

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Chadley Wayne Thames et al. v. Mendocino Coast Humane Society et
al.

Thames · No. 25-cv-09341-WHO · Decided December 10, 2025

SUMMARY

The United States District Court for the Northern District of California denied Chadley Wayne Thames’s second motion for a temporary restraining order seeking the return of his emotional support dog. The court concluded that the delay in seeking relief, uncertainty about the dog’s custody, and questions concerning the merits precluded emergency relief. The court allowed the complaint to proceed past screening based on allegations concerning the denial of a post-deprivation hearing and set deadlines relating to the City defendants’ motion to dismiss.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	William H. Orrick
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 10, 2025
DOCKET	25-cv-09341-WHO
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a second motion for a temporary restraining order seeking return of his emotional support dog and filed a pro se complaint without paying the filing fee. The City defendants moved to dismiss. The court denied the TRO and screened the complaint under 28 U.S.C. § 1915(e)(2).
STANDARD OF REVIEW	For a TRO, the court considered the requirements for emergency injunctive relief, including likelihood of success, irreparable harm, the balance of equities, and the public interest. For screening, the court applied 28 U.S.C. § 1915(e)(2)(B), which permits dismissal of an action that is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant.
PRECEDENTIAL VALUE	Unknown

TOPICS

injunctions

civil procedure

motions to dismiss

procedural due process

ada / disability

PRACTICE AREAS

civil procedure

constitutional law

civil rights

disability rights

QUESTIONS PRESENTED

1. Whether Thames was entitled to a temporary restraining order requiring defendants to return his emotional support dog.
2. Whether the pro se complaint could be dismissed as frivolous or malicious during screening under 28 U.S.C. § 1915(e)(2).

HOLDINGS

1. The motion for a temporary restraining order was denied because Thames delayed seeking emergency relief, had not shown that the dog remained in defendants' custody, and raised questions about the availability of relief and his likelihood of success on the merits.
2. The complaint could not be dismissed as frivolous or malicious at the screening stage because Thames's allegations that he was denied a post-deprivation hearing under California Penal Code § 597.1(f) raised a potentially actionable issue.

KEY QUOTATIONS

“A TRO “is not a preliminary adjudication on the merits, but a device for preserving the status quo and preventing the irreparable loss of rights before judgment.”” (at 1)

“Given the delay in seeking emergency relief, serious questions as to what relief, if any, is available given that Kiah is not in defendants’ custody, and questions regarding the likelihood of success on the merits, Thames is not entitled to emergency TRO relief.” (at 2)

FACTUAL BACKGROUND

Thames alleged that the City seized his vehicle and emotional support dog, Kiah Bixsby Grey Wolf, in 2024 and did not provide a property or post-deprivation hearing. The dog was removed from Thames's custody in July 2024 after he was charged with a misdemeanor under California Penal Code § 597.1(a); the charge was dismissed in October 2024. Thames waited until October 30, 2025, to file the action and seek emergency relief, and the record suggested that the dog was no longer in any defendant's possession and may have been adopted by someone else.

PROCEDURAL HISTORY

Thames alleged that Fort Bragg and its Police Department unlawfully seized his vehicle and dog and failed to provide a property or post-deprivation hearing. He also alleged that the Mendocino Coast Humane Society wrongfully retained the dog. The court denied emergency TRO relief and concluded that the complaint could not

be dismissed as frivolous or malicious at the screening stage; the City defendants' motion to dismiss remained scheduled for later determination.

DISPOSITION

other

CASES CITED

- Textile Unlimited, Inc. v. A..BMH & Co., 240 F.3d 781, 786 (9th Cir. 2001)
- Pablo Sequen v. Kaiser, 793 F. Supp. 3d 1114, 1118 (N.D. Cal. 2025)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
CHADLEY WAYNE THAMES, et al., Case No. 25-cv-09341-WHO 8 Plaintiffs, ORDER
DENYING TEMPORARY 9 v. RESTRAINING ORDER AND SCREENING COMPLAINT 10
MENDOCINO COAST HUMANE SOCIETY, et al., Dkt. No. 15 11 Defendants. 12 Plaintiff
Chadley Wayne Thames has filed a second motion for a Temporary Restraining 13 Order, seeking
return of his service dog.

