

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Orellana-Escobar v. Fernandez

Civil Action No. 24-1767 (RDM) (D.D.C. Jan. 21, 2026) · No. Civil Action No. 24-1767 (RDM) · Decided January 21, 2026

SUMMARY

The U.S. District Court for the District of Columbia grants defendants’ motion to dismiss an amended pro se complaint arising from the plaintiff’s March 25, 2024 arrest for public consumption of marijuana. The court concludes that the arrest was supported by probable cause under D.C. Code § 48-911.01 and rejects the plaintiff’s due process, equal protection, discriminatory-arrest, and related claims. The court also finds that the amended complaint either abandoned or failed to adequately plead a Fourth Amendment vehicle-search claim.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Randolph D. Moss
JURISDICTION	United States District Court for the District of Columbia
DECIDED	January 21, 2026
DOCKET	Civil Action No. 24-1767 (RDM)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the amended complaint, or alternatively for summary judgment. The court granted the motion to dismiss and dismissed the amended complaint with prejudice; it also denied the plaintiff's request for a preliminary injunction.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff's favor, and determines whether the complaint contains sufficient factual matter to state a plausible claim for relief. Legal conclusions and unsupported inferences are not accepted as true. Pro se pleadings are liberally construed.
PRECEDENTIAL VALUE	Published district court memorandum opinion; persuasive authority within the District of Columbia but not binding precedent on appellate courts.

PARTIES

Carlos Orellana-Escobar v. Jesse Fernandez, District of Columbia,
Unidentified MPD officer, Mario A. Amador

TOPICS

motions to dismiss

equal protection

probable cause

fourth amendment

injunctions

PRACTICE AREAS

civil procedure

constitutional law

civil rights

criminal procedure

municipal law

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged that Orellana-Escobar's arrest was unlawful because public consumption of marijuana was only a civil violation.
2. Whether the amended complaint plausibly alleged a false-arrest or due-process claim despite probable cause to arrest for public consumption of marijuana.
3. Whether the amended complaint plausibly alleged that the arrest was intentionally discriminatory based on Salvadoran national origin or constituted an impermissible class-of-one equal protection violation.
4. Whether the amended complaint plausibly alleged that the vehicle search violated the Fourth Amendment.
5. Whether the amended complaint plausibly alleged negligent hiring, training, or supervision by the District of Columbia.
6. Whether the plaintiff was entitled to a preliminary injunction requested for the first time in opposition to the motion to dismiss.

HOLDINGS

1. Public consumption of marijuana in a vehicle in or upon a public street violates D.C. Code § 48-911.01 and constitutes a misdemeanor. Because the offense occurred in the officer's presence, the officer had probable cause to arrest Orellana-Escobar.
2. The existence of probable cause defeated any false-arrest or false-imprisonment claim, and the arrest for conduct the plaintiff mistakenly believed was only a civil infraction did not violate due process.
3. The District's prohibition on smoking or otherwise consuming marijuana in a public space was not void for vagueness, even when considered alongside provisions permitting possession of small amounts of marijuana.
4. The amended complaint did not plausibly allege that MPD officers arrested Orellana-Escobar because of his Salvadoran national origin.
5. The amended complaint did not plausibly allege a class-of-one equal protection claim because it failed to identify similarly situated persons treated differently and failed to negate conceivable rational bases for the difference in treatment.

6. The amended complaint failed to plausibly allege a Fourth Amendment violation arising from the vehicle search, and the court treated the claim as potentially abandoned because the amended pleading omitted it from the legal-claims section.
7. The amended complaint failed to plausibly allege negligent hiring, training, or supervision because it identified no dangerous or incompetent conduct, no facts showing that the District knew or should have known of such conduct, and no nonconclusory allegations regarding negligent hiring.
8. The court denied the request for a preliminary injunction because it was procedurally improper and the plaintiff failed to show a likelihood of success on the merits.

