Rodriguez-Gonzalez v. Cnty. of Santa Barbara

United States District Court for the Central District of California

October 29, 2025, Decided; October 29, 2025, Filed

Case No 2:24-cv-04685-ODW (Ex)

Reporter
2025 U.S. Dist. LEXIS 213662 *; 2025 LX 419002

SAN JUANA RODRIGUEZ-GONZALEZ et al., Plaintiffs, v. COUNTY OF SANTA BARBARA et al., Defendants.

Counsel: [*1] For Brett Wilson, M.D., COTTAGE HEALTH SYSTEM, a California corporation, Goleta Valley Cottage Hospital, a California corporation, Santa Barbara Cottage Hospital, a California corporation, Defendants: Louise M Douville, Matthew A Yarvis, LEAD ATTORNEYS, Fraser Watson and Croutch LLP, Orange, CA.

For Caleb Tammar, California Forensic Medical Group Inc., a California corporation, Hanna Fordahl, Jayna Liford, Kathleen McElroy, Wellpath Inc., Wellpath Management Inc., Wellpath LLC, Defendants: Gregory Errol Rousso, Lindsey Mack Romano, Gordon Rees Scully Mansukhani LLP, San Francisco, CA; Jennifer Anne Lowis, LEAD ATTORNEY, Gordon Rees Scully Mansukhani LLP, San Francisco, CA.

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For J. Luis Duron-Luevano, Individually and as Successor in Interest of Luis Enrique Duron-Rodriguez, San Juana Rodriguez-Gonzalez, Plaintiffs: Alexis Galindo, Maximiliano Alexis Galindo, Curd Galindo and Smith LLP, Long Beach, CA.

For Shawn Lammer, Defendant: Christopher J. Clark, Mordaunt Roundy [*2] Reihl and Jimerson, Stockton, CA; Lori A Reihl, Mordaunt Roundy Reihl and Jimerson APLC, Stockton, CA.

For Sidney K Kanazawa, Mediator (ADR Panel): Sidney Kanazawa, LEAD ATTORNEY, SK Law Mediation, Los Angeles, CA.

Judges: OTIS D. WRIGHT, II, UNITED STATES DISTRICT JUDGE.

Opinion by: OTIS D. WRIGHT, II

Opinion

ORDER GRANTING MOTION TO DISMISS [84]

I. INTRODUCTION

Plaintiffs San Juana Rodriguez-Gonzalez and J. Luis Duron-Luevano, individually and as successors-in-interest to Decedent Luis Enrique Duron-Rodriguez ("Rodriguez"), bring this wrongful death action against Defendants County of Santa Barbara ("County"), Deputy John Hartly Freedman, and Shawn Lammer (collectively, with Freedman and County, "Moving Defendants"), Deputy De Soto, Deputy Rivera, Cottage Health System, Santa Barbara Cottage Hospital, Goleta Valley Cottage Hospital, Brett Wilson, Wellpath Inc., Wellpath Management, Inc., California Forensic Medical Group, Inc., Jayna Liford, Kathleen McElroy, Hanna Fordahl, and Caleb Tammar. (First Am. Compl. ("FAC") ¶ 1, Dkt. No. 46.)

Moving Defendants move to dismiss Plaintiffs' First Amended Complaint pursuant to Federal Rule of Civil Procedure ("Rule") 12(b)(6). (Mot. Dismiss ("Motion" or "Mot."), Dkt. No. 84.) For the reasons discussed below, the Court **GRANTS** [*3] Moving Defendants' Motion.[1]

II. BACKGROUND[2]

[1] Having carefully considered the papers filed in connection with the Motion, the Court deemed the matter appropriate for decision without oral argument. Fed. R. Civ. P. 78; C.D. Cal. L.R. 7-15.

