits remained pending in the Ninth Circuit. See *Louisiana v. American Rivers*, No. 21A539 (U.S. Apr. 6, 2022) (granting a stay of the district-court order pending disposition of the appeal in the Ninth Circuit and, if necessary, a timely petition for a writ of certiorari).

The requested relief similarly preserves the subject of the pending appeal so that the Ninth Circuit—and, if necessary, this Court—remains capable of providing meaningful review.

STANDARD

Emergency intervention by this Court is extraordinary. To obtain a stay, an applicant ordinarily must demonstrate a reasonable probability that four Justices would consider the federal question sufficiently meritorious to warrant review, a fair prospect that a majority would vote to reverse, and a likelihood of irreparable harm absent relief. *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam). In a close case, the Court also considers the relative harms to the parties and the public interest. *Id.*

Where the underlying case remains pending in a court of appeals, the need for immediate intervention must be exceptional. In *Louisiana v. American Rivers*, Justice Kagan explained that an applicant must at least present evidence of “irreversible injury—harm occurring during the appeals process that cannot be later redressed.” No. 21A539, slip op. at 2 (U.S. Apr. 6, 2022) (Kagan, J., dissenting).

That requirement is satisfied in its most literal sense here. VCAS intends to destroy Bruce before the ordinary appellate process can run its course. No later judgment can restore him.

STATEMENT OF THE CASE

A. SPARC's independent interests were never adjudicated in the state proceeding.

Bruce was originally rescued by SPARC and later adopted to Applicant Birgy pursuant to a written adoption agreement. The First Amended Complaint alleged that the agreement retained in SPARC specific rights concerning Bruce, including rights of notice, return, recovery, resumed custody, forfeiture or reversion, first refusal, and exclusion of unauthorized disposition or destruction.

VCAS later pursued a dangerous-dog proceeding concerning Bruce. On April 15, 2026, after de novo review of the VCAS administrative determination, the Ventura County Superior Court found Bruce legally “vicious” and ordered his destruction.

SPARC was not a party to the VCAS administrative proceeding or the April 15 de novo Superior Court proceeding. SPARC was not named, served, joined, or heard as a rights-holder. No tribunal adjudicated SPARC's adoption-agreement rights before VCAS sought to execute Bruce's destruction.

The district court itself recognized this distinction. It expressly held that Rooker-Feldman does not bar SPARC because SPARC was not a party to the state-court proceeding.

B. The district court nevertheless dismissed SPARC for lack of standing.

The district court dismissed SPARC on Article III standing grounds.

The court itself recognized that a legally protected Article III interest may arise from property or contract and that a claimant need demonstrate only a colorable property interest. Nevertheless, the court faulted Applicants for failing to attach the adoption agreement and for failing to plead additional details concerning the form of notice, the identity of the SPARC

representative to whom notice would be provided, the mechanics for returning possession of Bruce, and whether forfeiture or reversion had already been triggered before entry of the state-court judgment.

The court did not permit amendment or supplementation before dismissing SPARC and lifting the stay that had preserved Bruce's life.

Applicants contend on appeal that the ruling improperly collapsed Article III standing into the ultimate merits and enforceability of SPARC's contract-based property rights and, at minimum, dismissed facially curable pleading deficiencies without permitting amendment before exposing the specific subject of those rights to irreversible destruction.

C. The district court lifted the preservation stay.

On May 15, 2026, the district court entered emergency preservation relief preventing execution of the state-court destruction judgment while it considered threshold jurisdictional issues.

In its August 6 order, the district court explained that its May 15 order had inadvertently used the word "ENJOINED" when the court intended to stay execution of the judgment. The district court therefore amended the May 15 order to reflect that execution of the judgment had been STAYED, rather than enjoined.

The district court then ordered in paragraph (3): "The Court's May 15, 2026, STAY is hereby lifted."

The lifting of that stay exposed Bruce to immediate destruction.

D. VCAS scheduled Bruce's destruction while the appeal was pending.

Applicants filed their Notice of Appeal immediately after the August 6 order and asked Ventura County and VCAS to agree voluntarily not to destroy Bruce while appellate review proceeded. No agreement was provided.

