

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Wayne v. Sierra County

No. 2:25-cv-1113-DAD-CKD (PS) (E.D. Cal. Aug. 19, 2025) · No. 2:25-cv-1113-DAD-CKD (PS) · Decided
August 20, 2025

SUMMARY

In these findings and recommendations, the Eastern District of California considers defendants’ motions to dismiss the pro se plaintiffs’ first amended complaint alleging ADA, civil rights, RICO, takings, and state-law claims arising from Sierra County’s permitting and inspection processes. The court recommends dismissal of the federal claims that were inadequately pleaded, including the RICO and takings claims, while allowing leave to amend a Title II ADA claim against Sierra County and certain due process or retaliation claims against county officials. It also recommends declining supplemental jurisdiction over the state-law claims and dismissing several private and other defendants.

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	August 20, 2025
DOCKET	2:25-cv-1113-DAD-CKD (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs proceeding pro se filed a first amended complaint asserting claims under the Americans with Disabilities Act, 42 U.S.C. §§ 1983 and 1985, civil RICO, the Takings Clause, and state law. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), with some defendants alternatively seeking a more definite statement. A magistrate judge issued findings and recommendations recommending that the motions be granted, that most claims be dismissed without leave to amend, and that plaintiffs be allowed to file a second amended complaint limited to specified ADA, due process, retaliation, and related state-law claims.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded allegations as true and construes them in the plaintiff's favor, while disregarding

	conclusory allegations, unwarranted deductions, and unreasonable inferences. Pro se pleadings are liberally construed. Dismissal is proper for lack of a cognizable legal theory or insufficient facts under a cognizable theory.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Richard Wayne, Michal Wayne v. Sierra County, Sierra County Board of Supervisors, Sharon Dryden, Paul Roen, Lee Adams, Lila Heuer, Terry LeBlanc, Rhetta Vander Ploeg, Van Maddox, Brandon Pangman, Tim Beals, Joseph Danny Zavala, Bonnie Vierra, Elizabeth Morgan, Michael Filippini, Sierra Brooks Property Owners Association, Rebekah Perez, Mark Gamble, Penny Gamble, Ryan Steinwert, Sandra Groven, Mike Fisher, Richard Maddelena

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the first amended complaint stated a Fifth Amendment regulatory-takings claim.
2. Whether the complaint stated civil RICO and RICO-conspiracy claims based on alleged extortion, corruption, and civil-rights violations.
3. Whether the complaint stated claims under 42 U.S.C. §§ 1983 and 1985 for First Amendment retaliation, Fourth Amendment searches, Fourteenth Amendment due process and equal protection violations, and civil-rights conspiracy.
4. Whether the complaint stated a Title II ADA claim based on denial of reasonable accommodations and disability discrimination.
5. Whether defendants established that plaintiffs' claims should be dismissed for failure to exhaust administrative or state-law remedies.
6. Whether supplemental jurisdiction over the state-law claims should be declined after dismissal of the federal claims.
7. Whether plaintiffs should receive leave to amend and which defendants and claims could properly remain.

HOLDINGS

1. The defendants did not establish that failure to pursue a state-law petition for writ of mandate or other administrative remedies barred all of plaintiffs' claims. Title II ADA claims do not require exhaustion, and the state-litigation requirement for Takings claims has been overruled.
2. The first amended complaint failed to allege a Fifth Amendment taking.
3. The first amended complaint failed to state civil RICO or RICO-conspiracy claims.
4. The first amended complaint failed to state claims under 42 U.S.C. § 1983 for First Amendment retaliation, Fourth Amendment violations, Fourteenth Amendment equal protection or due process violations, or related conspiracy.
5. The first amended complaint failed to state a claim under 42 U.S.C. § 1985(3).
6. The first amended complaint failed to state a Title II ADA claim, but plaintiffs should receive leave to amend a Title II claim against the responsible public entity.
7. The court should decline supplemental jurisdiction over plaintiffs' state-law claims because all federal claims over which the court had original jurisdiction should be dismissed.
8. Plaintiffs should be granted leave to file a second amended complaint limited to a Title II ADA claim against the responsible public entity, § 1983 due process and retaliation claims against appropriate county officials, and related state-law claims; amendment of the other federal claims would be futile.

