

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Trista Tramposch di Genova v. Olivia Russo, et al.

No. CV-25-00598-TUC-JCH · No. No. CV-25-00598-TUC-JCH · Decided January 14, 2026

SUMMARY

The United States District Court for the District of Arizona granted the pro se plaintiff’s application to proceed in forma pauperis but dismissed the complaint and the case. The court held that the allegations did not establish that the private veterinarian acted under color of state law for purposes of the plaintiff’s 42 U.S.C. § 1983 claim. The court declined supplemental jurisdiction over the state-law claims and dismissed without leave to amend, finding amendment futile.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	John C. Hinderaker
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 14, 2026
DOCKET	No. CV-25-00598-TUC-JCH
DISPOSITION	dismissed
PROCEDURAL POSTURE	The pro se plaintiff filed a complaint asserting a 42 U.S.C. § 1983 claim and state-law claims and applied to proceed in forma pauperis. The district court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e)(2), dismissed the federal claim for failure to state a claim, declined supplemental jurisdiction over the state-law claims, denied leave to amend as futile, and closed the case.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915(e)(2), including dismissal for frivolousness, failure to state a claim, or claims against immune defendants; the court applied the Rule 8(a)(2) and plausibility standards and construed the pro se complaint liberally.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Trista Tramposch di Genova v. Olivia Russo, VCA Animal Hospital, Tucson

TOPICS

section 1983

state action

subject matter jurisdiction

civil procedure

motions to dismiss

PRACTICE AREAS

civil procedure

civil rights

constitutional law

torts

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged that Dr. Russo acted under color of state law or jointly with law enforcement so as to support a claim under 42 U.S.C. § 1983.
2. Whether the court should exercise supplemental jurisdiction over the state-law claims after dismissal of the sole federal claim.
3. Whether plaintiff should be granted leave to amend the complaint.

HOLDINGS

1. The complaint failed to state a viable § 1983 claim because plaintiff's conclusory assertions that Dr. Russo acted jointly with law enforcement and under color of state authority were unsupported by factual allegations showing governmental involvement in the euthanasia decision.
2. The court declined to exercise supplemental jurisdiction over plaintiff's state-law claims after dismissing the only federal claim at the screening stage.
3. Leave to amend was denied because amendment would be futile.

KEY QUOTATIONS

“A pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief.”” (at 2)

“a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” (at 2)

“Only in limited circumstances can a private entity qualify as a state actor, including, relevant here, “when the government compels the private entity to take a particular action . . . [or] when the government acts jointly with the private entity.”” (at 3)

“Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice [to state a claim].” (at 3)

“The Court finds Plaintiff could not allege additional facts and state a claim under federal law.” (at 5)

FACTUAL BACKGROUND

Plaintiff alleged that she entrusted her service dog, Hank, to Zoe Skinner for veterinary care on August 24, 2023. Skinner allegedly represented to Dr. Olivia Russo that she owned Hank and requested euthanasia, and Dr. Russo allegedly euthanized the dog without making reasonable efforts to contact plaintiff. Plaintiff attributed subsequent property seizure, emotional distress, and other damages to the euthanasia and asserted negligence, due-process, intentional-infliction-of-emotional-distress, conversion, and trespass-to-chattels claims.

PROCEDURAL HISTORY

Plaintiff filed the complaint and an application to proceed without prepaying fees or costs. Before service or further proceedings, the court granted the application and conducted statutory screening. The court dismissed the entire action because the complaint did not plausibly allege state action supporting the § 1983 claim and because the court declined to exercise supplemental jurisdiction over the state-law claims.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam)
- Lopez v. Smith, 203 F.3d 1122, 1127-29 (9th Cir. 2000) (en banc)
- Edmonson v. Leesville Concrete Co., 500 U.S. 614, 619-20 (1991)
- Manhattan Community Access Corp. v. Halleck, 587 U.S. 802, 809 (2019)
- Newtok Village v. Patrick, 21 F.4th 608, 615 (9th Cir. 2021)
- Sanford v. MemberWorks, Inc., 625 F.3d 550, 561 (9th Cir. 2010)
- AmeriSourceBergen Corp. v. Dialysist West, Inc., 465 F.3d 946, 951 (9th Cir. 2006)

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 Trista Tramosch di Genova, No. CV-25-00598-TUC-JCH 10 Plaintiff, ORDER 11 v. 12 Olivia Russo, et al., 13 Defendants. 14 15 Before the Court is pro se Plaintiff Trista Tramosch di Genova's Complaint 16 alleging violations of 42 U.S.C. § 1983 and state law by Defendants Dr. Olivia Russo 17 ("Dr.

