

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Victor Mendoza-Grado v. San Mateo County

Victor Mendoza-Grado v. San Mateo County · No. 24-cv-09227-AMO · Decided November 3, 2025

SUMMARY

The United States District Court for the Northern District of California granted San Mateo County’s motion to dismiss Victor Mendoza-Grado’s claims. The court dismissed the 42 U.S.C. § 1983 claim with leave to amend because the complaint did not plausibly allege municipal liability under Monell, while dismissing the malicious prosecution claim without leave to amend because a plea, probation, and dismissal under California Penal Code § 1203.4 did not establish favorable termination. The court allowed Mendoza-Grado 30 days to file an amended complaint naming the Foster City Police Department and curing the identified deficiencies.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Araceli Martinez-Olguin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	November 3, 2025
DOCKET	24-cv-09227-AMO
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the plaintiff’s claims under 42 U.S.C. § 1983 and for malicious prosecution under California law.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the legal sufficiency of the complaint, accepts well-pleaded factual allegations as true, construes the pleadings in the plaintiff’s favor, and determines whether the nonconclusory factual content plausibly suggests entitlement to relief. The court generally considers only the allegations in the operative complaint.
PRECEDENTIAL VALUE	Unknown; district-court order with no stated precedential status
PARTIES	Victor Mendoza-Grado v. San Mateo County

TOPICS

motions to dismiss

section 1983

municipal liability

malicious prosecution

civil procedure

PRACTICE AREAS

civil rights

civil procedure

municipal liability

torts

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged municipal liability against San Mateo County under 42 U.S.C. § 1983.
2. Whether Mendoza-Grado could state a California malicious-prosecution claim when the underlying criminal case ended after his plea, completion of probation, and dismissal under California Penal Code § 1203.4.
3. Whether leave to amend should be granted on either claim.

HOLDINGS

1. The complaint failed to state a § 1983 claim against San Mateo County because it did not plausibly allege that the constitutional injuries resulted from a County policy or longstanding custom, an act by a final policymaker, or ratification by a final policymaker.
2. The § 1983 claim was dismissed with leave to amend because the plaintiff might be able to cure the pleading deficiencies by alleging additional facts against proper parties.
3. Mendoza-Grado could not state a malicious-prosecution claim because his guilty or nolo contendere plea, completion of probation, and subsequent dismissal under California Penal Code § 1203.4 did not establish a favorable termination demonstrating factual innocence.

KEY QUOTATIONS

“Without more facts, the allegations in Mendoza-Grado’s complaint, even if they could be linked to the County, are not sufficient to establish Monell liability.” (at 5)

“Mendoza-Grado’s malicious prosecution claim thus fails as a matter of law because his plea, service of probation, and dismissal under 1203.4, precludes him from pleading facts establishing a termination of the criminal proceedings in his favor.” (at 6)

FACTUAL BACKGROUND

Mendoza-Grado alleged that two off-leash dogs attacked him in his apartment complex's recreational area on April 18, 2021, after which Foster City police responded and handcuffed him based on accusations that he had threatened the dogs' owners with a knife. He alleged that police officers and a detective mishandled the matter, that his appointed attorney failed to communicate effectively and pressured him to accept a plea deal, and that the events involved racial profiling and violations of due process and equal protection. He pleaded guilty or entered a plea deal, completed court-ordered probation, and the criminal case was later dismissed under California Penal Code § 1203.4.

PROCEDURAL HISTORY

Mendoza-Grado filed the complaint on December 19, 2024. San Mateo County filed an initial motion to dismiss and then a corrected motion to dismiss; the parties briefed the corrected motion. The court vacated the hearing and decided the motion on the papers, granting dismissal of the § 1983 claim with leave to amend and dismissing the malicious-prosecution claim without leave to amend.

DISPOSITION

dismissed

CASES CITED

- *Ileto v. Glock*, 349 F.3d 1191, 1199-1200 (9th Cir. 2003)
- *Levitt v. Yelp! Inc.*, 765 F.3d 1123, 1135 (9th Cir. 2014)
- *In re Century Aluminum Co. Securities Litigation*, 729 F.3d 1104, 1107 (9th Cir. 2013)
- *Manzarek v. St. Paul Fire & Marine Insurance Co.*, 519 F.3d 1025, 1031 (9th Cir. 2008)
- *Starr v. Baca*, 652 F.3d 1202, 1216 (9th Cir. 2011)
- *Hinds Investments, L.P. v. Angioli*, 654 F.3d 846, 850 (9th Cir. 2011)
- *Johnson v. Riverside Healthcare System, LP*, 534 F.3d 1116, 1121 (9th Cir. 2008)
- *Moss v. U.S. Secret Service*, 572 F.3d 962, 969 (9th Cir. 2009)
- *Lopez v. Smith*, 203 F.3d 1122, 1131 (9th Cir. 2000)
- *Health & Hospital Corporation of Marion County v. Talevski*, 599 U.S. 166, 175 (2023)
- *Monell v. Department of Social Services of City of New York*, 436 U.S. 658, 690, 694 (1978)
- *Gillette v. Delmore*, 979 F.2d 1342, 1346-47 (9th Cir. 1992)
- *Trevino v. Gates*, 99 F.3d 911, 918 (9th Cir. 1996)
- *Valdez v. Naderi*, No. 24-cv-01087, 2024 WL 4309276, at *5-6 (N.D. Cal. 2024)
- *Lee v. City of San Jose*, 701 F. Supp. 3d 935, 938 (N.D. Cal. 2023)
- *Cervantes v. City of San Diego*, 5 F.3d 1273, 1274 (9th Cir. 1993)
- *Casa Herrera, Inc. v. Beydoun*, 32 Cal. 4th 336, 341 (2004)
- *Fetters v. County of Los Angeles*, 243 Cal. App. 4th 825, 844 (2016)
- *Baranchik v. Fizulich*, 10 Cal. App. 5th 1210, 1225 (2017)
- *Marcus v. United States Department of Veterans Affairs*, No. 20-cv-03110, 2020 WL 6899607, at *3 (C.D. Cal. Nov. 24, 2020)