

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jane Doe v. El Dorado County Office of Education, et al.

No. 2:25-cv-00764-DAD-SCR (E.D. Cal. Nov. 20, 2025) · No. No. 2:25-cv-00764-DAD-SCR · Decided
November 21, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Jane Doe’s motion to proceed under a pseudonym and denies her request to file a sur-reply. The court grants the El Dorado County Office of Education’s motion to dismiss, holding that the plaintiff’s 42 U.S.C. § 1983 claim against the county office is barred by Eleventh Amendment immunity and addressing the sufficiency of her Title IX pre-assault claim. The excerpt does not include the complete discussion or disposition of the Title IX claim.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dale A. Drozd
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 21, 2025
DOCKET	No. 2:25-cv-00764-DAD-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to proceed under a pseudonym and sought leave to file a sur-reply. Defendant El Dorado County Office of Education moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the party asserting federal jurisdiction bears the burden of establishing it, and the court may independently consider subject matter jurisdiction. On a Rule 12(b)(6) motion, the court tests the legal sufficiency of the complaint, accepts well-pleaded factual allegations as true, construes them in the plaintiff's favor, and asks whether the complaint states a plausible claim for relief. Leave to amend should generally be granted unless the pleading could not possibly be cured by additional facts.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Jane Doe v. El Dorado County Office of Education, Tarik Manasrah,
Doe defendants

TOPICS

motions to dismiss eleventh amendment immunity sovereign immunity civil procedure
fourteenth amendment

PRACTICE AREAS

civil procedure civil rights constitutional law education law disability discrimination
sexual harassment and assault

QUESTIONS PRESENTED

1. Whether plaintiff should be permitted to proceed under a pseudonym given the sensitive sexual-assault allegations and the balance between anonymity, prejudice, and the public interest.
2. Whether plaintiff's § 1983 municipal-liability claim against the El Dorado County Office of Education is barred by Eleventh Amendment sovereign immunity.
3. Whether plaintiff adequately pleaded a pre-assault Title IX claim by alleging that EDCOE maintained a policy of deliberate indifference that created a known or obvious heightened risk of sexual harassment.
4. Whether plaintiff should be permitted to file a sur-reply addressing arguments raised in defendant's reply.

HOLDINGS

1. Plaintiff may proceed under a pseudonym because the sensitive sexual-assault allegations, the reasonable risk of harassment and embarrassment, the lack of prejudice to defendants, and the public interest in protecting victims of sexual assault outweighed the presumption that party identities are public.
2. EDCOE's § 1983 claim is barred by Eleventh Amendment sovereign immunity because a county office of education is an arm of the state and has not waived its immunity.
3. Plaintiff failed to plausibly allege the first element of a pre-assault Title IX claim: that EDCOE maintained an official or de facto policy of deliberate indifference to reports of sexual misconduct or an obvious risk of sexual misconduct. The claim was dismissed without prejudice with leave to amend.
4. Plaintiff's request to file a sur-reply was denied because the proposed sur-reply largely repeated arguments already made and the court did not rely on the challenged deposition-related arguments.

KEY QUOTATIONS

“A pre-assault claim should survive a motion to dismiss if the plaintiff plausibly alleges that (1) a school maintained a policy of deliberate indifference to reports of sexual misconduct, (2) which created a heightened risk of sexual harassment that was known or obvious (3) in a context subject to the school’s control, and (4) as

a result, the plaintiff suffered harassment that was “so severe, pervasive, and objectively offensive that it can be said to [have] deprive[d] the [plaintiff] of access to the educational opportunities or benefits provided by the school.”” (at 15)

“However, as noted above, the Ninth Circuit has clearly stated that pre-assault claims do not require plaintiffs to allege that the defendant “had actual knowledge of a specific instance of sexual misconduct or responded with deliberate indifference to that misconduct before damages liability may attach.”” (at 17)

