

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Shan Valencia Thomas v. Stanislaus County, Kyle Christianson, Eric
Garcia, and Does 1-10, inclusive**

No. 2:25-cv-02113 WBS CSK (E.D. Cal. Jan. 6, 2026) · No. No. 2:25-cv-02113 WBS CSK · Decided January 6,
2026

OPINION

Thomas

PER CURIAM.

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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SHAN VALENCIA THOMAS, No. 2:25-cv-02113 WBS CSK

13 Plaintiff, 14

v. MEMORANDUM AND ORDER DENYING

15 DEFENDANTS' MOTION TO DISMISS

STANISLAUS COUNTY, KYLE PLAINTIFF'S FIRST AMENDED

16 CHRISTIANSON, ERIC GARCIA, and COMPLAINT

DOES 1-10, inclusive, 17 Defendants. 18 19 ----oo0oo---- 20 This action arises out of events of
alleged police 21 violence. On or about May 24, 2022, Stanislaus County Sheriff's 22 Office
("SCSO") deputies were searching for plaintiff. (Docket

23 No. 12 (First Am. Compl. ("FAC")) at 5.) Upon locating him

24 sitting behind a fence, defendant Christianson tore down boards 25 of the fence, and defendant
Garcia commanded his police dog to 26 attack plaintiff. (Id.) The dog bit plaintiff in the left leg,

27 tearing into his flesh. (Id.) 28 While the dog was attacking plaintiff, plaintiff placed 1 his hands
above his head in a gesture of surrender. (Id.) 2 Christianson then grabbed plaintiff's right wrist,

which 3 plaintiff initially resisted. (Id.) Christianson responded to 4 plaintiff's resistance by
twisting and breaking his arm and 5 punching him in the head. (Id.) 6 Five deputies, including

Christianson and Garcia, then 7 held plaintiff to the ground while continuing to permit the dog 8
to attack him. (Id. at 6.) After the dog had been attacking 9 plaintiff for about forty seconds,

Garcia removed the dog from 10 him. (Id.) 11 Following the incident, plaintiff was left with 12
"[c]hunks of flesh h[anging] off his calf" as well as a broken 13 arm that required surgery. (Id.)

Plaintiff was then charged 14 with, among other things, resisting an officer under Cal. Penal 15

Code § 69 (“Section 69”), to which he subsequently pled nolo contendere. (Docket No. 14-1 at 6-7.) Plaintiff now brings three claims under 42 U.S.C. § 1983 (“Section 1983”) against defendants: (1) a Fourth Amendment excessive force claim against Christianson, Garcia, and Officer Does; (2) a municipal liability claim against Stanislaus County (“the County”) under custom or policy, failure-to-train, and ratification theories; and (3) a supervisory liability claim against the Supervisor and Officer Does. (See generally FAC.) Defendants move to dismiss plaintiff’s first amended complaint for failure to state a claim. (Docket No. 14-1.) I. Motion to Dismiss for Failure to State a Claim Federal Rule of Civil Procedure 12(b)(6) allows for dismissal when the plaintiff’s complaint fails to state a claim upon which relief can be granted. See Fed. R. Civ. P. 12(b)(6). The inquiry before the court is whether, accepting the allegations in the complaint as true and drawing all reasonable inferences in the plaintiff’s favor, the complaint has stated “a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* a. Excessive Force Claim Defendants argue that plaintiff’s excessive force claim against Christianson, Garcia, and Officer Does is barred by *Heck v. Humphrey*, 512 U.S. 477, 487 (1994), which prohibits a plaintiff from maintaining a damages action under Section 1983 if “a judgment in favor of [him] would necessarily imply the invalidity of his conviction or sentence.” Specifically, defendants contend that permitting plaintiff’s Section 1983 action to proceed would imply the invalidity of his conviction under Section 69. (See Docket Nos. 14-1 at 5-7, 21 at 2-6.) Defendants’ argument is foreclosed by *King v. Villegas*, 21 F.4th 979 (9th Cir. 2025). In *King*, the Ninth Circuit established a categorical rule that “[Federal] Rule [of Evidence] 410(a) bars admission of a nolo contendere plea to show that a § 1983 plaintiff committed the crimes to which he pleaded nolo contendere.” *Id.* at 984. The Ninth Circuit noted that its conclusion was “consistent with the established understanding of nolo pleas,” which are, “first and foremost, not . . . admission[s] of factual guilt.” *Id.* at 985 (citation modified). *King* involved markedly similar factual circumstances to plaintiff’s. *King* filed a Section 1983 action against the defendants alleging unlawful force under the Eighth Amendment. See *id.* at 985. He subsequently entered a nolo contendere plea to one count of violating Section 69. See *id.* The defendants introduced evidence of *King*’s nolo contendere plea in attempt to preclude *King*’s Section 1983 claim as barred by *Heck*. See *id.* The district court “considered both evidence of [his] nolo contendere plea and statements made during a proceeding on that plea” in *King*’s civil case to conclude that his claim was indeed barred by *Heck*. See *id.* The Ninth Circuit reversed, holding that the district court erred in considering such evidence. See *id.* 15 Applying *King* straightforwardly to the present situation, plaintiff’s nolo contendere plea and the facts stipulated to therein are inadmissible to show that he committed a violation of Section 69. See *id.* at 984-85. Therefore, “there is no plausible basis for a conclusion that plaintiff’s original § 1983 excessive force claim against [defendants] is Heck- barred.”