[2] All factual references derive from Plaintiffs' First Amended Complaint, unless otherwise noted, and well-pleaded factual allegations are accepted as true for purposes of this Motion. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

On August 31, 2023, Santa Barbara County Sheriff's Office ("SBCSO") Deputies pursued Rodriguez for driving over the speed limit. (FAC ¶ 49.) Rodriguez was driving under the influence. (*Id.* ¶ 50.) The pursuit ended when Rodriguez collided with a parked car and struck a tree. (*Id.* ¶ 49.) As a result of the collision, Rodriguez suffered upper body injuries and head trauma. (*Id.* ¶¶ 50, 52.)

The Santa Barbara County Fire Department responded to the accident. (*Id.* ¶ 49.) Freedman, an SBCSO Deputy, stopped paramedics from rendering medical care to Rodriguez and transporting him to the hospital. (*Id.*) Instead, Freedman transported Rodriguez to the hospital in his patrol car. (*Id.*)

At the hospital, Dr. Brett Wilson evaluated Rodriguez and diagnosed laceration of internal mouth, facial trauma, and alcoholic intoxication with complication. (*Id.* ¶ 51.) Dr. Wilson released Rodriguez from the hospital to be booked into the Santa Barbara County Jail, despite Rodriguez's intoxicated state and untreated head and chest injuries. (*Id.* ¶¶ 51-52.)

While detained in Santa Barbara County Jail from August 31, 2023, to September 3, 2023, Rodriguez was confused, disoriented, [*4] and distressed. (*Id.* ¶¶ 55, 58.) Jail staff familiar with Rodriguez were aware of his alcohol addiction. (*Id.* ¶¶ 50, 54.) Accordingly, the facility's medical staff noted in Rodriguez's medical chart that "every effort shall be made to initiate Librium for alcohol and/or benzodiazepine withdrawal management within [four] hours of risk identification." (*Id.* ¶ 56.) Yet, Rodriguez was never placed on Librium protocol to prevent withdrawal syndrome. (*Id.* ¶¶ 55-56.) The medical staff also failed to properly assess and treat Rodriguez despite observable symptoms indicating that he was experiencing medical and mental health emergencies. (*Id.* ¶¶ 55, 59.) On September 2, 2023, custody staff found Rodriguez unresponsive. (*Id.* ¶ 61.) Rodriguez suffered a pulmonary embolism, went into cardiac arrest, and died on September 3, 2023. (*Id.* ¶¶ 61-62.)

SBCSO oversees the operations of the Santa Barbara County Jail. (*Id.* ¶ 34.) At the time of Rodriguez's detention, Lammer served as the Santa Barbara County Sheriff Commander. (*Id.*) In that role, Lammer managed the jail and enforced governing policies. (*Id.* ¶¶ 34, 42.) There have been thirty-four deaths in the Santa Barbara County Jail since 2006. (*Id.* ¶ [*5] 34.) Lammer was aware that over twenty-five of the in-custody deaths involved detainees who suffered from either substance abuse disorders or mental illness. (*Id.* ¶ 45.)

Based on the above allegations, Plaintiffs initiated this civil rights action against a number of Defendants. (Compl., Dkt. No. 1; FAC.) Plaintiffs assert eight causes of action: (1) deliberate indifference to serious medical needs, health and safety under 42 U.S.C. § 1983 ("Section 1983"); (2) failure to train and supervise under Section 1983; (3) municipal liability—failure to train, and unconstitutional policy or custom (*Monell* claim) under Section 1983; (4) failure to summon medical care under California Government Code section 845.6; (5) negligence—wrongful death; (6) medical negligence—wrongful death; (7) denial of Fourteenth Amendment substantive due process right to familial relationship under Section 1983; and (8) medical negligence—wrongful death. (FAC ¶¶ 75-121.)

Moving Defendants now seek to dismiss three causes of action that Plaintiffs assert against the County and Freedman in the First Amended Complaint.[3] (Mot 8.)

