

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Stavrianoudakis v. U.S. Department of Fish & Wildlife

Stavrianoudakis · No. 1:18-cv-01505 JLT BAM · Decided April 21, 2025

SUMMARY

The United States District Court for the Eastern District of California granted the California Department of Fish and Wildlife’s motion to stay litigation challenging California falconry licensing provisions requiring written consent to unannounced, warrantless inspections. The stay will continue through the administrative process to amend the regulations, with periodic status reports and a subsequent schedule for moving the case forward.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 21, 2025
DOCKET	1:18-cv-01505 JLT BAM
DISPOSITION	other
PROCEDURAL POSTURE	Following remand from the Ninth Circuit, the district court considered the defendants' motion to stay the remaining unconstitutional-conditions claim while California administrative authorities considered amendments to the falconry licensing regulations.
STANDARD OF REVIEW	The court applied the Landis standard for stays, weighing the possible damage from a stay, the hardship or inequity of requiring a party to proceed, and the orderly course of justice, including whether a stay would simplify or complicate the issues, proof, and questions of law.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Peter Stavrianoudakis, et al. v. U.S. Department of Fish & Wildlife, et al.

TOPICS

- civil procedure
- administrative law
- constitutional law
- standing

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should stay the litigation under Landis while the California Department of Fish and Wildlife and the California Fish and Game Commission pursued amendments to the challenged falconry licensing regulations.
2. Whether the modified certification language reduced the likelihood of injury to the plaintiffs during the regulatory amendment process and could materially affect the remaining unconstitutional-conditions claim.

HOLDINGS

1. A limited stay was warranted because the pending regulatory amendment could materially alter or moot the remaining claim, conserve judicial and party resources, and was unlikely to cause further injury to the plaintiffs during the amendment process.
2. The modified certification language alleviated the potential for the plaintiffs to suffer further injury during the pendency of the regulatory amendment process because it removed the direct written certification concerning unannounced inspections.

KEY QUOTATIONS

“The separate question of whether an unannounced, warrantless inspection by CDFW would violate the Fourth Amendment was not decided because that question has not been presented in the pleadings.” (at 1)

“In sum, given that a limited stay extending through the conclusion of the ongoing amendment process will conserve party and judicial resources and that Plaintiffs are unlikely to suffer further injury during any such stay, the Court will GRANT the motion to stay.” (at 9)

FACTUAL BACKGROUND

The challenged California falconry licensing regulations required applicants to certify in writing that they understood and agreed to abide by license conditions, including language concerning unannounced inspections of falconry facilities, equipment, raptors, and records. The Ninth Circuit held that this written-consent requirement could constitute an injury because applicants faced a choice between retaining Fourth Amendment rights and obtaining a license, but it rejected the plaintiffs' direct challenge to the inspection provisions absent an allegation of an inspection under those provisions. While the case was on remand, the California Department of Fish and Wildlife initiated a process to amend the certification language and modified the operative application language to remove direct references to the inspection provisions.

PROCEDURAL HISTORY

The Ninth Circuit remanded the case after holding that the plaintiffs had standing to challenge the written licensing certification requiring consent to unannounced, warrantless inspections, while holding that a direct challenge to the inspection provisions was not viable because plaintiffs had not alleged that they were subjected to an inspection under the challenged regulations. After remand, the district court directed the parties to submit a

scheduling order. The California Department of Fish and Wildlife instead requested a stay while pursuing regulatory amendments, and the court entered a temporary stay before granting the formal motion.

DISPOSITION

other

CASES CITED

- Stavrianoudakis v. U.S. Fish & Wildlife Serv., 108 F.4th 1128, 1137-44 (9th Cir. 2024)
- Landis v. North American Co., 299 U.S. 248, 254 (1936)
- Lockyer v. Mirant, 398 F.3d 1098, 1110 (9th Cir. 2005)
- CMAX, Inc. v. Hall, 300 F.2d 265, 268 (9th Cir. 1962)
- Blackburn v. Snow, 771 F.2d 556, 568 (1st Cir. 1985)
- Koontz v. St. Johns River Water Management District, 570 U.S. 595, 606 (2013)

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