Russo") and VCA Animal Hospital, Tucson ("VCA") ("Complaint") (Doc. 1). Also 18 before the Court is Plaintiff's Application to Proceed In District Court Without Prepaying 19 Fees or Costs ("Motion") (Doc. 2). The Court will grant the Motion and dismiss the 20 Complaint and this case. 21 I. Application to Proceed In District Court Without Prepaying Fees and Costs 22 The Motion indicates Plaintiff has insufficient funds to pay the filing fee.

Good 23 cause appearing, the Court will grant the Motion. 24 II. Statutory Screening of In Forma Pauperis Complaints 25 Pursuant to 28 U.S.C. § 1915(e)(2), in a case in which a plaintiff has been granted 26 in forma pauperis status, the Court shall dismiss the case "if the court determines that... 27 (B) the action... (i) is frivolous or malicious; (ii) fails to state a claim on which relief may 28 be granted; or (iii) seeks monetary relief against a defendant who is immune from such 1 relief."1 2 A

pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” Fed.

R. Civ. P. 8(a)(2). While Rule 8 does not demand detailed factual allegations, “it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Id.* (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

A claim is plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* Still, the Court must “construe pro se filings liberally.” *Hebbe v. Pliler*, 627 F.3d 1133, 1138, 342 (9th Cir. 2010). A “complaint [filed by a pro se litigant] ‘must be held to less stringent standards than formal pleadings drafted by lawyers.’” *Id.* (quoting *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (*per curiam*)).

If the Court determines a complaint could be cured by the allegation of additional facts, a pro se litigant is entitled to an opportunity to amend that complaint before dismissal of the action. See *Lopez v. Smith*, 203 F.3d 1122, 1127–29 (9th Cir. 2000) (*en banc*). III. Complaint Plaintiff alleges the following facts in her Complaint: On August 24, 2023, Plaintiff entrusted a third party, Zoe Skinner, to take her service dog, Hank/Dr.

Hank, to the vet. Doc. 1 at 2. After having Hank for about an hour, Ms. Skinner took him to VCA. *Id.* Though Plaintiff told Ms. Skinner “that Hank was to receive antibiotics and post-surgical care... and requested a second opinion,” Ms. Skinner represented to Dr. Russo that she was Hank’s owner and said Hank should be euthanized. *Id.* Plaintiff’s name, phone number, and address were listed on Hank’s microchip and veterinary records.

Id. Dr. Russo was required by Arizona state law to make reasonable efforts to contact Plaintiff before euthanizing Hank, but she did not. *Id.* Relying solely on Ms. Skinner’s representations, Dr. Russo euthanized Hank. *Id.* The Court also has an independent obligation to dismiss a case if the Court determines it lacks subject matter jurisdiction. Fed.

R. Civ. P. 12(h)(3). As a result of Dr. Russo euthanizing Hank, Plaintiff’s property was raided, and other animals in her possession were seized. *Id.* Plaintiff subsequently had a bench trial during which Dr. Russo falsely testified that Hank “would not have been ‘as bad’ had he been brought in sooner.” *Id.* Plaintiff has suffered severe emotional distress and trauma among other damages resulting from the “cascading consequences” of Hank’s euthanasia.

Id. IV. Analysis A. Federal Law Claim The Complaint brings five counts: professional negligence and deprivation of property without due process against Dr. Russo, corporate negligence/failure to supervise against VCA, and intentional infliction of emotional distress and

conversion/trespass to 11 chattels against both Defendants. See Doc. 1 at 3. Count Two, deprivation of property 12 without due process purportedly brought under 42 U.S.C. § 1983, is the only federal law 13 claim alleged in the Complaint.

See *id.* Under this Count, Plaintiff argues that her service 14 animal was protected property under the Fourth Amendment, and Dr. Russo, “acting jointly 15 with law enforcement and under color of state authority, deprived Plaintiff of property 16 (Dr[.] Hank) without notice or opportunity to be heard.” *Id.* 17 Generally, the guarantees in the Constitution run only against federal and state 18 governments—not private individuals.

