

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jose Murguia, for himself and for the Estates of Mason and Maddox
Murguia v. Heather Langdon, et al.

Murguia v. Langdon · No. 1:19-cv-00942-KES-BAM · Decided November 25, 2025

SUMMARY

The United States District Court for the Eastern District of California considers motions to dismiss the second amended complaint in an action arising from the deaths of Mason and Maddox Murguia. The claims include constitutional claims under 42 U.S.C. § 1983, Monell claims, and state-law claims against municipal, county, law-enforcement, social-work, and other defendants. The court grants the motions in part and denies them in part.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Kirk E. Sherriff
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 25, 2025
DOCKET	1:19-cv-00942-KES-BAM
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rules of Civil Procedure 8 and 12(b)(6) to dismiss plaintiffs' second amended complaint. The district court ruled on the motions after remand from the Ninth Circuit.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court presumes the complaint's factual allegations to be true and draws reasonable inferences in favor of the nonmoving party. Dismissal is proper for the absence of a cognizable legal theory or sufficient facts under a cognizable theory. A complaint must contain enough factual content to state a facially plausible claim. Rule 8 requires sufficient clarity and organization to permit defendants to respond, but does not require dismissal merely because a complaint is lengthy.
PRECEDENTIAL VALUE	unpublished district-court order

TOPICS

motions to dismiss

section 1983

due process

qualified immunity

pleadings

PRACTICE AREAS

civil procedure

civil rights

constitutional law

municipal liability

torts

QUESTIONS PRESENTED

1. Whether the second amended complaint violated Federal Rule of Civil Procedure 8 because of its length, detail, and alleged lack of clarity.
2. Whether the second amended complaint adequately pleaded Fourteenth Amendment state-created-danger claims under 42 U.S.C. § 1983 against Lewis and Cerda.
3. Whether the second amended complaint stated a separate Fourth Amendment seizure claim or familial-association claim based on Lewis and Cerda's temporary separation of Murguia from the twins.
4. Whether Murguia had standing to sue on behalf of the twins' estates and as their successor in interest.
5. Whether Torres was entitled to qualified immunity at the pleading stage.
6. Whether the Monell claims against the County of Tulare were adequately pleaded.
7. Whether the state-law claims against the City and County defendants adequately pleaded compliance with the California Government Tort Claims Act.
8. Whether California Welfare and Institutions Code section 5150 imposed a mandatory duty to conduct an assessment.

HOLDINGS

1. The second amended complaint did not violate Rule 8 merely because it exceeded 100 pages and contained extensive factual allegations; its organization and clarity were sufficient to allow defendants to respond.
2. The second amended complaint failed to state state-created-danger claims against Lewis and Cerda because it did not plausibly allege that their conduct foreseeably placed the twins in an actual, particularized danger greater than the danger they faced before the officers acted.
3. The second amended complaint did not state a viable Fourth Amendment seizure or separate familial-association claim based on Lewis and Cerda's temporary separation of Murguia from the twins.
4. Murguia's standing challenge was rejected because he subsequently filed a declaration satisfying the requirements of California Code of Civil Procedure section 377.32.
5. The court declined to grant Torres qualified immunity at the pleading stage because the second amended complaint plausibly alleged conduct violating a clearly established state-created-danger right.
6. The second amended complaint failed to state the challenged Monell claims against the County because it did not adequately allege that a County policy or failure to train caused a constitutional violation.
7. The state-law claims against the City and County defendants were dismissed with leave to amend because the second amended complaint did not allege compliance with or excuse from compliance with

the California Government Tort Claims Act.

8. Welfare and Institutions Code section 5150 does not impose a mandatory duty to conduct an assessment because it uses the permissive term 'may.'

KEY QUOTATIONS

“However, a complaint does not violate Rule 8(a) solely because it is excessive in length.” (Section III.A)

“The additional allegations are insufficient to show that it was reasonably foreseeable to Lewis and Cerda that their actions would place the twins in an actual, particularized danger that they would not otherwise have faced.” (Section III.B.1)

“As the statute uses the permissive word “may,” it does not impose a mandatory duty.” (Section III.D)

FACTUAL BACKGROUND

Plaintiff Jose Murguia alleged that Tulare County and Tulare City law-enforcement and child-welfare personnel encountered Heather Langdon during an escalating mental-health crisis while she was caring for her ten-month-old twins. Deputies Lewis and Cerda separated Murguia from the twins and allowed Langdon to leave with the twins and Rosa, while later personnel, including Garcia and Torres, allegedly failed to obtain appropriate mental-health or child-welfare intervention. Garcia ultimately left Langdon alone with the twins at a motel, and the twins were later found drowned. Langdon was prosecuted and found not guilty by reason of insanity.