Warden v. B. Cowan, et al., No. 2:19-cv-00431 TLN AC P, 22 2025 WL 3563222, at *8 (E.D. Cal. Dec. 12, 2025) (applying King); 23 see also King, 156 F.4th at 984-85. 24 Defendants nevertheless argue that King does not 25 prohibit the admission of plaintiff's nolo contendere plea and 26 its resulting conviction as evidence that he violated Section 69 27 because plaintiff did not make his plea pursuant to People v. 28 1 West, 3 Cal. 3d 595 (Cal. 1970). (See Docket No. 14-1 at 12- 2 13.)¹ Therefore, defendants claim, plaintiff's plea was a 3 conclusive admission of factual guilt that, under Heck, prohibits 4 him from maintaining a Section 1983 action. (See id. at 15.) 5 Defendants overextend King. While the King court noted 6 that its holding applies with particular force when "a defendant 7 in California state court couples a nolo plea with a plea 8 pursuant to [West]," it did not suggest that a West plea was a 9 necessary condition for its holding to apply at all. See 156 10 F.4th at 985. Thus, as King instructs, the court cannot rely on 11 plaintiff's nolo contendere plea as evidence that his excessive 12 force claim is barred by Heck. See King, 156 F.4th at 985. 13 At oral argument, defense counsel also emphasized the 14 purported fact that the plaintiff in King pled nolo contendere to 15 a misdemeanor under Section 69, whereas plaintiff here pled nolo 16 contendere to a felony under Section 69. The implication being, 17 defense counsel contended, that because of this difference, King 18 does not foreclose reliance on plaintiff's nolo contendere plea 19 as evidence of his guilt. But the court in King did not mention 20 -- much less rely on -- whether the plaintiff in that case pled 21 nolo contendere to a misdemeanor or a felony. Correspondingly, 22 this court will decline defense counsel's invitation to "create 23 razor-thin distinctions to evade precedent's grasp." Nat'l Lab. 24 1 "A West plea is a plea of nolo contendere, not admitting a 25 factual basis for the plea. Such a plea, also referred to as an Alford plea . . . allows a defendant to plead guilty in order to 26 take advantage of a plea bargain while still asserting his or her 27 innocence." Almanza-Arenas v. Lynch, 815 F.3d 469, 474 n.3 (9th Cir. 2016) (citation modified). 28 1 Rels. Bd. v. Int'l Ass'n of Bridge, Structural, Ornamental, & 2 Reinforcing Iron Workers, Loc. 229, AFL-CIO, 974 F.3d 1106, 1117 3 (9th Cir. 2020) (Bumatay, J., dissenting) (citation and 4 quotations omitted). 5 Moreover, as plaintiff's counsel pointed out at oral 6 argument, the proceedings before the district court in King 7 confirm that the plaintiff in that case did in fact enter a nolo 8 contendere plea to a felony under Section 69. See ECF No. 106-1 9 at 2, King v. Villegas et al., 1:17-cv-00676 JLT EPG (E.D. Cal. 10 May 18, 2022). 11 Accordingly, the court will deny defendants' motion to 12 dismiss plaintiff's excessive force claim. 13 b. Monell Claim 14 Plaintiff also brings a municipal liability claim 15 against Stanislaus County under custom or policy, failure-to- 16 train, and ratification theories. (See FAC at 8-14.) Because 17 plaintiff adequately alleges a Monell claim under a custom or 18 policy theory, it is "not necessary evaluate [his] failure-to- 19 train" and ratification theories "at this stage." See Quinto- 20 Collins v. City of Antioch, No. 21-cv-06094 VC, 2022 WL 18574, at 21 *2 (N.D. Cal. Jan. 3, 2022).