See *Edmonson v. Leesville Concrete Co.*, 500 U.S. 19 614, 619 (1991). In other words, state action is required. But “[a]lthough the conduct of 20 private parties lies beyond the Constitution’s scope in most instances, governmental 21 authority may dominate an activity to such an extent that its participants must be deemed 22 to act with the authority of the government and, as a result, be subject to constitutional 23 constraints.” *Id.* at 620.

Only in limited circumstances can a private entity qualify as a state 24 actor, including, relevant here, “when the government compels the private entity to take a 25 particular action... [or] when the government acts jointly with the private entity.” 26 *Manhattan Cmty. Access Corp. v. Halleck*, 587 U.S. 802, 809 (2019) (citations omitted). 27 Here, Plaintiff states Dr. Russo “act[ed] jointly with law enforcement and under 28 color of state authority” when she euthanized Hank.

Doc. 1 at 3. But these words alone are 1 not enough to establish state action or state a claim under federal law. See *Iqbal*, 556 U.S. 2 at 678 (2009) (“Threadbare recitals of the elements of a cause of action, supported by mere 3 conclusory statements, do not suffice [to state a claim].”). None of Plaintiff’s factual 4 allegations support this claim. Plaintiff brings Count Two only against Dr. Russo, who is 5 a private citizen that Plaintiff does not allege works for a government entity.² Nowhere in 6 the Complaint does Plaintiff allege any government entity was involved in the decision to 7 euthanize Hank.

See generally Doc. 1. The only factual allegation that insinuates Dr. Russo 8 may have been involved in with any government entity is the claim that she testified at 9 Plaintiff’s bench trial, but this allegedly happened after Hank’s euthanasia and therefore 10 cannot support the deprivation of property claim. And, ultimately, the allegation flies in 11 the face of common sense.

Plaintiff cannot manufacture a federal claim simply by stating 12 Dr. Russo was acting with law enforcement and under color of state authority.³ 13 B. State Law Claims 14 Because Plaintiff fails to state a federal claim, the Court will not exercise 15 jurisdiction over her state law claims. 16 Federal courts are courts of limited jurisdiction. A federal basis, via either diversity 17 of citizenship or federal question, is required for a federal court to adjudicate a case.

18 See *Newtok Vill. v. Patrick*, 21 F. 4th 608, 615 (9th Cir. 2021). Here, Plaintiff does not 19 allege diversity jurisdiction,⁴ so the Court only has original jurisdiction if Plaintiff can 20 2 VCA Animal Hospitals, the other Defendant in this case and Dr. Russo’s alleged employer, is a corporation incorporated and headquartered in California. See Cal. Sec’y of 21 St., Business Entities, <https://bizfileonline.sos.ca.gov/search/business> (last visited Jan.

13, 2026). See also Fed. R. Evid. 201 (a court may judicially notice facts “not subject to 22 reasonable dispute because [they]... can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned”). 23 3 Plaintiff has tried several times—unsuccessfully—to sue law enforcement for actions and events related to the allegations here.

See *Tramposch di Genova v. Nosek et al.*, 4:23-CV- 24 00524; *Tramposch v. Noon et al.*, 4:23-CV-00525; *Tramposch v. Pima Animal Care Center et al.*, 4:25-CV-00572; *Tramposch v. Noon et al.*, 4:25-CV-00573; *Tramposch di Genova 25 v. Conover et al.*, 4:25-CV-00597.

The Court suspects Plaintiff’s allegations of law enforcement involvement pertain to the “escalating sequence of retaliatory and malicious 26 events” that happened after Hank was euthanized, which were the subject of Plaintiff’s prior suits. 27 4 Plaintiff would be unable to establish diversity jurisdiction even if she attempted to assert it. Plaintiff is a resident of Tucson, Arizona, and Dr. Russo is a veterinarian operating in 28 Pima County.

See Doc. 1 at 1–2. Also, the facts alleged show Plaintiff could not meet the amount in controversy requirement. See 28 U.S.C. 1332(a). 1 establish federal question jurisdiction via her allegations in Count Two. A court has federal 2 question jurisdiction when an action arises under the Constitution, laws, or treaties of the 3 United States. 28 U.S.C. § 1331.