On August 11, counsel for VCAS advised Applicants' counsel that Bruce would be destroyed on August 12, 2026. VCAS Deputy Director Donna Gillespie separately telephoned Applicant Birgy and advised her that Bruce's destruction was scheduled for the morning of August 12 while declining to provide the specific time.

Applicants immediately sought emergency relief from the Ninth Circuit.

Their motion expressly requested alternative relief: "an emergency stay or injunction pending appeal." Applicants did not seek release, transfer, or any alteration of Bruce's custody. They sought only an order preserving Bruce alive in VCAS custody while the appeal proceeded.

Later on August 11, the Ninth Circuit entered a one-sentence order stating: "The emergency motion (Docket Entry Nos. 4, 5) for injunctive relief is denied." The order did not, on its face, expressly address the alternatively requested stay.

Applicants therefore immediately sought a partial administrative stay of paragraph (3) of the district court's August 6 order, asking the Ninth Circuit to restore temporarily the preservation status quo that had existed from May 15 until August 6.

On August 12, 2026, the Ninth Circuit denied that motion in a one-sentence order stating: "The emergency motion (Docket Entry No. 7) for a partial administrative stay is denied."

REASONS FOR GRANTING THE APPLICATION

I. Immediate Administrative Relief Is Necessary to Prevent Irreversible Destruction Before This Application Can Be Considered.

An immediate administrative stay is necessary because VCAS intends to take an irreversible action while this application is pending.

The requested interim relief changes nothing about Bruce's custody or conditions. Bruce remains exactly where he has been for months: alive and in VCAS custody.

Applicants do not seek Bruce's release. They do not seek transfer. They do not seek to place Bruce in the community. They do not ask this Court at this stage to decide the underlying dangerous-dog determination.

They ask only that the status quo be preserved while the federal appellate process remains capable of meaningful review.

Without an administrative stay, however, the status quo will be destroyed permanently. No later decision by the Ninth Circuit, this Court, or any other tribunal can restore Bruce after VCAS destroys him.

The Court should therefore enter an immediate administrative stay while it considers this application.

II. There Is a Reasonable Probability That Four Justices Would Vote to Grant Review of the Federal Questions Presented by SPARC's Dismissal.

This application does not ask the Court to review the merits of the underlying state-court dangerous-dog determination. Nor does it ask the Court to resolve the merits of SPARC's underlying contract and property claims.

The federal question is antecedent and broader: whether Article III permits a federal court to dismiss a nonparty claimant for lack of standing by resolving the ultimate validity, enforceability, or triggering conditions of asserted contract-based property rights, rather than treating those questions as merits issues where the asserted rights are nonfrivolous and their subject is threatened with irreversible destruction.

That question implicates a fundamental boundary in this Court’s standing jurisprudence. In *Federal Election Commission v. Ted Cruz for Senate*, 596 U.S. 289, 298 (2022), this Court explained that “[f]or standing purposes, we accept as valid the merits of appellees’ legal claims,” reiterating *Warth v. Seldin*’s rule that “standing in no way depends on the merits of the plaintiff’s contention.” 422 U.S. 490, 500 (1975).

The point is structural. Standing asks whether the plaintiff possesses the concrete stake Article III requires. It is not a jurisdictional vehicle for determining whether the plaintiff ultimately will prevail on the underlying legal right asserted.

SPARC alleged precisely such a concrete stake. The FAC alleged that SPARC originally rescued Bruce and adopted him to Birgy under a written agreement retaining specific rights concerning Bruce—including rights of notice, return, recovery, resumed custody, forfeiture or reversion, first refusal, and exclusion of unauthorized disposition or destruction.

County and VCAS possess Bruce and intend to destroy him. If those alleged rights are legally valid, destruction eliminates the specific property to which they attach and permanently prevents SPARC from exercising them.

Yet the district court faulted SPARC for failing to attach the agreement; failing to specify whether notice had to be oral or written; failing to identify the particular SPARC representative

designated to receive notice; failing to specify the mechanics by which possession would return to SPARC; and failing to establish that forfeiture or reversion had already been triggered.

Those questions concern what the agreement means, whether particular contractual conditions were satisfied, and when particular rights became enforceable. They concern the ultimate scope and merits of the contract-based rights SPARC asserted—not whether destruction of the property to which those asserted rights attach constitutes a concrete injury if the rights are valid.

