

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Crago v. Sacramento County Towing Enforcement Supervisor

No. 2:25-cv-00086-DC-CKD PS (E.D. Cal. Mar. 28, 2025) · No. 2:25-cv-00086-DC-CKD PS · Decided March 28, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Mary Crago’s application to proceed in forma pauperis but dismisses her complaint for failure to state a claim. The court concludes that the allegations concerning vehicle impoundment, towing charges, and towing-company procedures do not plausibly establish violations of the Fourth Amendment, Eighth Amendment Excessive Fines Clause, or due process. Plaintiff is granted thirty days to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 28, 2025
DOCKET	2:25-cv-00086-DC-CKD PS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff sought leave to proceed in forma pauperis in a civil-rights action under 42 U.S.C. § 1983. After screening the complaint under 28 U.S.C. § 1915(e)(2), the court dismissed it for failure to state a claim and granted leave to amend.
STANDARD OF REVIEW	The court screened the in forma pauperis complaint under 28 U.S.C. § 1915(e)(2)(B), accepting factual allegations as true unless clearly baseless or fanciful, construing them in the light most favorable to plaintiff, and assessing whether the complaint stated a plausible claim for relief.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Mary Crago v. Sacramento County Towing Enforcement Supervisor, et al.

TOPICS

civil procedure

section 1983

due process

excessive fines

constitutional law

PRACTICE AREAS

civil rights

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged that the impoundment of Crago's vehicles was an unreasonable seizure under the Fourth Amendment.
2. Whether charges imposed by private towing companies constituted an excessive fine under the Eighth Amendment.
3. Whether the alleged failure to allow Crago to present evidence at a tow hearing stated a procedural due-process claim.
4. Whether the complaint stated a claim under 42 U.S.C. § 1983 against persons acting under color of state law.
5. Whether Crago should be granted leave to amend after dismissal of the complaint.

HOLDINGS

1. The complaint failed to state a Fourth Amendment claim because it did not allege facts plausibly showing that the impoundment was unreasonable or inconsistent with the community-caretaking function.
2. The complaint failed to state an excessive-fines claim because a private towing-company charge is not a constitutionally actionable fine.
3. The complaint failed to state a due-process claim because Crago challenged procedures employed by private towing companies and did not allege a deprivation attributable to a state actor.
4. The complaint failed to state a claim under 42 U.S.C. § 1983 because it did not plausibly allege a violation of a constitutional or federal right by a person acting under color of state law.
5. Leave to amend was appropriate because a pro se litigant is generally entitled to notice of pleading deficiencies and an opportunity to amend unless the deficiencies cannot be cured.

KEY QUOTATIONS

"A seizure of property occurs when there is some meaningful interference with an individual's possessory interests in that property." (at 3)

"The excessive-fines clause of the Eighth Amendment 'limits the government's power to extract payments, whether in cash or kind, as punishment.'" (at 4)

"To prevail on this claim, plaintiff must prove that she was denied a specified liberty or property interest protected under the due-process clause and that she was deprived of that interest without the constitutionally required procedures." (at 4)

FACTUAL BACKGROUND

Sacramento County Sheriff's Department deputies were called to a Napa Auto Parts store following a trespassing complaint involving Crago. Her truck and recreational vehicle were towed after deputies allegedly told her that the vehicles were being towed because she was unlicensed and uninsured, and the vehicles were taken to different tow yards, resulting in charges she characterized as excessive fines. Crago also alleged that she was not allowed to present evidence at a tow hearing and named both governmental and private towing-related defendants.

PROCEDURAL HISTORY

Crago filed a complaint alleging federal civil-rights violations arising from the towing and impoundment of her truck and recreational vehicle. The court granted her application to proceed in forma pauperis, screened the complaint, determined that the allegations did not plausibly establish Fourth Amendment, excessive-fines, or due-process violations, dismissed the complaint, and allowed thirty days to file an amended complaint.

DISPOSITION

dismissed

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1126-27 (9th Cir. 2000)
- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir. 1981)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Soldal v. Cook County, 506 U.S. 56, 61 (1992)
- South Dakota v. Opperman, 428 U.S. 364, 368-69 (1976)
- United States v. Caseres, 533 F.3d 1064, 1075 (9th Cir. 2008)
- Hallstrom v. Garden City, 991 F.2d 1473, 1477-78 n.4 (9th Cir. 1993)
- Colorado v. Bertine, 479 U.S. 367, 373 (1987)
- Illinois v. Lafayette, 462 U.S. 640, 647 (1983)
- United States v. Bajakajian, 524 U.S. 321, 328 (1998)
- Austin v. United States, 509 U.S. 602, 609-10 (1993)
- Andreaccio v. Weaver, 674 F. Supp. 3d 1011, 1023 (D. Nev. 2023)
- Castillo v. McFadden, 399 F.3d 993, 1002 n.5 (9th Cir. 2005)

- *Zinerman v. Burch*, 494 U.S. 113, 125 (1990)
- *Daniels v. Williams*, 474 U.S. 327, 331 (1986)
- *Swarthout v. Cooke*, 562 U.S. 216, 219 (2011)
- *Lucas v. Department of Corrections*, 66 F.3d 245, 248 (9th Cir. 1995)
- *Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967)

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