22 "A government entity may not be held liable under 42 23 U.S.C. § 1983, unless a policy, practice, or custom of the entity 24 can be shown to be a moving force behind a violation of 25

constitutional rights.” *Dougherty v. City of Covina*, 654 F.3d 26 892, 900 (9th Cir. 2011) (citing *Monell v. Dep’t of Soc. Servs. 27 of the City of New York*, 436 U.S. 658, 694 (1978)). To impose 28 1 liability under a custom or policy theory, a plaintiff must show: 2 “(1) that [he] possessed a constitutional right of which he was 3 deprived; (2) that the municipality had a policy; (3) that this 4 policy amounts to deliberate indifference to the plaintiff’s 5 constitutional right; and, (4) that the policy is the ‘moving 6 force’ behind the constitutional violation.” *Plumeau v. Sch. 7 Dist. No. 40 Cnty. of Yamhill*, 130 F.3d 432, 438 (9th Cir. 1997) 8 (citation modified). 9 A plaintiff may establish the existence of a custom or 10 policy based on: “(1) conduct pursuant to a formal or expressly 11 adopted official policy; (2) a longstanding practice or custom 12 which constitutes the ‘standard operating procedure’ of the local 13 government entity; (3) a decision of a decision-making official 14 who was, as a matter of state law, a final policymaking authority 15 whose edicts or acts may fairly be said to represent official 16 policy in the area of decision; or (4) an official with final 17 policymaking authority either delegating that authority to, or 18 ratifying the decision of, a subordinate.” *Gonzalez v. Cnty. of 19 Merced*, 289 F. Supp. 3d 1094, 1098 (E.D. Cal. 2017). “At the 20 pleading stage, plaintiff need not prove the existence of such a 21 custom”; all plaintiff must do is “allege sufficient facts to 22 make [his] claim plausible.” *Doe v. Cnty. of San Joaquin*, No. 23 2:24-cv-00899 WBS CKD, 2024 WL 3697555, at *4 (E.D. Cal. Aug. 7, 24 2024). 25 Plaintiff has adequately alleged a Monell claim under a 26 custom or policy theory. Indeed, plaintiff has pled the 27 circumstances of ten incidents spanning the last decade of SCSO 28 1 deputies “unnecessarily inflict[ing] pain to punish subdued 2 and/or restrained arrestees at the scene of their arrest” to 3 establish that the County has tacitly adopted a custom or policy 4 of violating non-resisting arrestees’ Fourth and Fourteenth 5 Amendment rights. (See FAC at 8-11.) Five of these incidents 6 involved deputies using police dogs, specifically, to perpetuate 7 force against non-resisting arrestees. (See *id.*) Other 8 incidents involved holding an arrestee down, causing his death, 9 after he had been subdued (*id.* at 9); slamming an arrestee head- 10 first into the ground, causing him to become paralyzed, after he 11 had been subdued (*id.* at 10); and repeatedly punching a 12 restrained arrestee in the head (*id.* at 11). These incidents, 13 along with plaintiff’s incident, all appear to involve force one 14 might reasonably characterize as excessive. 15 Defendants argue that the frequency at which these 16 incidents occurred over the last several years is insufficient to 17 establish a custom or policy, but they do not explain why this 18 frequency is insufficient or provide any principles under which 19 the court may determine what frequency of allegations would be 20 sufficient to state such a claim. However, as former Chief Judge 21 O’Neill observed in *Gonzalez*, 289 F. Supp. 3d at 1099, it is 22 “difficult to discern from the caselaw the quantum of allegations 23 needed to survive a motion to dismiss” a Monell custom or policy 24 claim. 25 The only numerical requirement the court can glean from 26 the case law is that, generally, a plaintiff must plead more than 27 two sufficiently similar incidents to adequately allege a custom 28 1 or policy. See *Trevino*, 99 F. 3d at 918 (collecting examples); 2 cf. also *French v. City of Los Angeles*, No. ED-cv-20416 JGB SHKx, 3 2021 WL 6752229, at *5