That distinction is reflected in the Ninth Circuit’s own precedent. In *Shulman v. Kaplan*, 58 F.4th 404, 407–08 (9th Cir. 2023), the court explained that an Article III injury may involve a right “of property” or one “arising out of contract”; emphasized that the Article III burden is “not a heavy one”; and stated that a claimant need show only a “colorable interest in the property.” In assessing redressability, *Shulman* further instructs courts to “assume that [the] plaintiff’s claim has legal merit.” *Id.* at 408.

To be sure, *Murthy v. Missouri*, 603 U.S. 43, 58 (2024), requires a party seeking preliminary relief to make a clear showing that it is likely to establish Article III standing. But *Murthy* concerns the evidentiary showing necessary at the preliminary-relief stage. It does not erase the distinction between Article III standing and disputed merits questions concerning the legal right asserted.

That distinction is especially consequential here because the district court did not merely deny preliminary relief. It dismissed SPARC from the action for lack of Article III standing. The standing issue had not been squarely presented by Respondents; the district court raised it while adjudicating the emergency application. Disputed questions concerning the operation of

SPARC’s adoption agreement thus became the basis for terminating SPARC’s federal action altogether.

The posture is unusually clean because *Rooker-Feldman* presents no jurisdictional obstacle to SPARC.

Only weeks ago, this Court reaffirmed that *Rooker-Feldman* does not apply when the federal plaintiff “was not a party in the state court” and “does not bar actions by nonparties to the earlier state-court judgment” even if the nonparty could be considered in privity with a state-court party. *T. M. v. University of Maryland Medical System Corp.*, No. 25-197, slip op. at 7 n.4 (U.S. June 18, 2026) (quoting *Johnson v. De Grandy*, 512 U.S. 997, 1006 (1994), and *Lance v. Dennis*, 546 U.S. 459, 466 (2006) (per curiam)).

The district court expressly recognized that rule and held that SPARC was not *Rooker-Feldman* barred because SPARC had never been a party to the state proceeding.

Accordingly, adjudicating SPARC’s standing does not require this Court to revisit the merits of the state-court dangerous-dog determination, reweigh the evidence presented there, or exercise appellate review over a judgment entered against SPARC. No such judgment exists. The issue is whether SPARC may obtain adjudication of its own alleged federal injuries and contract-based property interests for the first time.

If the Ninth Circuit leaves the jurisdictional dismissal in place, the resulting issue would implicate Supreme Court Rule 10(c): whether a federal court of appeals has decided an important question of federal law in a manner inconsistent with this Court’s decisions.

The conflict would concern the line drawn in *Warth* and reiterated in *Ted Cruz*—the line between demonstrating a concrete Article III stake and proving the ultimate merits of the legal claim giving rise to that stake.

The manner of dismissal reinforces the significance of that issue. If the district court believed the agreement itself or additional pleading detail was required, those deficiencies were facially curable. The district court nevertheless dismissed SPARC without permitting supplementation or amendment and simultaneously removed the preservation protecting the specific subject of SPARC's asserted rights.

Unless temporary relief issues, Bruce may be destroyed before any appellate court decides whether SPARC should have been permitted to litigate those rights.

The application therefore presents more than a request to correct a fact-bound error. It presents a threshold federal question concerning the boundary between Article III standing and the merits of asserted contract-based property rights in a posture where failure to preserve the subject of the litigation will eliminate meaningful appellate relief.

There is a reasonable probability that four Justices would consider that federal question sufficiently substantial to warrant review if the Ninth Circuit does not correct the district court's jurisdictional dismissal.

III. There Is a Fair Prospect That the District Court's Dismissal of SPARC Will Be Reversed.

The district court's dismissal rests on a fundamental conflation of Article III standing with the ultimate merits and enforceability of SPARC's contract-based rights. SPARC alleged a concrete interest arising from a written adoption agreement concerning specifically identifiable property—Bruce—and alleged that Respondents' threatened destruction would permanently extinguish the rights that agreement preserved.

A. SPARC alleged a concrete injury to legally protected contract and property interests.

Article III requires an injury that is concrete and particularized, fairly traceable to the defendant, and redressable by judicial relief. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992).

