

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

I. D., et al. v. Alice Helen Abler, et al.

D. v. Abler · No. 25-cv-04431-JD · Decided August 13, 2025

OPINION

D. v. Abler

PER CURIAM.

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4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 I. D., et al., Case No. 25-cv-04431-JD 8 Plaintiffs,

ORDER RE DISMISSAL

v. 9 10 ALICE HELEN ABLER, et al., Defendants. 11 12 13 Plaintiffs Zachary Deloach and
Renee Contreras-Deloach allege claims on behalf of 14 themselves and their minor child I.D.,
who has special needs, in connection with an incident in 15 which defendant Alice Abler, a
teacher at the Winzler Children’s Center, is said to have slammed 16 I.D.’s body against a wall
and yelled at I.D. Defendants include Abler’ supervisor Elizabeth Rice, 17 the Eureka City
Schools District, and unnamed Does. See Dkt. No. 1. 18 Defendants ask to dismiss the complaint.
Dkt. No. 4. The motion is suitable for decision 19 without oral argument pursuant to Civil Local
Rule 7-1(b), and the hearing set for August 14, 20 2025, is vacated. The parties’ familiarity with
the record is assumed, and the complaint is 21 dismissed with leave to amend in main part.

22 Claims 1 through 13 are dismissed as to all defendants with leave to amend. The
23 complaint alleges many claims pursuant to specific penal code sections, and plaintiffs did not
24 demonstrate that there is a private cause of action under those statutes. See *Animal Legal Def.*
25 *Fund v. Mendes*, 160 Cal. App. 4th 136, 141-42 (2008). The attempt to recast certain claims as
26 resting on alternative legal grounds, see Dkt. No. 12 at 9-11, is inconsistent with the
complaint’s 27 express allegations. With respect to claims against the District, the allegations do
not in any 1 creating some specific duty of care” to impose direct tort liability on the District.
Eastburn v. 2 Regional Fire Protec. Auth., 31 Cal. 4th 1175, 1183 (2003). 3 The complaint alleges
many claims against Abler and her supervisor, Rice, but plaintiffs 4 made no effort to set forth
clearly which actions by Rice would make her directly liable on the 5 various theories alleged. See
George F. Hillenbrand, Inc. v. Ins. Co. of N.A., 104 Cal. App. 4th 6 784, 823 (2003) (“The
doctrine of respondeat superior is not applicable to the relationship 7 between a supervisor and his
subordinate employees.” (citation omitted)); see also Fed. R. Civ. P. 8 8(a)(2) (complaint must
plausibly allege “a short and plain statement of the claim”). Plaintiffs 9 Zachary and Renee did not

plausibly allege that defendants breached any duties of care that were 10 owed to them. Plaintiffs contend in their opposition there is a “special relationship” between the 11 school and parents, see Dkt. No. 12 at 8, but there are no allegations to that effect in the complaint. 12 The fourteenth claim, brought under 42 U.S.C. § 1983, is dismissed without prejudice as to 13 Abler and Rice and the Doe defendants in their individual capacities but with prejudice as to the 14 District and the individual defendants in their official capacities. Section 1983 claims cannot be 15 sustained against California school districts because they are state agencies for purposes of 16 Eleventh Amendment immunity. See *C.W. v. Capistrano Unified Sch. Dist.*, 784 F.3d 1237, 17 1247-48 (9th Cir. 2015). For the same reason, Section 1983 does not provide a basis for claims 18 against California school district employees in their official capacities. See *Hafer v. Melo*, 502 19 U.S. 21, 27 (1991). For the claims against Abler, Rice, and the Doe defendants in their individual 20 capacities, the complaint does not plausibly allege the deprivation of a federal right. Plaintiffs 21 contend in their opposition the complaint alleges a deprivation of the Eighth Amendment’s 22 guarantee against cruel and unusual punishment, see Dkt. No. 12 at 3-4, but the complaint is bereft 23 of any such allegations. 24 Plaintiffs are advised that, although Rule 8(a) does not demand particularity, a kitchen sink 25 approach to pleading with broad cross references to general allegations will typically not suffice. 26 The Court also has concerns about the opposition brief filed by counsel for plaintiffs. Dkt. No. 12. 27 The opposition relies on cases from the Fourth Circuit construing Rule 12(b)(6) that date from the 1 standards, and the Fourth Circuit is a long way away from the circuit in which this Court sits. 2 || Plaintiffs’ authorities propound a pleading standard that the Supreme Court of the United States 3 clearly rejected nearly two decades ago. See *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Bell Atl. 4 || Corp. v. Twombly*, 550 U.S. 544 (2007). Other issues included: (1) consistent misspellings and 5 typographical errors, demonstrating a lack of attentiveness, and (2) citations to authority that have 6 || no apparent connection to the proposition for which they are being cited, see Dkt. No. 12 at 8. 7 Additionally, the complaint alleges a claim based on Cal. Penal Code § 255(a)(4), which does not 8 appear to exist. Further conduct along these lines will result in sanctions, including dismissal of 9 the case and professional conduct sanctions. 10 Plaintiffs may file an amended complaint consistent with this order by September 2, 2025. 11 || No new parties or claims may be added without the Court’s prior consent. Failure to meet the 12 || filing deadline or otherwise comply with this order will result in dismissal of the amended 13 complaint pursuant to Federal Rule of Civil Procedure 41(b). IT IS SO ORDERED. 3 15 Dated: August 13, 2025 2 16 YY

JAM ONATO

Z 18 Unigdl States District Judge 19 20 21 22 23 24 25 26 27 28