III. LEGAL STANDARD

A court may dismiss a complaint under Rule 12(b)(6) for lack of a cognizable legal theory or insufficient facts pleaded to support an otherwise cognizable legal theory. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1988). To survive a dismissal motion, a complaint [*6] need only satisfy the minimal notice pleading requirements of Rule 8(a)(2)—a short and plain statement of the claim. *Porter v. Jones*, 319 F.3d 483, 494 (9th Cir. 2003). The factual "allegations must be enough to raise a right to relief above the speculative level." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). That is, the complaint must "contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Iqbal*, 556 U.S. at 678 (internal quotation marks omitted).

The determination of whether a complaint satisfies the plausibility standard is a "context-specific task that requires the reviewing court to draw on its judicial experience and common sense." *Id.* at 679. A court is generally limited to the pleadings and must construe all "factual allegations set forth in the complaint . . . as true and . . . in the light most favorable" to the plaintiff. *Lee v.*

[3] Although Plaintiffs assert several causes of action against Lammer, and although Lammer is a Moving Defendant, Moving Defendants do not seek dismissal of any cause of action insofar as Plaintiffs plead it against Lammer.

City of Los Angeles, 250 F.3d 668, 679 (9th Cir. 2001). However, a court need not blindly accept conclusory allegations, unwarranted deductions of fact, and unreasonable inferences. *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001).

Where a district court grants a motion to dismiss, it should generally provide leave to amend unless it is clear the complaint could not be saved by any amendment. *See* Fed. R. Civ. P. 15(a); *Manzarek v. St. Paul Fire & Marine Ins. Co.*, 519 F.3d 1025, 1031 (9th Cir. 2008). Leave to amend may be denied when "the court determines that the allegation of other facts consistent with the challenged pleading could [*7] not possibly cure the deficiency." *Schreiber Distrib. Co. v. Serv-Well Furniture Co.*, 806 F.2d 1393, 1401 (9th Cir. 1986). Thus, leave to amend "is properly denied . . . if amendment would be futile." *Carrico v. City & County of San Francisco*, 656 F.3d 1002, 1008 (9th Cir. 2011).

IV. DISCUSSION

Moving Defendants seek dismissal of Plaintiffs' first and seventh causes of action as pleaded against Freedman and also Plaintiffs' third cause of action against the County. (Mot. 8.) They argue Plaintiffs' fail to sufficiently plead those causes of action as against Freedman and the County. (*Id.*)

A. Count I: Deliberate Indifference to Serious Medical Needs, Health & Safety

Plaintiffs bring their first cause of action against Freedman, among others, alleging that Freedman violated Rodriguez's Fourth Amendment rights by denying him access to medical and mental health care after the collision. (FAC ¶¶ 76, 78.) Moving Defendants argue that Plaintiffs' first cause of action, as pleaded against Freedman, fails because Freedman satisfied his Fourth Amendment obligations by transporting Rodriguez to the hospital himself. (Mot. 11-14.)

Claims concerning the denial of medical care during and immediately following an arrest are analyzed under the Fourth Amendment and its "objective reasonableness" standard. *Tatum v. City & County of San Francisco*, 441 F.3d 1090, 1098-99 (9th Cir. 2006). The Fourth Amendment requires law enforcement to provide objectively reasonable post-arrest care to an apprehended suspect. [*8] *Id.* at 1099. Although the Ninth Circuit has not specified the exact contours of objectively reasonable post-arrest care, it has clarified that an arresting officer fulfills his or her Fourth Amendment obligations by either "promptly summoning the necessary medical help" or "taking the injured detainee to a hospital." *Id.* (quoting *Maddox v. City of Los Angeles*, 792 F.2d 1408, 1415 (9th Cir. 1986)). "Just as the Fourth Amendment does not require a police officer to use the least intrusive method of arrest . . . , neither does it require an officer to provide what hindsight reveals to be the most effective medical care for an arrested suspect." *Id.* at 1098 (internal citations omitted.)

