

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**MARLENE MANLING HSIEH,**

Plaintiff,

Case No. 3:20-cv-01758-MO

v.

**MULTNOMAH COUNTY  
DEPARTMENT OF COMMUNITY  
SERVICES, MULTNOMAH COUNTY  
ANIMAL SERVICES, CHRISTIAN  
HOLDEN, *Animal Control Officer II  
Multnomah County Animal Services,*  
JEANETTE FARRELL, *Field Service  
Supervisor Multnomah County Animal  
Services,* JACKIE ROSE, *Director of  
Multnomah County Animal Services at the  
time,* KIM PEOPLES, *Director of  
Multnomah County Department of Community  
Services at the time,***

OPINION AND ORDER

Defendants.

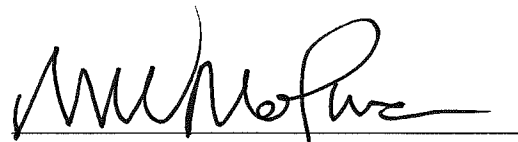
**MOSMAN, J.,**

On January 5, 2021 this Court, applying the doctrine of *Younger* abstention, STAYED Marlene Mangling Hsieh's 42 U.S.C. § 1983 action for monetary damages pending resolution of her appeal for her conviction for animal abuse before the Oregon Court of Appeals. [ECF 18]. On September 9, 2021 the Court of Appeals issued its opinion affirming the trial court's decision. [ECF 28] Ex. 1. The Court of Appeals found no violation of Ms. Hsieh's Fourth Amendment rights because the exigent circumstances exception to the Fourth Amendment

applied. [ECF 28] Ex. 1 at 16–17. Now that the state court has ruled, a stay is no longer proper under *Younger* abstention. See *Arevalo v. Hennessy*, 882 F.3d 763, 765 (9th Cir. 2018) (internal citations omitted). Because the Court of Appeals found that Ms. Hsieh’s Fourth Amendment rights were not violated, she no longer has a claim for \$8.8 million in damages under § 1983.

Therefore, I DISMISS the complaint with prejudice.

DATED this 19<sup>th</sup> day of October, 2021.

  
MICHAEL W. MOSMAN  
United States District Judge