Shulman is particularly instructive. It recognizes Article III injury arising from property or contract and emphasizes that only a colorable property interest is necessary. 58 F.4th at 407–08.

SPARC alleged considerably more than an abstract interest. It alleged that it originally rescued Bruce, adopted him to Birgy pursuant to a written agreement, and retained specific agreement-based rights concerning him. It further alleged that VCAS possessed Bruce and intended to destroy him, thereby permanently extinguishing the specific property to which those rights attach.

Traceability and redressability are equally direct. VCAS possesses Bruce and proposes to destroy him. An order preserving Bruce prevents the alleged injury from becoming permanent.

This is not a generalized concern, ideological interest, or speculative future injury. SPARC alleged identifiable contractual rights in a particular dog presently held by Respondents and threatened with irreversible destruction.

B. The district court treated disputed merits questions about SPARC’s agreement as jurisdictional defects.

This Court repeatedly distinguishes Article III standing from the ultimate validity of the underlying claim. *Ted Cruz*, 596 U.S. at 298; *Warth*, 422 U.S. at 500.

The Ninth Circuit applies the same distinction. *Shulman* states that, in determining redressability, a court “assume[s] that [the] plaintiff’s claim has legal merit.” 58 F.4th at 408.

The district court nevertheless dismissed SPARC after demanding details concerning contractual notice, designated recipients, return mechanics, and whether forfeiture or reversion had been triggered.

Those matters may ultimately affect the scope or enforceability of SPARC's contractual rights. But that is precisely why they are merits questions. They do not eliminate the concrete injury SPARC alleges if Respondents destroy the property to which those asserted rights attach.

Although *Murthy* requires a clear preliminary showing of standing, the district court did materially more than deny preliminary relief for lack of evidence. It dismissed SPARC from the case for want of Article III jurisdiction.

There is therefore a fair prospect that appellate review will conclude that the district court required proof of SPARC's ultimate contractual entitlement in deciding whether SPARC possessed Article III standing to litigate that entitlement in the first instance.

C. Birgy's asserted ownership did not negate SPARC's separately pleaded rights.

The district court also relied on the FAC's continued allegations that Birgy possessed property and possessory interests in Bruce, reasoning that SPARC's claimed reversionary interest had been pleaded in the alternative.

Federal pleading rules expressly allow that.

Rule 8(d)(2) permits alternative or hypothetical statements of a claim, and Rule 8(d)(3) permits separate claims "regardless of consistency."

Birgy's allegations therefore could not properly operate as a binding concession that SPARC possessed no independent contract-based rights. Plaintiffs were entitled to allege that Birgy retained protected ownership or possessory interests while SPARC simultaneously

retained distinct contractual rights concerning notice, return, recovery, forfeiture, reversion, or disposition.

The theories are not necessarily inconsistent. Different parties can hold different legally protected interests in the same property.

There is therefore a fair prospect that alternative pleading supplies no valid basis for the jurisdictional dismissal.

D. Even if additional allegations were required, dismissal without an opportunity to cure independently supports reversal.

The district court itself identified what it believed was missing: the agreement, additional facts concerning notice, the identity of the recipient of notice, transfer mechanics, and allegations establishing when SPARC's rights became enforceable.

Those are not inherently incurable deficiencies. They are precisely the kinds of matters that additional factual allegations or attachment of an existing written agreement can address.

Rule 15(a)(2) states that leave to amend should be freely given "when justice so requires." In *Foman v. Davis*, 371 U.S. 178, 182 (1962), this Court held that absent undue delay, bad faith, repeated failure to cure, undue prejudice, futility, or another justifying reason, Rule 15's mandate is to be heeded; outright refusal without a reason may constitute abuse of discretion.

The jurisdictional character of the dismissal does not make curable pleading deficiencies categorically immune from amendment. Section 1653 provides that "[d]efective allegations of jurisdiction may be amended, upon terms, in the trial or appellate courts." 28 U.S.C. § 1653. That provision does not create jurisdiction where the underlying jurisdictional facts are absent. *Newman-Green, Inc. v. Alfonzo-Larrain*, 490 U.S. 826, 831 (1989). But it confirms the

distinction between an absence of jurisdictional facts and defective allegations concerning jurisdiction that otherwise exists.