Plaintiffs do not sufficiently allege that Freedman failed to provide objectively reasonable post-arrest care to Rodriguez. Plaintiffs allege that Rodriguez suffered head trauma and injuries to his chest and arms in the collision. (FAC ¶ 50.) Plaintiffs also allege that Freedman blocked paramedics from treating Rodriguez and transporting him to the hospital. (*Id.* ¶¶ 49, 76, 82.) Plaintiffs further claim that Freedman delayed Rodriguez's access to medical heath care. (*Id.* ¶¶ 76-77.) These allegations support the inference that Rodriguez needed medical treatment. Plaintiffs, however, offer no authority to suggest that the only [*9] reasonable course of action was on-site paramedic treatment followed by paramedic transport. Although Plaintiffs allege that paramedics should have been allowed to treat Rodriguez at the collision scene, an arresting officer satisfies his constitutional obligations by transporting an injured detainee to the hospital following his arrest. *See Maddox*, 792 F.2d at 1415. And Plaintiffs plead no facts to support the conclusory assertion that Freedman's conduct unconstitutionally delayed Rodriguez's access to medical care. (FAC ¶ 76.) Plaintiffs therefore do not to provide a basis for the Court to infer that Freedman failed to provide objectively reasonable post-arrest care. *Tatum*, 441 F.3d at 1099.

Plaintiffs also allege that Freedman's decision to transport Rodriguez himself "reduced the urgency of [Rodriguez's] condition" when he arrived at the hospital. (FAC ¶ 78.) But the urgency of Rodriguez's medical condition was determined by the medical professional who treated him—Dr. Wilson. And Plaintiffs do not allege that Freedman's decision to deliver Rodriguez to the hospital in his patrol car somehow degraded the care that Dr. Wilson provided. Plaintiffs thus fail to demonstrate that Freedman's decision to transport Rodriguez to the [*10] hospital lessened the urgency with which he was treated by hospital staff.

For these reasons, the Court finds that Plaintiffs' allegations fail to state a claim against Freedman for

deliberate indifference to serious medical needs, health, and safety. Accordingly, the Court **GRANTS** the Motion as to Plaintiffs' first cause of action insofar as it is pleaded against Freedman and **DISMISSES** the first cause of action against Freedman. Dismissal is **WITHOUT LEAVE TO AMEND** because the Court finds that any amendment would be futile. *Carrico*, 656 F.3d at 1008.

B. Count VII: Substantive Due Process Right to Familial Relationship

Plaintiffs bring their seventh cause of action against Freedman, among others, alleging that he unconstitutionally interfered with Plaintiffs' right to a familial relationship with Rodriguez when he denied Rodriguez access to medical care. (FAC ¶ 113.) Moving Defendants move to dismiss Plaintiffs' seventh cause of action, as pleaded against Freedman, arguing that Freedman's conduct toward Rodriguez was constitutional and does not "shock the conscience." (Mot. 8, 14-15; Reply 5, Dkt. No. 92.)

Family members may assert a "Fourteenth Amendment claim based on the related deprivation of their liberty interest arising out [*11] of their relationship with" a decedent. *Moreland v. L.V. Metro. Police Dep't*, 159 F.3d 365, 371 (9th Cir. 1998). In the Ninth Circuit, a claim for deprivation of a familial relationship under Section 1983 requires a showing of "[o]fficial conduct that 'shocks the conscience.'" *Wilkinson v. Torres*, 610 F.3d 546, 554 (9th Cir. 2010). Two standards govern whether an officer's conduct "shocks the conscience": "deliberate-indifference" and "purpose-to-harm." *Ochoa v. City of Mesa*, 26 F.4th 1050, 1056 (9th Cir. 2022). "Which [standard] applies turns on whether the officers had time to deliberate their conduct." *Id.* The "deliberate-indifference" standard applies when a situation "evolve[s] in a time frame that permits the officer to deliberate before acting." *Porter v. Osborn*, 546 F.3d 1131, 1137 (9th Cir. 2008). On the other hand, the more stringent "purpose-to-harm" standard is applicable to circumstances that "escalate so quickly that the officer must make a snap judgment." (*Id.*)

