

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

GXM, et al. v. Pamela Connie, et al.

GXM · No. 24-cv-00677-AMO · Decided November 3, 2025

SUMMARY

The United States District Court for the Northern District of California grants the City and County of San Francisco’s motion to dismiss claims arising from the alleged removal of a child from parental custody. The court finds that the amended complaint fails to plausibly allege personal involvement by individual city employees and fails to plead a viable Monell claim against the municipality. Dismissal is granted with leave to amend, while the alternative motion for a more definite statement is denied as moot.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Araceli Martinez-Olguin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	November 3, 2025
DOCKET	24-cv-00677-AMO
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs proceeding pro se filed an amended complaint under 42 U.S.C. § 1983 concerning the removal of their child from their custody. The City and County of San Francisco moved to dismiss the amended complaint and, alternatively, for a more definite statement. The court granted dismissal with leave to amend and denied the alternative motion as moot.
STANDARD OF REVIEW	On a motion to dismiss, a pro se plaintiff's allegations are liberally construed, but the complaint must contain sufficient factual matter to state a plausible claim for relief. Each government-official defendant must be alleged to have violated the Constitution through that official's own individual actions.
PRECEDENTIAL VALUE	Unknown; federal district court order with no reporter citation and metadata indicating unknown precedential status.

TOPICS

motions to dismiss

motion for a more definite statement

section 1983

municipal liability

due process

PRACTICE AREAS

Civil rights

Federal civil procedure

Municipal liability

Constitutional law

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged that the individual CCSF defendants violated plaintiffs' constitutional rights through their own actions.
2. Whether the amended complaint plausibly alleged a municipal liability claim against CCSF under Monell.
3. Whether CCSF was entitled to a more definite statement.

HOLDINGS

1. The amended complaint failed to state plausible claims against the individual CCSF defendants because it did not allege sufficient facts showing what Connie, Nzerem, or Payette did to violate plaintiffs' constitutional rights.
2. The amended complaint failed to state a viable Monell claim against CCSF because it did not plead sufficient facts establishing an official policy, longstanding practice or custom, or wrongful conduct or ratification by a policymaking official that was the moving force behind the alleged constitutional violation.
3. The alternative motion for a more definite statement was denied as moot because the court granted the motion to dismiss and permitted plaintiffs to amend.

KEY QUOTATIONS

“Here, then, Plaintiffs must plead facts sufficient to plausibly establish that “each Government-official defendant, through the official’s own individual actions, has violated the Constitution.”” (at 1)

“Instead, plaintiffs must establish that the local government had a deliberate policy, custom, or practice that was the moving force behind the constitutional violation [they] suffered.” (at 2)

“For the reasons discussed above, CCSF’s motion to dismiss is GRANTED and its alternative motion for a more definite statement is DENIED AS MOOT.” (at 3)

FACTUAL BACKGROUND

Plaintiffs Jessica Renee Hissner Mendoza, Victor Mendoza, and their child, GXM, alleged that CCSF employees and others were involved in removing GXM from his parents' custody. The amended complaint did not mention Pamela Connie or Ifeyinwa Nzerem by name outside the caption and defendant list. Its only specific allegation concerning Mary Payette was that she dropped GXM late at an after-school program on March 25, 2022, making him uncomfortable. Plaintiffs also alleged generally that CCSF policies, customs, practices, and procedural

misconduct caused constitutional violations, but did not plead sufficient underlying facts establishing a municipal policy or custom.

PROCEDURAL HISTORY

Plaintiffs previously filed an original complaint that the court dismissed. Plaintiffs then filed an amended complaint naming the City and County of San Francisco, city social workers and supervisors, and a shelter executive. The court considered CCSF's motion to dismiss the amended complaint, dismissed the claims against the individual CCSF employees and the Monell claim against CCSF, declined to address claims against an unserved defendant, and granted leave to file a second amended complaint by January 5, 2026.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Plaintiffs were granted leave to file a second amended complaint by January 5, 2026. The court encouraged plaintiffs to contact the Federal Pro Bono Project's Help Desk.

CASES CITED

- *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)
- *Lokossou v. Servicesource Int'l Inc.*, No. 15-CV-04892-JD, 2018 WL 1709926, at *2 (N.D. Cal. Apr. 9, 2018)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 676 (2009)
- *Cotti v. Pa Chang*, No. 18-CV-02980-BLF, 2020 WL 2572771, at *9 (N.D. Cal. May 21, 2020)
- *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012)
- *AE ex rel. Hernandez v. County of Tulare*, 666 F.3d 631, 636-37 (9th Cir. 2012)

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