

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.

OPINION

GXM

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 GXM, et al., Case No. 24-cv-00677-AMO 8 Plaintiffs,

ORDER GRANTING MOTION TO

9 v. DISMISS WITH LEAVE TO AMEND

10 PAMELA CONNIE, et al., Re: Dkt. No. 89 Defendants. 11 12 13 Plaintiffs Jessica Renee
Hissner Mendoza, Victor Mendoza, and their child, GXM, sue the 14 City and County of San
Francisco (“CCSF”), two of its social workers, Ifeyinwa Nzerem and 15 Mary Payette, Pamela
Connie, a lead supervisor at CCSF’s Human Services Agency, and 16 Jonathon Blackman, an
executive director at Harbor Lights Family Shelter, based on their alleged 17 roles in the removal
of GXM from his parents’ custody. Amended Complaint (“Am. Compl.”) 18 (Dkt. No. 82). CCSF
moves to dismiss the operative complaint, or alternatively, for a more 19 definite statement.
Motion to Dismiss (“Mot.”) (Dkt. No. 89); Reply to Opposition to Motion to 20 Dismiss
 (“Reply”) (Dkt. No. 92). Plaintiffs oppose. Opposition to Motion for Dismiss (“Opp.”) 21 (Dkt.
No. 91). The motion is fully briefed and suitable for disposition without hearing pursuant to 22
Civil Local Rule 7-1(b). 23 CCSF1 moves to dismiss Plaintiffs’ complaint on two grounds. First,
it argues that 24 Plaintiffs have failed to sufficiently plead what actions the defendant city
employees[2] took to 25 1 CCSF “is not yet appearing for Mary Payette or Ifeyinwa Nzerem.”
Mot. at 1 n.1. 26 2 While Plaintiffs name Jonathon Blackman as a city employee defendant for the

first time in their 27 amended complaint, CCSF represents that Blackman is not a city employee, and adds that Harbor 1 violate Plaintiffs’ constitutional rights. Mot. at 6. Second, it argues that Plaintiffs have failed to 2 plausibly plead a Monell claim. Id. Both grounds warrant dismissal. 3 Although Plaintiffs are proceeding in this action without the assistance of counsel and are 4 thus entitled to have their allegations liberally construed, they must still allege sufficient facts to 5 state a plausible claim for relief. See *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, 7 2018) (“While [the plaintiff] is proceeding pro se and gets some benefit of the doubt, he still has 8 the obligation to meet the plausibility standard . . .”). Here, then, Plaintiffs must plead facts 9 sufficient to plausibly establish that “each Government-official defendant, through the official’s 10 own individual actions, has violated the Constitution.” *Ashcroft v. Iqbal*, 556 U.S. 662, 676 11 (2009). 12 Even when construing Plaintiffs’ allegations liberally, they do not meet this standard. 13 Other than in the caption and list of Defendants, see Am. Compl. at 2:16-22, Defendants Connie 14 and Nzerem are not mentioned in the complaint by name at all. The sole allegation against Payette 15 is that “[o]n March 25, 2022, social worker Mary Payette dropped GXM late to the after-school 16 program, that made him uncomfortable.” Id. at 5. These allegations are insufficient to give these 17 individuals fair notice of what they did wrong, much less state a plausible claim for relief against 18 them.³ See *Cotti v. Pa Chang*, No. 18-CV-02980-BLF, 2020 WL 2572771, at *9 (N.D. Cal. May 19 21, 2020) (granting individual defendant’s motion to dismiss where “[n]one of the allegations 20 suggest[ed] that [she] had any personal involvement in the children’s removal”). Because 21 where Blackman can be served. Although proceeding in forma pauperis relieves Plaintiffs of the 22 obligation to effect service of process themselves, they must nonetheless provide the information necessary for service to be effected on their behalf. Because a review of the docket indicates that 23 Blackman has not been served, this order does not address the sufficiency of any claims Plaintiffs assert against him, as those claims are not yet properly before the Court. 24 3 Plaintiffs try to make up for the lack of detail in the complaint by adding further information in 25 their opposition to CCSF’s motion. See generally Opp. Because this information is not contained in the operative complaint, the Court has not considered it in deciding CCSF’s motion. See *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012) (“When reviewing a motion to dismiss, [courts] consider only allegations contained in the pleadings, exhibits attached to the complaint, and 27 matters properly subject to judicial notice.”) (internal quotations and citation omitted). Plaintiffs 1 Plaintiffs’ allegations are deficient as to the individual CCSF employees named as defendants, 2 dismissing claims against them is appropriate. 3 Dismissal is also appropriate because Plaintiffs have failed to plead a viable Monell claim 4 against CCSF. CCSF’s challenges to Plaintiffs’ Monell claim are two-fold. Mot. at 9-10. First, it 5 argues that Plaintiffs have not pleaded an official policy, longstanding practice or custom, or 6 wrongful conduct or ratification by an official with policy-making authority. Id. Second, it argues 7 that Plaintiffs’ reliance on a single instance of alleged unconstitutional action is not sufficient 8