Moving Defendants argue the purpose-to-harm standard applies, whereas Plaintiffs counter that the deliberate-indifference standard governs. (Mot. 14-15; Opp'n 13-15; Dkt. No. 88.) SBCSO Deputies, including Freedman, pursued Rodriguez because he was speeding. (FAC ¶ 49.)[4] The pursuit ended when Rodriguez crashed into a parked car and struck a tree. (*Id.*) The Santa Barbara County Fire Department responded to the collision. (*Id.*) Freedman then decided to transport [*12] Rodriguez to the hospital himself rather than allowing the paramedics to take him. (*Id.*) These allegations support an inference that Freedman had a practical opportunity to deliberate when deciding whether to allow paramedics to treat Rodriguez and transport him to the hospital. The deliberate-indifference standard thus applies here. *See Porter*, 546 F.3d at 1137

Deliberate indifference is a "stringent standard of fault, requiring proof that a municipal actor disregarded a known or obvious consequence of his action." *Bryan County v. Brown*, 520 U.S. 397, 410 (1997). Where there are "extended opportunities to do better . . . teamed with protracted failure even to care, indifference is truly shocking." *County of Sacramento v. Lewis*, 523 U.S. 833, 853 (1998).

Plaintiffs allege that Freedman prevented paramedics from treating and transporting Rodriguez to the hospital, and this interference "reduced the urgency of [Rodriguez's] condition upon presentation at the hospital." (FAC ¶ 78.) Plaintiffs also assert that hospital staff were not "fully informed o[f] [Rodriguez's] medical condition" when he arrived at the hospital because Freedman prevented paramedics from transporting him there. (*Id.*) These allegations are insufficient to state a claim for interference with familial relationship. Plaintiffs allege no facts [*13] to suggest that Freedman had "extended opportunities to do better" and "fail[ed] even to care" about Rodriguez's condition. *Lewis*, 523 U.S. at 853. To the contrary, the allegations support that Freedman provided constitutionally sound post-arrest care to Rodriguez when Freedman delivered him to the hospital.

In addition, Plaintiffs fail to allege facts that support an inference that Freedman disregarded "a known or obvious consequence" of his decision to transport Rodriguez to the hospital himself. *Brown*, 520 U.S. at 410. For instance, Plaintiffs do not allege that Freedman

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[4] Although Plaintiffs do not expressly allege that Freedman joined in the pursuit, the Court infers from Plaintiffs' other allegations that he did. Moreover, although the Court does not consider Plaintiffs' Opposition in determining whether Plaintiffs have stated a claim, Plaintiffs confirm that Freedman joined in the pursuit in their Opposition to the Motion. (*See* Opp'n 14 ("[I]n our case Deputy Freedman's pursuit of Decedent ended and there was no split second decision[].").)

knew Dr. Wilson and custody staff would fail to provide Rodriguez adequate medical and psychiatric treatment. Nor do Plaintiffs allege that Dr. Wilson's treatment or the custody staff's conduct were "obvious consequence[s]" of Freedman's decision to personally transport Rodriguez to the hospital. Plaintiffs therefore have not sufficiently pleaded that Freedman acted in a deliberately indifferent manner that "shocks the conscience."

For these reasons, the Court finds that Plaintiffs' allegations are not sufficient to sustain a claim for interference with familial relationship. Accordingly, the Court **GRANTS** the Motion as to Plaintiffs' seventh cause of action [*14] insofar as it is pleaded against Freedman and **DISMISSES** the seventh cause of action against Freedman. Dismissal is **WITHOUT LEAVE TO AMEND** because the Court finds that any amendment would be futile. *Carrico*, 656 F.3d at 1008.

C. Count III: Municipal Liability (*Monell* Claim)

Plaintiffs bring their third cause of action against the County, alleging that it maintained longstanding, pervasive customs, practices or policies that violated Rodriguez's constitutional rights. (FAC ¶¶ 92, 94.) Moving Defendants seek dismissal of the third cause of action, contending that the relevant allegations are conclusory and merely parrot the legal standard for *Monell* liability. (Mot. 15-19.)