PROCEDURAL HISTORY

The district court previously dismissed the original complaint with leave to amend and dismissed the first amended complaint without leave to amend. The Ninth Circuit reversed in part, vacated in part, and remanded with instructions to allow amendment, holding that claims against Garcia and Torres were adequately pleaded and permitting amendment of claims against Lewis and Cerda. On remand, plaintiffs filed a second amended complaint, and the City and County defendants moved to dismiss. The court denied dismissal under Rule 8, dismissed the section 1983 claims against Lewis and Cerda and certain Monell claims against the County without leave to amend, denied dismissal of the claims against Torres and Garcia, denied the standing challenge, and dismissed the state-law claims against the City and County defendants with leave to amend.

DISPOSITION

other

REMAND INSTRUCTIONS

Plaintiffs may file a third amended complaint within thirty days of service of the order. The amendment must be consistent with the order and may address the dismissed state-law claims. Claims against Lewis and Cerda and County Monell claims 4 and 5 may not be amended. If plaintiffs do not amend, the action proceeds on the remaining claims. The Clerk must remove First Assembly of God from the docket as a defendant.

CASES CITED

- *Murguia v. Langdon*, 61 F.4th 1096, 1106, 1109-1120 (9th Cir. 2023)
- *Navarro v. Block*, 250 F.3d 729, 732 (9th Cir. 2001)
- *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990)
- *Usher v. City of L.A.*, 828 F.2d 556, 561 (9th Cir. 1987)
- *Cafasso, U.S. ex rel. v. Gen. Dynamics C4 Sys., Inc.*, 637 F.3d 1047, 1059 (9th Cir. 2011)
- *Hearns v. San Bernardino Police Dep't*, 530 F.3d 1124, 1131 (9th Cir. 2008)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 677-681 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 512 (2002)
- *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000) (en banc)
- *Leadsinger, Inc. v. BMG Music Pub.*, 512 F.3d 522, 532 (9th Cir. 2008)
- *Askins v. U.S. Dep't of Homeland Sec.*, 899 F.3d 1035, 1042 (9th Cir. 2018)
- *Martinez v. City of Clovis*, 943 F.3d 1260, 1271 (9th Cir. 2019)
- *D.C. v. Wesby*, 583 U.S. 48, 62-63 (2018)
- *Reichle v. Howards*, 566 U.S. 658, 664 (2012)
- *Pearson v. Callahan*, 555 U.S. 223, 231 (2009)
- *Keates v. Koile*, 883 F.3d 1228, 1234 (9th Cir. 2018)
- *Kwai Fun Wong v. United States*, 373 F.3d 952, 956-957 (9th Cir. 2004)
- *Monell v. Department of Social Services*, 436 U.S. 658, 691 (1978)
- *Duarte v. City of Stockton*, 60 F.4th 566, 573 (9th Cir. 2023)
- *Castro v. County of Los Angeles*, 797 F.3d 654, 670 (9th Cir. 2015)
- *Scanlon v. County of Los Angeles*, 92 F.4th 781, 811 (9th Cir. 2024)
- *Kirkpatrick v. County of Washoe*, 843 F.3d 784, 793 (9th Cir. 2016)
- *Perez v. City of Fresno*, 98 F.4th 919, 931 (9th Cir. 2024)
- *Benavidez v. County of San Diego*, 993 F.3d 1134, 1153-1154 (9th Cir. 2021)
- *Board of County Commissioners of Bryan County, Oklahoma v. Brown*, 520 U.S. 397, 405 (1997)
- *Morrison v. City of Los Angeles*, No. CV 19-1961-JGB (JPR), 2019 WL 3017762, at *5 (C.D. Cal. July 10, 2019)
- *State of California v. Superior Court*, 32 Cal. 4th 1234, 1243 (2004)

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