(C.D. Cal. Jan. 8, 2021) (“Various 4 incidents (generally more than one or two) may permit the 5 inference of a policy, taking into account their similarity, 6 their timing, and subsequent actions by the municipality.” 7 (citation and quotation marks omitted)). Plaintiff has far 8 exceeded that requirement. 9 Defendants also argue that the incidents plaintiff 10 alleges are not sufficiently similar and therefore do not 11 establish a uniform custom or policy of utilizing excessive force 12 to punish non-resisting arrestees. (See Docket No. 14-1 at 17- 13 18.) In particular, defendants point out that some of the 14 alleged incidents involved force exerted by police dogs, whereas 15 others did not. (See *id.*) This distinction is immaterial 16 because the custom or policy plaintiff identifies is that of 17 “unnecessarily inflict[ing] pain to punish subdued and/or 18 restrained arrestees at the scene of their arrest,” whether via 19 police dog or other means. (FAC at 8.) 20 Plaintiff has alleged “multiple, specific events in 21 which significant force was utilized by Stanislaus County 22 deputies in situations where the force used may plausibly be said 23 to have been excessive.” *J.M. by & Through Rodriguez v. Cnty. of 24 Stanislaus*, No. 1:18-cv-01034 LJO SAB, 2018 WL 5879725, at *6 25 (E.D. Cal. Nov. 7, 2018). He has also alleged that the incidents 26 occurred absent discipline, investigation, or retraining of the 27 deputies who deployed such force. (See FAC at 8.) Considered 28 1 together, and “[t]aking all of plaintiff’s allegations as true 2 and drawing all reasonable inferences in [his] favor, as the 3 court must at this stage,” plaintiff has adequately pled a Monell 4 claim under a custom or policy theory. See *Doe v. Cnty. of San 5 Joaquin*, 2024 WL 3697555, at *4. 6 Accordingly, the court will deny defendants’ motion to 7 dismiss plaintiff’s Monell claim. 8 c. Supervisory Liability Claim 9 Lastly, plaintiff brings a supervisory liability claim 10 against defendants Supervisor and Officer Does. (See FAC at 15.) 11 Defendants do not appear to directly contest this claim. (See 12 Docket Nos. 14-1, 21.) 13 Under Section 1983, “[s]upervisory liability is imposed 14 against a supervisory official in his individual capacity.” 15 *Larez v. City of Los Angeles*, 946 F.2d 630, 646 (9th Cir.1991). 16 “A defendant may be held liable as a supervisor under § 1983 if 17 there exists either (1) his or her personal involvement in the 18 constitutional deprivation, or (2) a sufficient causal connection 19 between the supervisor’s wrongful conduct and the constitutional 20 violation.” *Starr v. Baca*, 652 F.3d 1202, 1207 (9th Cir. 2011) 21 (quotations omitted). “A supervisor is only liable for 22 constitutional violations of his subordinates if the supervisor 23 participated in or directed the violations, or knew of the 24 violations and failed to act to prevent them.” *Taylor v. List*, 25 880 F.2d 1040, 1045 (9th Cir. 1989). 26 Plaintiff’s allegations that the Supervisor and Officer 27 Does “knowingly refused to terminate a series of acts by [their 28 en nen ee OE IO IE OI, OEE OSE! IE II I EES eee subordinates], which [they] knew or reasonably should have known would cause [them] to inflict a constitutional injury,” *Dubner v. City & Cnty. of San Francisco*, 266 F.3d 959, 968 (9th Cir. 2001), are enough to establish “[t]he requisite causal connection” ° between these defendants’ wrongful conduct and the violation of ° plaintiff’s right to be free from excessive force, *Starr*, 652 F. 3d at 1207-08. Plaintiff also alleges that the Supervisor and Officer Does personally participated in the deprivation of his ° constitutional rights through various means,

which is independently sufficient to state a claim for supervisory liability. See *id.* at 1207. Accordingly, the court will deny defendant's motion to dismiss plaintiff's supervisory liability claim. IT IS THEREFORE ORDERED that defendants' motion to dismiss (Docket No. 14) be, and the same hereby is, DENIED. Dated: January 6, 2026
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M WILLIAM B. SHUBB

18 UNITED STATES DISTRICT JUDGE

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