KEY QUOTATIONS

“For the reasons set forth below, the undersigned recommends the motions to dismiss be granted to the extent the FAC fails to state a federal claim upon which relief can be granted.” (at 2)

“The FAC fails to allege a taking within the meaning of the Fifth Amendment.” (at 7)

“The FAC fails to plead the elements of a civil RICO violation.” (at 10)

“Thus, the FAC lacks specific factual allegations necessary to move plaintiffs' ADA claim from conceivable to plausible.” (at 21)

FACTUAL BACKGROUND

Plaintiffs Richard and Michal Wayne alleged that they purchased land in Sierra County and sought to develop a residence while managing disabilities. They claimed that county officials, a homeowners association, neighbors, and others interfered with their permitting and construction efforts through inspections, complaints, alleged retaliation, denial of accommodations, and adverse permit-related actions. Plaintiffs asserted that these events caused delays and ultimately prevented completion of their home.

PROCEDURAL HISTORY

Plaintiffs filed the original complaint on April 16, 2025, and the operative first amended complaint on May 29, 2025. Defendants filed multiple motions to dismiss, and the court held a hearing on August 6, 2025. The magistrate judge recommended dismissal of all existing federal claims for failure to state a claim, declining supplemental jurisdiction over state-law claims, dismissal of several defendants, and limited leave to amend; the recommendations were referred to the assigned district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended that the assigned district judge grant the motions to dismiss, dismiss specified defendants, decline supplemental jurisdiction over state-law claims, and allow a second amended complaint limited to the identified ADA, § 1983 due process and retaliation, and related state-law claims. Any amended complaint should be limited to 25 pages.

CASES CITED

- *Balistreri v. Pacifica Police Department*, 901 F.2d 696, 699 (9th Cir. 1990)
- *Hishon v. King & Spalding*, 467 U.S. 69, 73 (1984)
- *Love v. United States*, 915 F.2d 1242, 1245 (9th Cir. 1990)
- *Bretz v. Kelman*, 773 F.2d 1026, 1027 (9th Cir. 1985)
- *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001)
- *Lee v. City of Los Angeles*, 250 F.3d 668, 688-89 (9th Cir. 2001)
- *In re Michael K.*, 185 Cal. App. 4th 1112, 1126 (2010)
- *Knick v. Township of Scott, Pennsylvania*, 588 U.S. 180, 185 (2019)
- *Armstrong v. United States*, 364 U.S. 40, 49 (1960)
- *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 537-39 (2005)
- *Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978)
- *Murr v. Wisconsin*, 582 U.S. 383, 393 (2017)
- *Grimmett v. Brown*, 75 F.3d 506, 510 (9th Cir. 1996)
- *Sanford v. MemberWorks, Inc.*, 625 F.3d 550, 557 (9th Cir. 2010)
- *Bowen v. Oistead*, 125 F.3d 800, 806 (9th Cir. 1997)
- *Scheidler v. National Organization for Women, Inc.*, 537 U.S. 393, 409 (2003)
- *Evans v. United States*, 504 U.S. 255, 265 (1992)
- *Schreiber Distributing Co. v. Serv-Well Furniture Co.*, 806 F.2d 1393, 1399 (9th Cir. 1986)
- *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496 n.14 (1985)
- *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. 229, 239-42 (1989)
- *Cedric Kushner Promotions, Ltd. v. King*, 533 U.S. 158, 163 (2001)
- *Religious Technology Center v. Wollersheim*, 971 F.2d 364, 367 n.8 (9th Cir. 1992)
- *Monell v. Department of Social Services*, 436 U.S. 658, 690-95 (1978)
- *Treo @ Kettner Homeowners Association v. Superior Court*, 166 Cal. App. 4th 1055, 1066 (2008)
- *Kulick v. Leisure Village Association, Inc.*, 851 F. App'x 759 (9th Cir. 2021)
- *Melara v. Kennedy*, 541 F.2d 802, 804-05 (9th Cir. 1976)
- *Blair v. Bethel School District*, 608 F.3d 540, 543 (9th Cir. 2010)