A municipality may be held liable under Section 1983 only where an "action pursuant to official municipal policy of some nature caused a constitutional tort." *Monell v. Dep't of Soc. Servs. of City of N.Y.*., 436 U.S. 658, 691 (1978). To impose liability on the County under Section 1983, Plaintiffs must prove: (1) Rodriguez possessed a constitutional right that was violated; (2) the County had a policy; (3) the policy amounts to deliberate indifference to the constitutional right; and (4) the policy is the moving force behind the constitutional violation. *See Gordon v. County of Orange*, 6 F.4th 961, 973 (9th Cir. 2021).

"A governmental policy is 'a deliberate choice to follow a course of action . . [*15] . by the official or officials responsible for establishing final policy with respect to the subject matter in question.'" *Id.* (quoting *Pembaur v. City of Cincinnati*, 475 U.S. 469, 483 (1986)). Plaintiffs may demonstrate the County had such a policy in one of three ways. First, a plaintiff may state a *Monell* claim against a municipality where a local government acts "pursuant to an expressly adopted official policy." *Id.* Second, a plaintiff may state a *Monell* claim against a municipality based on a "longstanding practice or custom," such as when the public entity "fail[s] to implement procedural safeguards to prevent constitutional violations." *Id.* Third, a plaintiff may state a *Monell* claim against a municipality when "the individual who committed the constitutional tort was an official with final policy-making authority" or such an official "ratified a subordinate's unconstitutional decision or action and the basis for it." *Id.* at 974.

In addition, a municipality may be held liable for failure to train its law enforcement officers "where the failure to train amounts to deliberate indifference to the rights of persons with whom the police come into contact." *City of Canton v. Harris*, 489 U.S. 378, 388 (1989). To prove deliberate indifference under a failure to train theory, a plaintiff "must demonstrate a 'conscious' [*16] or 'deliberate' choice on the part of a municipality." *Flores v. County of Los Angeles*, 758 F.3d 1154, 1158 (9th Cir. 2014) (quoting *Price v. Sery*, 513 F.3d 962, 973 (9th Cir. 2008)). Further, a *Monell* claim under a failure to train theory must allege more than a single incident of wrongdoing; rather, it is "ordinarily necessary" for a plaintiff to allege a "*pattern* of *similar* constitutional violations by untrained employees . . . to demonstrate deliberate indifference for purposes of failure to train." *Connick v. Thompson*, 563 U.S. 51, 62 (2011) (emphases added).

Here, Plaintiffs allege that the County "maintained a longstanding, pervasive custom, pattern, and/or practices, and [the County] knew that the . . . custom, pattern, practice or policies posed . . . risk of harm." (FAC ¶ 92.) Plaintiffs also allege that the County failed to "institute, require, and enforce proper and adequate training" concerning mentally ill and emotionally disturbed detainees. (*Id.* ¶ 92(f).). Plaintiffs thus premise their *Monell* claim on two theories: (1) failure to train, and (2) unconstitutional policies, practices, or customs.

1. Failure to Train

In support of the failure to train theory, Plaintiffs allege that the County failed to "institute, require, and enforce proper and adequate training supervision, policies, procedures and practices concerning handling mentally ill [*17] and/or emotionally disturbed inmates at the County Jail." (*Id.*) Plaintiffs further assert that the County failed to "maintain competent and adequate supervision and training of medical and custodial staff regarding mentally ill and suicidal inmates," (*id.* ¶ 92(h)), and that

the County did not adequately "train its deputies, agents, and employees to handle the usual and recurring situations with which they must deal with, including but not limited to encounters with individuals in pretrial custody [who suffer from] mental illness," (*id.* ¶ 115). Finally, Plaintiffs attempt to demonstrate a pattern of similar constitutional violations by alleging there have been thirty-four total deaths in Santa Barbara County Jail since 2006 and over twenty-five of those deaths involved inmates who suffered from substance abuse disorders or mental illness. (*Id.* ¶¶ 34, 45.)

