

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PRECEDENTIAL VALUE	unpublished district court order; nonprecedential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)