under Monell. Id. Because the first argument warrants dismissal, as discussed below, the Court 9 does not reach the second. 10 As explained in the Court’s prior order dismissing Plaintiffs’ original complaint, Dkt. No. 11 66, “Section 1983 suits against local governments alleging constitutional rights violations by 12 government officials cannot rely solely on respondeat superior liability. Instead, plaintiffs must 13 establish that the local government had a deliberate policy, custom, or practice that was the 14 moving force behind the constitutional violation [they] suffered.” AE ex rel. Hernandez v. Cnty. 15 of Tulare, 666 F.3d 631, 636 (9th Cir. 2012). Plaintiffs recite these elements in their amended 16 complaint. They assert, for example, that “[t]he deprivation was caused by a governmental policy, 17 custom, or practice of the City and County of San Francisco. This can be demonstrated through 18 Formal Policy. The existence of formal policies . . . allowed or encouraged the unconstitutional 19 actions taken by the social workers.” Am Compl. at 11. Plaintiffs list “the routine failure to 20 properly investigate allegations, obtain warrants, and provide procedural protections” under the 21 heading “Persistent and Widespread Practice.” Id. They also assert that “the repeated procedural 22 misconduct, lack of due process, and discriminatory actions taken by the social workers and other 23 City employees” evidences a “policy or custom demonstrat[ing] the City and County of San 24 Francisco’s deliberate indifference to the rights of its citizens.” Id. They claim that “[t]he 25 municipal action was the moving force behind the constitutional violations suffered by Plaintiff[s]. 26 The policies, customs, and practices of the City and County of San Francisco directly led to the 27 unconstitutional removal of Plaintiff’s [sic] child, emotional distress, and other harms.” Id. These 1 at 637 (“[T]o be entitled to the presumption of truth, allegations in a complaint . . . may not simply 2 || recite the elements of a cause of action, but must contain sufficient allegations of underlying facts 3 to give fair notice and to enable the opposing party to defend itself effectively.”). 4 For the reasons discussed above, CCSF’s motion to dismiss is GRANTED and its 5 || alternative motion for a more definite statement is DENIED AS MOOT. The Court will allow 6 || Plaintiffs another opportunity to amend their complaint. To aid in the preparation of their second 7 amended complaint, the Court again encourages Plaintiffs to contact the Federal Pro Bono 8 || Project’s Help Desk — a free service for pro se litigants — by calling (415) 782-8982 to make an 9 appointment to obtain legal assistance from a licensed attorney. More information about the 10 || program is available online at the Court’s website < [https://cand.uscourts.gov/representing-](https://cand.uscourts.gov/representing-yourself/jdc-legal-help-center-san-francisco-oakland-courthouses) 11 yourself/jdc-legal-help-center-san-francisco-oakland-courthouses >. To ensure Plaintiffs have a 12 || meaningful opportunity to pursue this free assistance, the Court will set an extended deadline of 5 13 January 5, 2026 for Plaintiffs to file their second amended complaint. IT IS SO ORDERED. 15 Dated: November 3, 2025

8 ARACELI MARTINEZ-OLGUIN

United States District Judge 19 20 21 22 23 24 25 26 27 28

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-northern-district-of-california-united-states-district-court-fo/2025/gxm-et-al-v-pamela-connie-et-al-ckqui2qo>