Plaintiffs' allegations are insufficient to support an inference that the County acted with deliberate indifference or caused a pattern of similar constitutional violations through a lack of training. To the extent that Plaintiffs rely on the Santa Barbara County Jail death in-custody statistics, the Court finds those statistics unavailing. [*18] None of the factual allegations indicate those instances involved constitutional violations, or were caused by deficiencies in the County's training practices. Moreover, aside from the conclusory assertion that the detainees who died suffered from mental illness, Plaintiffs allege no facts indicating that those deaths are analogous to the instant case. Further, Plaintiffs fail to explain how the County's training practices, with respect to detainees affected by mental illness, were deficient or how those practices constitute deliberate indifference. In short, Plaintiffs' fail to show "a pattern of similar constitutional violations by untrained employees." *Connick*, 563 U.S. at 62. Without facts demonstrating the alleged training deficiencies and the County's awareness of them, Plaintiffs fail to state a claim for *Monell* liability under a failure to train theory.

Accordingly, the Motion is **GRANTED**, and Plaintiffs' *Monell* claim, insofar as it is premised on the failure to train theory, is **DISMISSED**. As Plaintiffs argue in their Opposition that multiple Santa Barbara County Jail deaths are factually similar to the instant case, (Opp'n 10), dismissal is **WITH LEAVE TO AMEND** to allege factual support for this theory. *See* Fed. R. Civ. P. 15(a); [*19] *Manzarek*, 519 F.3d at 1031.

2. Unconstitutional Policies, Practices or Customs

Plaintiffs claim that the County practiced longstanding, pervasive policies, practices, and customs that deprived Rodriguez of his constitutional rights. (FAC ¶ 92.) Plaintiffs point to several County customs and practices in support of this allegation, including: (1) denying medical and psychiatric care to detainees who are seriously ill; (2) failing to properly classify or house detainees suffering from mental health disabilities; (3) failing to provide medical and mental health care to detainees suffering from medical and psychiatric illness; (4) failing to maintain sufficient medical and mental health staffing; (5) failing to implement the minimum national and state accepted standards for handling detainees suffering from emotional disturbances; and (6) covering up violations of constitutional rights. (*Id.* ¶ 92(a)-(j).) Plaintiffs assert that the County's final policymakers, including Lammer, ratified these customs and practices, which were the moving force behind the constitutional violations that Rodriguez allegedly suffered. (*Id.* ¶¶ 22-25, 93-94, 117.)

Plaintiffs alleging a *Monell* claim under an unconstitutional policy, practice, or [*20] custom theory must show the policy was "so permanent and well settled as to constitute a 'custom or usage' with the force of law." *Gordon*, 6 F.4th at 974. An informal policy may be shown through allegations of "repeated constitutional violations for which the errant municipal officials were not discharged or reprimanded." *Gillette v. Delmore*, 979 F.2d 1342, 1349 (9th Cir. 1992). Furthermore, "[l]iability for improper custom may not be predicated on isolated or sporadic incidents; it must be founded upon practices of sufficient duration, frequency and consistency that the conduct has become a traditional method of carrying out a policy." *Trevino*, 99 F.3d at 918.

As noted, a plaintiff may state a claim for *Monell* liability when an individual with final policy-making authority "ratified a subordinate's unconstitutional decision or action and the basis for it." *Gordon*, 6 F.4th at 974. Ratification requires "more than acquiescence." *Sheehan v. City & County. of San Francisco*, 743 F.3d 1211, 1231 (9th Cir. 2014), *rev'd on other grounds*, 575 U.S. 600 (2015). Instead, a plaintiff must show that the triggering decision was the product of a "deliberate choice from among various alternatives" to ratify the conduct in question. *Gillette*, 979 F.2d at 1348. Moreover, "ratification requires both knowledge of the alleged constitutional violation, and proof that the policymaker specifically approved of the subordinate's act." *Lytle v. Carl*, 382 F.3d 978, 987 n.2 (9th Cir. 2004).