“For all of these reasons, the court concludes that plaintiff’s complaint is deficient because the allegations set forth therein, accepted as true, fail to satisfy the first element of the Title IX pre-assault claim.” (at 21)

FACTUAL BACKGROUND

Jane Doe, a 24-year-old woman with intellectual disabilities, received educational services through the El Dorado County Office of Education's Pac Street Adult Transition Program. She alleged that an EDCOE bus driver sexually assaulted her in an EDCOE van while transporting her home and that EDCOE failed to monitor drivers or implement surveillance measures despite a transportation policy authorizing surveillance and recognizing student-safety concerns. She asserted § 1983 claims against the driver, EDCOE, and Doe defendants, as well as a Title IX gender-discrimination claim against EDCOE and Doe defendants.

PROCEDURAL HISTORY

Jane Doe filed the action on March 5, 2025, asserting claims under 42 U.S.C. § 1983 and Title IX arising from an alleged sexual assault during transportation provided through an adult transition program. The Clerk entered default against Tarik Manasrah after he failed to appear. The court granted plaintiff's motion to proceed pseudonymously, denied leave to file a sur-reply, dismissed the § 1983 claim against the county office with prejudice and without leave to amend, and dismissed the Title IX claim without prejudice with leave to amend within twenty-one days.

DISPOSITION

other

CASES CITED

- Does I thru XXIII v. Advanced Textile Corp., 214 F.3d 1058, 1067-69 (9th Cir. 2000)
- United States v. Doe, 655 F.2d 920, 922 n.1 (9th Cir. 1981)
- Doe v. Ayers, 789 F.3d 944, 945 (9th Cir. 2015)
- Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994)
- Arbaugh v. Y&H Corp., 546 U.S. 500, 506, 514 (2006)
- Mills v. United States, 742 F.3d 400, 404 (9th Cir. 2014)
- Pistor v. Garcia, 791 F.3d 1104, 1111 (9th Cir. 2015)
- N. Star Int’l v. Ariz. Corp. Comm’n, 720 F.2d 578, 581 (9th Cir. 1983)
- Balistreri v. Pacifica Police Dep’t, 901 F.2d 696, 699 (9th Cir. 1988)

- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 676, 678 (2009)
- *Hishon v. King & Spalding*, 467 U.S. 69, 73 (1984)
- *Love v. United States*, 915 F.2d 1242, 1245 (9th Cir. 1990)
- *U.S. ex rel. Chunie v. Ringrose*, 788 F.2d 638, 643 n.2 (9th Cir. 1986)
- *Associated Gen. Contractors of Cal., Inc. v. Cal. State Council of Carpenters*, 459 U.S. 519, 526 (1983)
- *A. W. v. Santa Rosa City Schs.*, 25-cv-00034-DMR, 2025 WL 1180725, at *5 (N.D. Cal. Apr. 22, 2025)
- *Karasek v. Regents of Univ. of California*, 956 F.3d 1093, 1104, 1112-14 (9th Cir. 2020)
- *Davis v. Monroe County Board of Education*, 526 U.S. 629, 640, 648, 650 (1999)
- *Gebser v. Lago Vista Independent School District*, 524 U.S. 274, 290 (1998)
- *Doe v. Equipo Acad.*, 2021 WL 2768849, at *1, *4 n.1 (D. Nev. Mar. 8, 2021)
- *Oden v. N. Marianas Coll.*, 440 F.3d 1085, 1089 (9th Cir. 2006)
- *Karasek v. Regents of Univ. of Cal.*, 534 F. Supp. 3d 1136, 1152-53 (N.D. Cal. 2021)
- *Nguyen v. City of San Jose*, 2023 WL 8285809, at *7 (N.D. Cal. Nov. 30, 2023)
- *Campbell v. Cochise County*, 2023 WL 1966409, at *10 (D. Ariz. Feb. 13, 2023)
- *Raihan v. George Washington Univ.*, 324 F. Supp. 3d 102, 111 (D.D.C. 2018)
- *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000)