When a district court has original jurisdiction over an 4 action, such as an action brought under federal law, 28 U.S.C. § 1367 allows the court to 5 exercise supplemental jurisdiction over state law claims that “are so related to claims in the 6 action within such original jurisdiction that they form part of the same case or controversy 7 under Article III of the United States Constitution.” 28 U.S.C. § 1367(a).

A district court 8 can decline to exercise supplemental jurisdiction when the court has “dismissed all claims 9 over which it has original jurisdiction.” § 1367(c)(3). 10 Plaintiff has no federal claim. If her grievances against Defendants are actionable at 11 all, they would be rooted in state law.

Because Plaintiff’s attempt to state a federal law 12 claim has failed at the screening stage, it is unclear whether the Court has original 13 jurisdiction over this case. Regardless, because the case has not progressed past screening, 14 the Court would decline to use its discretion under 28 U.S.C. § 1367(c)(3) to exercise 15 supplemental jurisdiction over Plaintiff’s state law claims.

See *Sanford v. Member Works, 16 Inc.*, 625 F.3d 550, 561 (9th Cir. 2010) (ordinarily when “all federal-law claims are 17 eliminated before trial” a court should decline jurisdiction over the remaining state law 18 claims).

Accordingly, the Court will dismiss the Complaint in its entirety. 19 V. No Leave to Amend 20 Though a pro se plaintiff is ordinarily entitled to an opportunity to amend her 21 complaint before dismissal of the action, see *Lopez*, 203 F.3d at 1127–29, a court is not 22 required to grant leave to amend when doing so would be futile. See *AmeriSourceBergen 23 Corp. v. Dialysist W., Inc.*, 465 F.3d 946, 951 (9th Cir.

2006). Here, the conduct Plaintiff 24 is alleging was committed solely by private parties. The Court finds Plaintiff could not 25 allege additional facts and state a claim under federal law. Without a viable federal claim, 26 the Court will not exercise jurisdiction over this case.

Accordingly, amendment is futile, 27 and the Court will dismiss this case in its entirety. 28 /// 1|| VI. Warnings 2 This case is one of five cases Plaintiff filed with the Court in 2025 and one of six 3 || cases she has filed related to the same series of events.> None of the complaints have made 4|| it past screening. See *id.* The Court has already warned Plaintiff on multiple occasions that 5 || if she continues to file frivolous lawsuits—particularly suits related to the events already 6 || alleged in this and five other previous cases—the Court may place restrictions on Plaintiff’s 7|| ability to file in the District of Arizona.® Because this case was filed before the Court issued 8 || the previous warnings, the Court will not issue another official warning.

Plaintiff is || reminded, however, to heed the Court’s past orders before filing another case in the District || of Arizona, particularly a case related to these events, which have been thoroughly and 11 |} repeatedly reviewed by this Court and found lacking. 12 Accordingly, 13 IT IS ORDERED granting Plaintiff's Application to Proceed In District Court || Without Prepaying Fees or Costs (Doc.

2). 15 IT IS FURTHER ORDERED dismissing the Complaint (Doc. 1) and this case in its entirety. The Clerk of Court is directed to enter judgment accordingly and close this 17 || case. 18 Dated this 14th day of January, 2026. 19 20 f fy YM hte 21. 22 / / John C. Hinderaker _/United States District Judge 23 24 5 Tramposch di Genova v. Nosek et al., 4:23-CV-00524; Tramposch vy.

Noon et al., 4:23- CV-00525; Tramposch v. Pima Animal Care Center et al., 4:25-CV-00572; Tramposch v. 26) Noon et al., 4:25-CV-00573; Tramposch di Genova v. Conover et al., 4:25-CV-00597; Tramposch di Genova vy. Russo et al., 25-CV-598 (instant case); Tramposch di Genova v. 27| Trump et al., 4:25-CV-00599. © See Tramposch di Genova v. Conover et al., 4:25-CV-00597 (Nov.

20, 2025) (first 28 warning); Tramposch v. Noon et al., 4:25-CV-00573 (Nov. 21, 2025) (second warning); Tramposch di Genova v. Trump et al., 4:25-CV-00599 (Dec. 8, 2025) (third warning).

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