

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Aurora Regino v. Kelly Staley, et al.

Regino v. Staley · No. 2:23-cv-00032-JAM-DMC · Decided March 9, 2023

SUMMARY

The United States District Court for the Eastern District of California denied Aurora Regino’s motion for a preliminary injunction challenging Chico Unified School District Administrative Regulation 5145.3. The court concluded that Regino had not shown a likelihood of success on her facial substantive or procedural due process claims, and that her as-applied challenges were premature. Although the court found that the case raised serious questions concerning parental rights and a child’s gender identity and expression at school, it determined that the remaining preliminary-injunction factors did not favor relief.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	John A. Mendez
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 9, 2023
DOCKET	2:23-cv-00032-JAM-DMC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought a preliminary injunction in a 42 U.S.C. § 1983 action asserting facial and as-applied substantive and procedural due process challenges to a school district regulation concerning transgender students.
STANDARD OF REVIEW	Preliminary injunction standard under Winter and the Ninth Circuit's serious-questions sliding-scale approach; a mandatory injunction requires a heightened showing of extreme or very serious damage.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Aurora Regino v. Kelly Staley, Caitlin Dalby, Rebecca Konkin, Tom Lando, Eileen Robinson, Matt Tennis

TOPICS

injunctions

substantive due process

procedural due process

section 1983

civil procedure

PRACTICE AREAS

constitutional law

civil rights

education law

civil procedure

injunctive relief

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated a likelihood of success on her facial substantive and procedural due process claims challenging Administrative Regulation 5145.3.
2. Whether Plaintiff's as-applied due process challenges were sufficiently concrete to support preliminary injunctive relief.
3. Whether Plaintiff demonstrated likely irreparable harm, a balance of equities sharply in her favor, and that an injunction would serve the public interest.
4. Whether Plaintiff was entitled to a mandatory preliminary injunction requiring the school district to obtain parental informed consent before socially transitioning students.

HOLDINGS

1. Plaintiff failed to show a likelihood of success because she did not identify controlling authority establishing a constitutional right requiring the state to inform parents of a child's transgender identity or obtain parental consent before socially transitioning a transgender child at school.
2. Plaintiff's as-applied challenges were premature because the allegations did not provide sufficiently concrete facts to establish a likelihood of success on the merits.
3. Plaintiff failed to establish that irreparable harm was likely and immediate in the absence of an injunction.
4. The balance of equities favored Defendants, and Plaintiff did not show that the balance tipped sharply in her favor.
5. Plaintiff was not entitled to a preliminary injunction because she failed to satisfy the applicable preliminary-injunction factors.

KEY QUOTATIONS

"A preliminary injunction is an "extraordinary remedy" that a court may award only "upon a clear showing that the petitioner is entitled to such relief."" (at 3)

"The Supreme Court requires a "careful description of the asserted liberty interest" that has been violated." (at 6)

"A party "may not obtain a preliminary injunction unless they can show that irreparable harm is likely to result in the absence of the injunction."" (at 9)

"The standard for a mandatory injunction is high; it will not be granted unless extreme or very serious damage will result and is "not issued in doubtful cases or where the injury complained of is capable of compensation in damages."" (at 10)

FACTUAL BACKGROUND

Plaintiff's child, A.S., expressed gender dysphoria to a school counselor and identified as a boy. Plaintiff alleged that school personnel thereafter used a new name and male pronouns for A.S., did not inform Plaintiff, and discouraged A.S. from informing her. Plaintiff challenged Chico Unified School District Administrative Regulation 5145.3, alleging that it permits social transition of students without parental consent and restricts disclosure to parents; A.S. later returned to identifying as a girl.

PROCEDURAL HISTORY

Plaintiff filed the complaint on January 6, 2023, and then moved for a preliminary injunction seeking to prevent school district personnel from socially transitioning students without parental informed consent and to require parental consent for prior or ongoing transitions. Defendants opposed the motion, and Plaintiff replied. The court denied the motion after applying the Winter factors and the Ninth Circuit serious-questions sliding-scale test.

DISPOSITION

other

CASES CITED

- Anderson v. Holder, 673 F.3d 1089, 1094 n. 1 (9th Cir. 2012)
- Daniels-Hall v. National Educ. Ass'n., 629 F.3d 992, 998 (9th Cir. 2010)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 22, 24 (2008)
- Boardman v. Pacific Seafood Group, 822 F.3d 1011, 1020 (9th Cir. 2016)
- Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1131-32 (9th Cir. 2011)
- Drakes Bay Oyster Co. v. Jewell, 747 F.3d 1073, 1085 (9th Cir. 2014)
- Parham v. J.R., 442 U.S. 584, 602 (1979)
- John & Jane Parents 1 v. Montgomery Cnty. Bd. of Educ., 2022 U.S. Dist. LEXIS 149021 (D. Md. Aug. 18, 2022)
- Long v. Cnty. of Los Angeles, 442 F.3d 1178, 1185 (9th Cir. 2006)
- Brewster v. Bd. of Educ. of Lynwood Unified Sch. Dist., 149 F.3d 971, 982 (9th Cir. 1998)
- Washington v. Glucksberg, 521 U.S. 702, 720 (1997)
- Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir. 2012)
- Elrod v. Burns, 427 U.S. 347, 373 (1976)
- Nutrition Distribution LLC v. Lecheek Nutrition, Inc., No. CV 15-1322-MWF (MRWx), 2015 WL 12659907 (C.D. Cal. June 5, 2015)
- Benisek v. Lamone, 138 S. Ct. 1942, 1944 (2018)
- Lydo Enterprises, Inc. v. City of Las Vegas, 745 F.2d 1211, 1213 (9th Cir. 1984)
- Oakland Trib., Inc. v. Chron. Pub. Co., 762 F.2d 1374, 1377 (9th Cir. 1985)
- Doe v. Snyder, 28 F.4th 103, 111 (9th Cir. 2022)

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