Plaintiffs' *Monell* allegations [*21] are too bare and conclusory to support a reasonable inference of a widespread unconstitutional custom or practice. In particular, Plaintiffs fail to plead a pattern of similar constitutional violations that establish the County was deliberately indifferent to the alleged unconstitutional

customs and practices. Plaintiffs argue that the Santa Barbara County Jail death statistics indicate a pattern of similar constitutional violations, because those statistics concern "inmates who suffered from mental illness and drug addiction who died in-custody." (Opp'n 11.) However, as noted, Plaintiffs fail to allege those instances are analogous to this case. (*See, supra*, 11-12.) Nor do Plaintiffs' allegations support an inference that the alleged customs and practices were widespread or longstanding.

Similarly, Plaintiffs' fail to allege non-conclusory facts to support the inference that an authorized policymaker ratified any subordinate's unconstitutional conduct. Plaintiffs allege that Lammer, as the supervisory official for the Santa Barbara County Jail, acquiesced in "the constitutional deprivations which th[e] Complaint alleges." (FAC ¶ 24.) Plaintiffs also assert that Lammer failed "to implement [*22] and ensure enforcement of policies, rules, or directives," setting in motion a sequence of events "which he knew or reasonably should have known, would cause others to inflict the constitutional injury." (*Id.*) Plaintiffs claim that "Lammer failed to implement a policy which mandated that . . . [j]ail staff would insure that a pre-trial detainee or inmate's mental and medical condition was properly charted so that upon transfer to a different facility the inmate would receive adequate . . . care." (*Id.*) Finally, Plaintiffs allege that Lammer "ratified the actions and omissions of the medical staff . . . and the other involved officers in that he had knowledge of and made a deliberate choice to approve their unlawful acts and omissions." (*Id.* ¶ 117.)

These assertions are vague and conclusory, and do not support an inference that Lammer "specifically approved" of any particular subordinate's unconstitutional actions. *Lytle*, 382 F.3d at 987 n.2. Similarly, Plaintiffs' allegations are too conclusory to provide an adequate basis for the Court to infer that Lammer made a "deliberate choice from among various alternatives" to ratify Rodriguez's classification assessment at the jail or the medical treatment that he received [*23] while detained. *Gillette*, 979 F.2d at 1348.

In sum, Plaintiffs fail to state a claim for *Monell* liability under an unconstitutional policies, practices, or customs theory. Accordingly, the Motion is **GRANTED**, and Plaintiffs' *Monell* claim, insofar as it is premised on the unconstitutional policies, practices, or customs theory, is **DISMISSED**. As Moving Defendants have not shown that "amendment would be futile," *Carrico*, 656 F.3d at 1008, dismissal is **WITH LEAVE TO AMEND**, *see* Fed. R. Civ. P. 15(a); *Manzarek*, 519 F.3d at 1031.

V. CONCLUSION

For the reasons discussed above, the Court **GRANTS** Defendants' Motion to Dismiss. (Dkt. No. 84.) Specifically, the Court **GRANTS** the Motion and **DISMISSES** Plaintiffs' first and seventh causes of action, as pleaded against Freedman, **WITHOUT LEAVE TO AMEND**. The Court also **GRANTS** the Motion and **DISMISSES** Plaintiffs' third cause of action in full, **WITH LEAVE TO AMEND**.

If Plaintiffs choose to amend, they must file a Second Amended Complaint **no later than fourteen days** from the date of this Order. If Plaintiffs do not timely file a Second Amended Complaint, the dismissal of the third cause of action shall be deemed a dismissal with prejudice as of the lapse of the deadline to amend.

In accordance with the Parties' June 30, 2025 Joint Status Report, (Joint Report 4, Dkt. No. [*24] 86), Plaintiffs are **ORDERED** to serve County of Santa Barbara employees, Deputy De Soto and Deputy Rivera, with the operative complaint **within twenty-one days** of the date of this Order.

IT IS SO ORDERED.

October 29, 2025

/s/ Otis D. Wright, II

OTIS D. WRIGHT, II

UNITED STATES DISTRICT JUDGE

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