- *Brodheim v. Cry*, 584 F.3d 1262, 1271 (9th Cir. 2009)
- *Frazier v. Dubois*, 922 F.2d 560, 562 n.1 (10th Cir. 1990)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Thornton v. City of St. Helens*, 425 F.3d 1158, 1166 (9th Cir. 2005)
- *Monteiro v. Tempe Union High School District*, 158 F.3d 1022, 1026 (9th Cir. 1998)
- *City of Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432, 446 (1985)
- *Kildare v. Saenz*, 325 F.3d 1078, 1085 (9th Cir. 2003)
- *Board of Regents v. Roth*, 408 U.S. 564, 569-70 (1972)
- *Wilkinson v. Austin*, 545 U.S. 209, 221 (2005)
- *Shanks v. Dressel*, 540 F.3d 1082, 1090-91 (9th Cir. 2008)
- *John Ketch LLC v. San Juan County*, 759 F. Supp. 3d 1121, 1133 (W.D. Wash. 2024)
- *Gelber v. City of Willits*, No. 23-cv-00681-JSC, 2023 WL 7003241, at *3 (N.D. Cal. Oct. 23, 2023)
- *Silverman v. United States*, 365 U.S. 505, 511 (1961)
- *Payton v. New York*, 445 U.S. 573, 586 (1980)
- *Morgan v. United States*, 323 F.3d 776, 780-81 (9th Cir. 2003)
- *Crowe v. County of San Diego*, 608 F.3d 406, 440 (9th Cir. 2010)
- *Woodrum v. Woodward County, Oklahoma*, 866 F.2d 1121, 1126 (9th Cir. 1989)
- *Sever v. Alaska Pulp Corp.*, 978 F.2d 1529, 1536 (9th Cir. 1992)
- *United Brotherhood of Carpenters and Joiners of America v. Scott*, 463 U.S. 825, 829 (1983)
- *Bartell v. Lohiser*, 215 F.3d 550, 559 (6th Cir. 2000)
- *Karim-Panahi v. Los Angeles Police Department*, 839 F.2d 621, 626 (9th Cir. 1988)
- *Lovell v. Chandler*, 303 F.3d 1039, 1052 (9th Cir. 2002)
- *Duvall v. County of Kitsap*, 260 F.3d 1124, 1138-39 (9th Cir. 2001)
- *Weaving v. City of Hillsboro*, 763 F.3d 1106, 1113 (9th Cir. 2014)
- *Coons v. Secretary of the U.S. Department of Treasury*, 383 F.3d 879, 885 (9th Cir. 2004)
- *Everson v. Leis*, 556 F.3d 484, 501 & n.7 (6th Cir. 2009)
- *Vinson v. Thomas*, 288 F.3d 1145, 1156 (9th Cir. 2002)
- *Acri v. Varian Associates, Inc.*, 114 F.3d 999, 1000 (9th Cir. 1997), supplemented, 121 F.3d 714 (9th Cir. 1997)
- *California Architectural Building Products v. Franciscan Ceramics*, 818 F.2d 1466, 1472 (9th Cir. 1987)
- *Klamath-Lake Pharmaceutical Association v. Klamath Medical Service Bureau*, 701 F.2d 1276, 1293 (9th Cir. 1983)
- *Conley v. Gibson*, 355 U.S. 41, 47 (1957)
- *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998)
- *Martinez v. Ylst*, 951 F.2d 1153, 1156-57 (9th Cir. 1991)

