

1 dismisses this case for lack of jurisdiction.¹

2 I. FACTUAL ALLEGATIONS AND PROCEDURAL BACKGROUND

3 SAM is a volunteer organization that "provid[es] a safe
4 haven for disabled patients [and] oversite (sic) to ensure that
5 the county is acting within the authority of the law." Compl.

6 ¶ 1. SAM members are individuals who possess and use medical
7 marijuana. Id. SAM states that it "stands in the place of its
8 members because its members fear retaliation." Mot. for Prelim.
9 Inj. ("Mot.") at 2.

10 In June 2016, the voters of Siskiyou County approved two
11 ordinances restricting the cultivation of medical marijuana. Id.

12 ¶ 2. SAM alleges that Defendants began enforcing the new
13 ordinances soon after the June election and in doing so have
14 conducted searches with defective warrants and seized marijuana
15 plants that SAM members were lawfully growing. Id. ¶ 10. SAM
16 states that, despite trying to comply with State laws, its
17 members have been "continually harassed and victimized by
18 Siskiyou County Sheriff Department and County officials." Mot.
19 at 2.

20 SAM alleges the following causes of action in its complaint:
21 (1) substantive due process, (2) procedural due process under the
22 California constitution, (3) Fourth Amendment right against
23 unlawful seizure, (4) equal protection under the California
24 constitution. SAM seeks an injunction preventing "the continued
25 harassment and police violence" allegedly suffered by SAM and its
26

27 ¹ This motion was determined to be suitable for decision without
28 oral argument. E.D. Cal. L.R. 230(g). The hearing was
scheduled for November 30, 2016.

1 members. Mot. at 2.

2 II. EVIDENTIARY OBJECTIONS

3 SAM submitted a declaration by Wayne Walent, the president
4 of SAM, in support of its motion for preliminary injunction. ECF
5 No. 5-3. SAM attached twelve hand-written letters to Walent's
6 declaration. It is not clear if the authors of the letters are
7 members of SAM.

8 Defendants object to the declaration of Walent and to each
9 of the exhibits attached to Walent's declaration. ECF No. 9-3.
10 Defendants argue that Walent's declaration is inadmissible
11 because "it does not contain any allegation that the declaration
12 is made of personal knowledge." Written Objs. to Evid. at 2.
13 Defendants argue that the exhibits attached to Walent's
14 declaration are inadmissible because they are not offered under
15 penalty of perjury. Id. at 3. The Court finds that the Walent
16 declaration and the attached exhibits are all legally deficient
17 affidavits and therefore inadmissible. The Court sustains
18 Defendants' objections to the Walent declaration and the attached
19 exhibits and has not considered such evidence in deciding this
20 motion.

21
22 III. OPINION

23 Defendants argue that the Court must deny SAM's motion for
24 preliminary injunction (1) because SAM does not have standing to
25 bring a suit on behalf of its members, and (2) SAM has not met
26 its burden to show it is entitled to injunctive relief. Opp'n at
27 6-19.

1 A. Standing

2 An organization may bring suit on behalf of its members
3 under the doctrine of "associational" or "representational"
4 standing. Hunt v. Wash. State Apple Adver. Comm'n, 432 U.S.
5 333, 342-44 (1977). "Associational standing is a narrow and
6 limited exception to the general rule that litigants must assert
7 their own rights in order to have standing." United Safeguard
8 Distribs. Ass'n, Inc. v. Safeguard Bus. Sys., Inc., 2016 WL
9 2885848, at *5 (C.D. Cal. May 17, 2016). A plaintiff asserting
10 association standing has the burden to allege specific facts
11 establishing associational standing. Id. To obtain
12 associational standing, the organization must show that (1) at
13 least one of its members would have standing to sue in his own
14 right, (2) the interests the suit seeks to vindicate are germane
15 to the organization's purpose, and (3) neither the claim
16 asserted nor the relief requested requires the participation of
17 individual members in the lawsuit. United Food & Commercial
18 Workers Union Local 751 v. Brown Group, Inc., 517 U.S. 544, 553
19 (1996) (citing Hunt, 432 U.S. at 343).

20 Here, SAM has failed to allege facts or provide any
21 admissible evidence to satisfy its burden of establishing
22 associational standing. SAM has not identified any of its
23 members, let alone shown that such member would have standing to
24 sue in his own right. Additionally, Defendants argue that "[i]t
25 is not possible for [SAM] to establish the individual rights of
26 its members or establish the proper amount of compensatory and
27 consequential damages for each aggrieved member without the
28 personal participation of those members." Opp'n at 6. The

1 Court agrees with Defendants: SAM has not shown that awarding
2 the requested compensatory and consequential damages can be
3 achieved without the participation of individual members in the
4 lawsuit. The Court finds that SAM has failed to meet its burden
5 to show that SAM can sue Defendants on behalf of SAM's members.
6 The Court lacks subject matter jurisdiction over this case and
7 therefore lacks jurisdiction to decide the merits, or lack
8 thereof, of SAM's motion for preliminary injunction. See
9 Meister v. City of Hawthorne, 2014 WL 3040175, at *2 (C.D. Cal.
10 May 13, 2014) ("Standing under Article II is a critical
11 component of a federal court's subject matter jurisdiction.").

12
13 IV. ORDER

14 For the reasons set forth above, SAM's motion for
15 preliminary injunction is denied and Plaintiff's case is
16 dismissed for lack of subject matter jurisdiction.

17 IT IS SO ORDERED.

18 Dated: November 23, 2016

19
20 
21 JOHN A. MENDEZ,
22 UNITED STATES DISTRICT JUDGE
23
24
25
26
27
28