Ninth Circuit precedent reflects the same principle. In *Snell v. Cleveland, Inc.*, 316 F.3d 822, 828 n.6 (9th Cir. 2002), the court explained that a complaint containing a jurisdictional pleading defect “should not [be] dismissed without leave to amend . . . unless it is clear, upon de novo review, that the complaint could not be saved by amendment.”

That distinction favors SPARC. The district court did not find after trial or a developed evidentiary record that SPARC lacked any contract-based interest as a matter of fact. Nor did it determine that amendment necessarily would be futile. It identified additional factual and documentary detail it believed was missing from allegations concerning an existing written agreement.

Those deficiencies were facially susceptible to cure. The agreement could be attached. Its provisions could be pleaded with greater specificity. The circumstances under which SPARC’s rights became enforceable could be clarified. And the relationship between Birgy’s interests and SPARC’s separately retained rights could be alleged more specifically.

This is therefore not an attempt to manufacture jurisdictional facts that do not exist.

The consequence of the dismissal is also extraordinary. The district court dismissed SPARC and simultaneously lifted the preservation protecting the specific subject of SPARC’s asserted contract and property rights. Unless preservation relief issues, the alleged pleading deficiency becomes impossible to cure meaningfully because Respondents intend to destroy Bruce before an appellate court determines whether amendment should have been permitted.

That combination independently supports a fair prospect of reversal.

E. Rooker-Feldman supplies no alternative ground for SPARC's dismissal.

The district court expressly recognized that *Rooker-Feldman* does not bar SPARC because SPARC was not a party to the state proceeding.

That conclusion is now reinforced by *T. M.*, which expressly reiterates that the doctrine does not bar actions by nonparties to an earlier state-court judgment, even where privity is alleged.

Thus, if the Article III ruling is incorrect, no *Rooker-Feldman* determination supplies an alternative jurisdictional ground for SPARC's dismissal.

For all of these reasons, there is a fair prospect that the dismissal will be reversed.

IV. Irreparable Harm Is Certain Absent Relief.

The threatened injury could not be more concrete.

VCAS intends to destroy Bruce on the morning of August 12. Applicant Birgy was personally told that by VCAS's Deputy Director.

No damages award and no later judicial ruling can restore Bruce after his destruction.

The harm is not merely loss of an abstract litigation position. Destruction eliminates the specific property to which SPARC's asserted contractual rights attach and defeats any meaningful possessory, return, recovery, reversionary, or non-destruction remedy before those claims can be adjudicated.

It also eliminates the practical ability of the pending appeal to provide the preservation relief Applicants seek.

This case therefore presents precisely the kind of harm Justice Kagan has identified as necessary for intervention while an appeal remains pending: irreversible injury occurring during

the appellate process that cannot later be redressed. See *Louisiana v. American Rivers*, No. 21A539, slip op. at 2 (U.S. Apr. 6, 2022) (Kagan, J., dissenting).

The threatened harm is immediate, certain if VCAS acts as announced, and incapable of repair.

V. The Equities and Public Interest Overwhelmingly Favor Temporary Preservation.

The relief requested imposes no comparable harm on Respondents.

Bruce remains in VCAS custody. Applicants seek no release, transfer, or alteration of the existing custodial arrangement.

The requested stay does not place Bruce in the community. It does not disturb VCAS's physical possession. It does not decide the underlying dangerous-dog proceeding or SPARC's ultimate entitlement to possession.

The only immediate consequence is that VCAS must refrain temporarily from taking one irreversible action while appellate review remains possible.

VCAS has held Bruce in its custody for months. Continuing that existing custodial arrangement for the period necessary to permit meaningful appellate consideration is qualitatively different from the permanent harm that follows if Bruce is destroyed.

The public interest likewise favors preserving the ability of courts to decide federal jurisdictional and constitutional questions before the subject of those claims is permanently eliminated.

Granting temporary relief preserves every legal position Respondents currently hold. If Respondents ultimately prevail, their legal arguments remain available.

Denial does the opposite. It permits one side to take an irreversible action that forecloses meaningful relief before the appellate courts determine whether SPARC was entitled to have its independent claims heard at all.

