

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Whitsitt v. Domus Management Co.

Whitsitt · No. 2:24-cv-0407-DC-JDP (PS) · Decided February 24, 2025

SUMMARY

The United States District Court for the Eastern District of California screened plaintiff William J. Whitsitt’s pro se complaint concerning the denial of a subsidized-housing application. The court granted in forma pauperis status but dismissed the complaint with leave to amend, finding that the claims failed to adequately plead sovereign-immunity waiver, state action, conspiracy, or a municipal policy or custom. Plaintiff was ordered to file an amended complaint or notice of voluntary dismissal within thirty days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 24, 2025
DOCKET	2:24-cv-0407-DC-JDP (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff filed a civil-rights complaint and an application to proceed in forma pauperis. The district court screened the complaint under 28 U.S.C. § 1915(e), granted in forma pauperis status, dismissed the complaint for failure to state a viable claim, and granted leave to amend.
STANDARD OF REVIEW	Mandatory screening under 28 U.S.C. § 1915(e); the court assessed whether the complaint was frivolous, malicious, failed to state a claim, or sought monetary relief from an immune defendant, applying the pleading standards of Federal Rule of Civil Procedure 8(a)(2) and the plausibility standard.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

William J. Whitsitt v. Domus Management Co., Housing Authority of the County of San Joaquin, Erica Perez, Casa Manana Inn, United States

TOPICS

section 1983

sovereign immunity

civil rights

pleadings

motions to dismiss

PRACTICE AREAS

civil rights

constitutional law

federal civil procedure

housing law

QUESTIONS PRESENTED

1. Whether the complaint stated a viable claim against the United States despite sovereign immunity.
2. Whether the complaint stated a claim under 42 U.S.C. § 1983 against Domus Management Company, Erica Perez, or Casa Manana Inn by adequately alleging action under color of state law and a constitutional deprivation.
3. Whether conclusory allegations of a conspiracy between private parties and state actors were sufficient to establish § 1983 liability.
4. Whether the complaint adequately pleaded a municipal-liability claim against the San Joaquin County Housing Authority by identifying a policy or custom causing the alleged constitutional violations.
5. Whether the complaint should be dismissed at in forma pauperis screening and whether leave to amend should be granted.

HOLDINGS

1. The claims against the United States failed because the complaint identified no unequivocal waiver of sovereign immunity, and the United States has not waived immunity from damages actions for constitutional violations.
2. The complaint failed to state a § 1983 claim against Domus Management Company, Erica Perez, or Casa Manana Inn because it did not adequately allege that they acted under color of state law.
3. Conclusory allegations that private defendants conspired with state actors were insufficient to state a § 1983 claim.
4. The complaint did not state a municipal-liability claim because plaintiff identified no municipal policy or custom that caused the alleged constitutional violations.
5. The complaint was dismissed for failure to state a claim, with leave to amend; plaintiff was given thirty days to file an amended complaint or voluntarily dismiss the action without prejudice.

KEY QUOTATIONS

“A complaint must contain a short and plain statement that plaintiff is entitled to relief, and provide “enough facts to state a claim to relief that is plausible on its face,”” (1)

“A § 1983 claim requires two essential elements: (1) the conduct that harms the plaintiff must be committed under color of state law (i.e., state action), and (2) the conduct must deprive the plaintiff of a constitutional right.” (2)

“the complaint contains nothing more than conclusory allegations of a civil conspiracy, which are insufficient to state a claim against any named defendant under 42 U.S.C. § 1983.” (2)

FACTUAL BACKGROUND

The San Joaquin County Housing Authority allegedly found Whitsitt eligible for subsidized housing, but Domus Management Company denied his application to Casa Manana Apartments. Whitsitt alleged that he did not receive notice explaining the denial and asserted a conspiracy among Domus, federal and state housing authorities, and Erica Perez. He brought claims under 42 U.S.C. § 1983 and RICO, including claims concerning housing, due process, retaliation, contracting, and discrimination.

PROCEDURAL HISTORY

Whitsitt filed a complaint alleging constitutional, civil-rights, RICO, contract, and housing-discrimination violations arising from the denial of a subsidized-housing application. The court conducted mandatory screening because plaintiff sought to proceed in forma pauperis. It dismissed the complaint with leave to amend and allowed thirty days to file an amended complaint or a notice of voluntary dismissal.

DISPOSITION

other

CASES CITED

- United States v. Mitchell, 463 U.S. 206, 212 (1983)
- United States v. Mitchell, 445 U.S. 535, 538 (1980)
- Holloman v. Watt, 708 F.2d 1399, 1401 (9th Cir. 1983)
- Thomas-Lazear v. F.B.I., 851 F.2d 1202, 1207 (9th Cir. 1988)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-679 (2009)
- Kobold v. Good Samaritan Regional Medical Center, 832 F.3d 1024, 1038 (9th Cir. 2016)
- Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hayes v. Idaho Correctional Center, 849 F.3d 1204, 1208 (9th Cir. 2017)
- Bruns v. National Credit Union Administration, 122 F.3d 1251, 1257 (9th Cir. 1997)
- Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Ketchum v. Alameda County, 811 F.2d 1243, 1245 (9th Cir. 1987)
- Simmons v. Sacramento County Superior Court, 318 F.3d 1156, 1161 (9th Cir. 2003)

- Price v. Hawaii, 939 F.2d 702, 708 (9th Cir. 1991)
- Monell v. Department of Social Services, 436 U.S. 658, 691, 694 (1978)

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