Dkt. No. 15. The motion is DENIED for the reasons 14 discussed below. 15 I. MOTION FOR A
TEMPORARY RESTRAINING ORDER 16 A Temporary Restraining Order (“TRO”) “is not a
preliminary adjudication on the merits, 17 but a device for preserving the status quo and
preventing the irreparable loss of rights before 18 judgment.” Textile Unlimited, Inc. v. A..BMH &
Co., 240 F.3d 781, 786 (9th Cir.

2001). A TRO 19 may continue only until a hearing on a motion for preliminary injunction can be
heard. Pablo 20 Sequen v. Kaiser, 793 F. Supp. 3d 1114, 1118 (N.D. Cal. 2025).1 21 The
emergency Thames continues to identify is the return of his emotional support dog, 22 Kiah
Bixsby Grey Wolf. See Dkt. Nos. 1, 8, 13, 15.

However, Thames does not allege that Kiah 23 is still in the possession of any of the defendants,
and according to a recent filing, Kiah is no 24 25 1 In addition, to obtain injunctive relief Thames
must show: (1) a likelihood of success on the 26 merits; (2) a likelihood of irreparable harm to the
moving party in the absence of preliminary relief; (3) that the balance of equities tips in favor of
the moving party; and (4) that an injunction is 27 in the public interest.

Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008). Generally, a 1 longer in the
possession of defendant Mendocino Coast Humane Society (hereafter, “Humane 2 Society”) and
may have been adopted by someone else. See Dkt. No. 16 at 9 n.2.

Moreover, it 3 appears that Kiah was removed from Thames' custody more than a year ago, in July 2024, as a 4 result of Thames being charged with a misdemeanor under California Penal Code 597.1(A) 5 "Keeping an Animal Without Proper Care." See Dkt. 1-1. According to Thames' filings and 6 documents filed by the City, of which I take judicial notice, that charge was dismissed in October 7 2024.

Dkt. No. 16-2. This case was not filed and the emergency relief request made for a full 8 year thereafter, on October 30, 2025. 9 While the absence of Kiah from Thames' life is undoubtedly very hard and has caused 10 Thames distress, his motion for a TRO and the emergency return of Kiah is DENIED. Given the 11 delay in seeking emergency relief, serious questions as to what relief, if any, is available given that 12 Kiah is not in defendants' custody, and questions regarding the likelihood of success on the merits, 13 Thames is not entitled to emergency TRO relief.

14 II. SCREENING THE COMPLAINT 15 A court must screen and may dismiss a case filed without the payment of the filing fee if it 16 determines that the action "(i) is frivolous or malicious; (ii) fails to state a claim on which relief 17 may be granted; or (iii) seeks monetary relief against a defendant who is immune from such 18 relief." 28 U.S.C. § 1915(e)(2)(B)(i)-(iii).

19 Plaintiff's Complaint, filed pro se, is somewhat unclear. Construing the allegations and 20 claims liberally, Thames sues two sets of defendants: (1) Fort Bragg and its Police Department 21 (the "City") and (2) the Mendocino Coast Humane Society. He alleges that in 2024, the City 22 illegally seized his vehicle and Kiah. He alleges that he was not provided a "property hearing" by 23 the City.

He also alleges that defendant Mendocino Coast Humane Society is holding and has 24 refused to return Kiah to him. As a result, he alleges violations of his constitutional rights to due 25 process and equal protection under the 4th, 5th, 6th, 8th, 14th Amendments, and violation of the 26 Americans with Disabilities Act ("ADA"). He also asserts related state law claims including 27 conversion, wrongful withholding of property, and infliction of emotional distress.

Dkt. No. 1. 1 records of which I may take judicial notice, that Thames was not provided a post-deprivation 2 hearing under California Penal Code § 597.1(f). See Dkt. No. 16-2. I am not deciding the issue, 3 || but Thames' allegations regarding the denial of a post-deprivation hearing mean that his 4 Complaint cannot be dismissed as frivolous or malicious under 28 U.S.C. § 1915(e).

5 The City defendants have moved to dismiss the Complaint. Dkt. Nos. 16, 17. That motion 6 || will be heard by me via Zoom videoconference on January 14, 2025 at 2:00 p.m. The parties do 7 || not need to show up in person at the San Francisco courthouse.

The adequacy of Thames' 8 Complaint and whether Thames has stated an actionable claim against the City defendants will be 9 || determined at that time. Thames' opposition to the City's motion to

dismiss is due by December 10 || 22, 2025. 11 IT IS SO ORDERED. 12 Dated: December 10,
2025 William H. Orrick IS United States District Judge 16 = 17 Z 18 19 20 21 22 23 24 25 26 27
28

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