KEY QUOTATIONS

“If an officer has probable cause to believe that an individual has committed even a very minor criminal offense in his presence, he may, without violating the Fourth Amendment, arrest the offender.” (at 8)

“A law is vague when ‘it fails to give ordinary people fair notice of the conduct it punishes, or [is] so standardless that it invites arbitrary enforcement.’” (at 9)

“But even assuming that Officer Fernandez knew (or inferred) that Orellana-Escobar was Salvadoran, that knowledge would not, standing alone, support a plausible inference that Officer Fernandez arrested Orellana-Escobar based on an anti-Salvadoran prejudice” (at 11)

“Because it is inevitable that law enforcement will not arrest everyone who commits a criminal offense, that cannot be enough, by itself, to allege a plausible equal protection violation.” (at 13)

FACTUAL BACKGROUND

On March 25, 2024, Carlos Orellana-Escobar and Erick Cruz smoked marijuana in Orellana-Escobar's car parked on a public street in the District of Columbia. MPD Officer Jesse Fernandez approached, seized the marijuana cigarette, checked the occupants' identification and the vehicle's registration, and arrested Orellana-Escobar after he refused consent to a vehicle search. Officers searched the vehicle, transported Orellana-Escobar to a police station, fingerprinted and photographed him, and released him with a criminal citation; the charge was later dismissed. Orellana-Escobar alleged discriminatory arrest based on Salvadoran national origin, due process and equal protection violations, unlawful search, and District liability for negligent hiring, training, and supervision.

PROCEDURAL HISTORY

Orellana-Escobar initially sued the District of Columbia and MPD officers in D.C. Superior Court. Defendants removed the action under 28 U.S.C. § 1441(a), and the federal court denied his motion to remand after finding that the complaint alleged a Fourth Amendment violation. The court dismissed the original complaint without prejudice and allowed amendment. After the amended complaint was filed, defendants again moved to dismiss or for summary judgment. The court concluded that the amended pleading did not cure the identified deficiencies and dismissed it with prejudice.

DISPOSITION

dismissed

CASES CITED

- Jones v. Quintana, 658 F. Supp. 2d 183, 195 (D.D.C. 2009)
- Ashcroft v. Iqbal, 556 U.S. 662, 678, 681-82 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 554, 555 (2007)
- Laughlin v. Holder, 923 F. Supp. 2d 204, 209 (D.D.C. 2013)
- Trudeau v. FTC, 456 F.3d 178, 193 (D.C. Cir. 2006)
- Rollins v. Wackenhut Servs., Inc., 703 F.3d 122, 131 (D.C. Cir. 2012)
- Belizan v. Hershon, 434 F.3d 579, 583 (D.C. Cir. 2006)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Atwater v. City of Lago Vista, 532 U.S. 318, 354 (2001)
- Harris v. U.S. Dep't of Veterans Affs., 776 F.3d 907, 912 (D.C. Cir. 2015)
- Amobi v. D.C. Dep't of Corr., 755 F.3d 980, 989 (D.C. Cir. 2014)
- United States v. Holland, 810 F.2d 1215, 1222 (D.C. Cir. 1987)
- United States v. Bronstein, 849 F.3d 1101, 1106 (D.C. Cir. 2017)
- Johnson v. United States, 576 U.S. 591, 595 (2015)
- Rothe Dev., Inc. v. U.S. Dep't of Def., 836 F.3d 57, 63 (D.C. Cir. 2016)
- XP Vehicles, Inc. v. U.S. Dep't of Energy, 118 F. Supp. 3d 38, 75 (D.D.C. 2015)
- Village of Willowbrook v. Olech, 528 U.S. 562, 564 (2000) (per curiam)
- Board of Trustees of University of Alabama v. Garrett, 531 U.S. 356, 367 (2001)
- Morris v. District of Columbia, 313 A.3d 545, 551 (D.C. 2024)
- Arizona v. Gant, 556 U.S. 332, 339, 351 (2009)
- Spiller v. District of Columbia, 302 F. Supp. 3d 240, 254 (D.D.C. 2025)
- Giles v. Shell Oil Corp., 487 A.2d 610, 613 (D.C. 1985)
- Greater New Orleans Fair Hous. Action Ctr. v. U.S. Dep't of Hous. & Urb. Dev., 639 F.3d 1078, 1088 (D.C. Cir. 2011)
- United States v. Jackson, 553 F.2d 109, 119 n.19 (D.C. Cir. 1976)
- Butera v. District of Columbia, 235 F.3d 637, 645 n.7 (D.C. Cir. 2001)