The equities therefore overwhelmingly favor temporary preservation.

CONCLUSION

Applicants respectfully request that the Circuit Justice or the Court:

1. immediately enter an administrative stay of paragraph (3) of the district court's August 6, 2026 order, thereby restoring the preservation status quo while this application is considered;
2. upon consideration of this application, stay paragraph (3) of the district court's August 6, 2026 order, thereby restoring the May 15 preservation stay, pending disposition of Applicants' appeal in the Ninth Circuit.

Respectfully submitted,

Walter T. Clark (106019)
Walter Clark Legal Group

August 12, 2026

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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

1 Animal Services and City of Oxnard Code is Unconstitutional and/or Unconstitutionally
2 Vague as Applied”; (4) “Due Process, The Burden of Proof for the Quasi Criminal
3 Hearings Should Have Been Higher As Applied”; (5) “Declaratory Relief”; and (7)⁸
4 “Unconstitutional Violation of California Constitutional Art. XI, Sec. 7. (Similar to U.S.
5 Const. Art. VI., § 2.” *See* (Complaint). Essentially, the Complaint alleged the proceedings
6 before VCAS, Ventura County Superior Court, and City of Oxnard were deficient because,
7 among other reasons, Plaintiffs did not have an opportunity to review or challenge the
8 evidence presented in favor of Bruce’s destruction or present evidence in opposition, *see*,
9 *e.g.*, (*id.* ¶ 123), and Plaintiff SPARC was not named as a party to the City of Oxnard’s and
10 County of Ventura’s administrative proceedings, (*id.* ¶¶ 125). In addition, Plaintiffs claim
11 Plaintiff Birgy did not receive constitutionally adequate notice of the March 12, 2026, City
12 of Oxnard hearing and that these proceedings were also constitutionally inadequate. (*Id.*
13 ¶ 123).

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

25 On May 15, 2026, upon reviewing the Complaint, Application, Opposition, as well
26 as a declaration from Plaintiffs’ counsel representing Bruce was scheduled to be euthanized
27 that day at 11:30 a.m., the Court issued an Order to Show Cause, which temporarily
28

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

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

9 **III. DISCUSSION**

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

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

26 Based on the record presented before the Court, the Court concludes, (A) under the
27 *Rooker-Feldman* doctrine that it lacks subject matter jurisdiction over Plaintiff Birgy’s
28 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

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

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

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24 ¹² The FAC also does not allege, nor does the record support, that Defendants engaged in
25 extrinsic fraud to evade *Rooker-Feldman*’s jurisdictional bar. *See Kougasian v. TMSL,*
26 *Inc.*, 359 F.3d 1136, 1140 (9th Cir. 2004); *see also Miroth v. Cnty. of Trinity*, 136 F.4th
27 1141, 1151–52 (9th Cir. 2025) (holding that *Rooker-Feldman* did not apply because
28 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 //

1 (5) Plaintiff SPARC is DISMISSED for lack of standing.

2 **IT IS SO ORDERED.**

3
4 DATED: August 6, 2026


HON. SHERILYN PEACE GARNETT
UNITED STATES DISTRICT JUDGE

29a

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 11 2026

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

SANTA PAULA ANIMAL RESCUE
CENTER and CLAIRE BIRGY, The
Guardian of Canine Companion Bruce,

Plaintiffs - Appellants,

v.

COUNTY OF VENTURA; et al.,

Defendants - Appellees,

DOES,

Defendant.

No. 26-5072

D.C. No.

2:26-cv-05196-SPG-E

Central District of California,
Los Angeles

ORDER

Before: S.R. THOMAS and FORREST, Circuit Judges.

The emergency motion (Docket Entry Nos. 4, 5) for injunctive relief is
denied.

30a

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 12 2026

MOLLY C. DWYER, CLERK
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SANTA PAULA ANIMAL RESCUE
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No. 26-5072

D.C. No.

2:26-cv-05196-SPG-E

Central District of California,
Los Angeles

ORDER

Before: S.R. THOMAS and FORREST, Circuit Judges.

The emergency motion (Docket Entry No. 7) for a partial administrative stay
is denied.