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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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ALESHNA KUMARI, A.K., A.S.,
and A.K.M., inclusive,

Plaintiffs,

v.

COUNTY OF SACRAMENTO; JESSE
GOMEZ-COATES, an
individual; JANELLE
GONZALEZ, an individual;
LEONA WILLIAMS, an
individual; and DOES 1-50,
inclusive,

Defendants.

No. 2:18-CV-00061-WBS-AC

MEMORANDUM AND ORDER RE:
DEFENDANT'S MOTION TO DISMISS
SECOND AMENDED COMPLAINT, AND
ALTERNATIVE MOTION FOR MORE
DEFINITE STATEMENT

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Plaintiffs, three minor children and their mother
Aleshna Kumari, filed this lawsuit against the County of
Sacramento, as well as against Jesse Gomez-Coates, Janelle
Gonzalez, and Leona Williams, who are employed by Sacramento
County Child Protective Services ("CPS"). Plaintiffs claim that
defendants violated their civil rights when they removed the
minor plaintiffs from their mother's care without a warrant and
placed them in a foster home, where they allegedly suffered

1 neglect and physical injuries. Plaintiffs seek relief for
2 constitutional violations under 42 U.S.C. § 1983. They also
3 allege violations of California Government Code sections
4 pertaining to breach of mandatory duty. Presently before the
5 court are defendants' motion to dismiss the Second Amended
6 Complaint ("SAC"), and alternative motion for a more definite
7 statement. (Docket No. 16.)

8 Plaintiffs' legal claims revolve around defendants'
9 removal of the minor plaintiffs from their mother's custody, and
10 their subsequent alleged failure to prevent or halt the neglect
11 and abuse the minor plaintiffs allegedly suffered while in foster
12 care. Specifically, plaintiffs allege that on January 11, 2017,
13 defendant Gomez-Coates improperly took custody of the minor
14 plaintiffs from plaintiff Kumari. (Id. ¶ 21.) On approximately
15 January 19, 2017,¹ Sacramento County Child Protective Services
16 placed the minor plaintiffs in foster care with Evelyn and
17 Anthony Martin. (Id. ¶ 26.) Allegedly, though the defendants
18 were of several issues with the Martin household and minor
19 plaintiffs' treatment therein, the individual defendants did not
20 visit the foster home to investigate the minor plaintiffs' living
21 conditions. (Id. ¶ 29.)

22 On February 22, 2017 plaintiff Kumari learned that the
23 Martins' dog had bitten A.K.M. below his right eye. (Id. ¶ 30.)
24 The next day, the minor plaintiffs were removed from the foster
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26 ¹ The SAC states that the minor plaintiffs were placed
27 into foster care on approximately January 19, 2019, but as this
28 date is in the future, the court assumes that this is a typo and
that the placement actually occurred on approximately January 19,
2017.

1 home and returned to the care of plaintiff Kumari. (Id.)

2 To survive a motion to dismiss, a plaintiff must plead
3 "only enough facts to state a claim to relief that is plausible
4 on its face." Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570
5 (2007). This plausibility standard "is not akin to a
6 'probability requirement,' but it asks for more than a sheer
7 possibility that a defendant has acted unlawfully." Ashcroft v.
8 Iqbal, 556 U.S. 662, 678 (2009) (quoting Twombly, 550 U.S. at
9 570).

10 The court's ability to evaluate whether the SAC's
11 claims meet this pleading standard is thwarted by the SAC's
12 confusing organization. The SAC contains five "causes of
13 action." The first through third of these are composed of
14 multiple subordinate "counts." For example, the second cause of
15 action, which spans paragraphs 49 through 86 in the SAC, contains
16 four separate "counts." Partly as a result of this idiosyncratic
17 structure, the court cannot discern what legal claims plaintiffs
18 assert against which defendants. Particularly unclear are the
19 relationships between and among the various federal and state
20 statutes cited in the SAC.

21 The court's ability to divine precisely what the SAC
22 alleges is also hampered by the SAC's rambling prose,
23 repetitiveness, and manifold references to apparently extraneous
24 parties, facts, and regulations.

25 Pursuant to the discussion with the parties at oral
26 argument, the court will dismiss the SAC in its entirety. At
27 oral argument, plaintiffs' counsel made specific representations
28 about how they would consolidate plaintiffs' claims and clarify

1 the complaint if given leave to amend. Although the court
2 expresses no opinion as to whether plaintiffs' new complaint
3 constructed around those representations will state claims upon
4 which relief may be granted, the court will grant plaintiffs
5 leave to amend the complaint pursuant to those representations.

6 IT IS THEREFORE ORDERED that defendants' Motion to
7 Dismiss plaintiffs' Second Amended Complaint (Docket No. 16) be,
8 and the same hereby is, GRANTED. Pursuant to the discussion at
9 oral argument, the Second Amended Complaint (Docket No. 6) is
10 DISMISSED in its entirety.

11 Plaintiffs are given thirty days from the date of this
12 order to file an amended complaint consistent with this Order.

13 IT IS FURTHER ORDERED that defendants' motion for a
14 more definite statement be, and the same hereby is, DENIED AS
15 MOOT.

16 Dated: November 14, 2018



17 **WILLIAM B. SHUBB**
18 **UNITED STATES DISTRICT JUDGE**
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