

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Robert Huhn, dba Huhn Electric v. City of Red Bluff, et al.

No. 2:25-CV-1777-DMC · No. No. 2:25-CV-1777-DMC · Decided December 22, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Defendants’ motion to dismiss Plaintiff Robert Huhn’s First Amendment retaliation claim and dismisses the complaint with leave to amend. The court concludes that Plaintiff has not alleged sufficient adverse action, personal involvement by certain defendants, or a municipal policy or custom supporting liability under 42 U.S.C. § 1983. The court declines to exercise supplemental jurisdiction over the state-law claims and directs Defendants to respond to the timely filed first amended complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 22, 2025
DOCKET	No. 2:25-CV-1777-DMC
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss a removed civil-rights complaint under Federal Rule of Civil Procedure 12(b)(6). After oral argument, the court granted the motion and dismissed the complaint with leave to amend; this order formally confirmed that ruling and directed defendants to respond to the timely filed first amended complaint.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts material factual allegations as true, construes alleged facts and ambiguities in the plaintiff's favor, and determines whether the complaint contains sufficient factual matter to state a facially plausible claim. Legal conclusions and conclusory statements unsupported by factual allegations need not be accepted.
PRECEDENTIAL VALUE	Nonprecedential district-court order

PARTIES

Robert Huhn, dba Huhn Electric v. City of Red Bluff, Beth Lindauer, Tom Westbrook, Anita Rice

TOPICS

motions to dismiss

first amendment

free speech

section 1983

municipal liability

PRACTICE AREAS

civil procedure

constitutional law

civil rights

municipal law

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged a First Amendment retaliation claim under 42 U.S.C. § 1983.
2. Whether the complaint alleged sufficient personal involvement by defendants Westbrook and Rice in retaliatory conduct.
3. Whether the complaint alleged a municipal policy, custom, or practice sufficient to support liability against the City of Red Bluff under § 1983.
4. Whether the court should exercise supplemental jurisdiction over the pendent state-law claims after determining that the federal claim was not cognizable as pleaded.

HOLDINGS

1. The complaint failed to state a First Amendment retaliation claim because it did not allege facts showing that defendants took adverse action against plaintiff because he complained about the fees; the alleged threat was speculative and plaintiff was ultimately issued a permit.
2. The complaint did not state a retaliation claim against Westbrook or Rice because it alleged only that Westbrook failed to follow up on surveillance footage and that Rice failed to provide all requested public records, not that either defendant took adverse action because of plaintiff's fee complaints.
3. The complaint failed to plead municipal liability because it did not allege that the asserted constitutional deprivation resulted from a City policy, custom, or practice, and municipal liability cannot rest solely on respondeat superior.
4. The court declined to exercise supplemental jurisdiction over the pendent state-law claims because the complaint did not state a cognizable federal claim.

KEY QUOTATIONS

“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” (at 2)

“For all defendants, Plaintiff needs to allege facts to show that adverse action was taken against him because he complained about fees.” (at 3)

“A local government unit, however, may not be held responsible for the acts of its employees or officials under a respondeat superior theory of liability.” (at 3)

FACTUAL BACKGROUND

Plaintiff, a licensed electrical contractor, sought a commercial solar installation permit from the City of Red Bluff and challenged a \$188 fire-department inspection fee. He alleged that a city official threatened to reinstate residential solar permit fees if he continued challenging the commercial inspection fees, but the city ultimately issued the permit. Plaintiff later made a California Public Records Act request for ordinances, recordings, and fee-authority documents, but alleged that the city provided only some of the requested materials.

PROCEDURAL HISTORY

Plaintiff filed the action in California state court, and defendants removed it to the United States District Court for the Eastern District of California on June 25, 2025. Defendants moved to dismiss, plaintiff opposed, and defendants replied. Following a hearing, the court granted dismissal with leave to amend, deemed plaintiff's first amended complaint timely, and ordered defendants to respond within 30 days.

DISPOSITION

other

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 93-94 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Hospital Building Co. v. Rex Hospital Trustees, 425 U.S. 738, 740 (1976)
- Barnett v. Centoni, 31 F.3d 813, 815-16 (9th Cir. 1994) (per curiam)
- Jenkins v. McKeithen, 395 U.S. 411, 421 (1969)
- Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949-50 (2009)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Cooper v. Pickett, 137 F.3d 616, 622 (9th Cir. 1998)
- Branch v. Tunnell, 14 F.3d 449, 453-54 (9th Cir. 1994)
- Lee v. City of Los Angeles, 250 F.3d 668, 688 (9th Cir. 2001)
- Barron v. Reich, 13 F.3d 1370, 1377 (9th Cir. 1994)
- Lucas v. Department of Corrections, 66 F.3d 245, 248 (9th Cir. 1995) (per curiam)
- Lopez v. Smith, 203 F.3d 1122, 1126 (9th Cir. 2000) (en banc)
- Pratt v. Rowland, 65 F.3d 802, 807 (9th Cir. 1995)
- Valandingham v. Bojorquez, 866 F.2d 1135, 1138-39 (9th Cir. 1989)
- Resnick v. Hayes, 213 F.3d 443, 449 (9th Cir. 2000)
- Rhodes v. Robinson, 408 F.3d 559, 568-69 (9th Cir. 2005)
- Monell v. Department of Social Services, 436 U.S. 658, 690-91 (1978)

- Board of County Commissioners v. Brown, 520 U.S. 397, 403 (1997)
- Thompson v. City of Los Angeles, 885 F.2d 1439, 1443 (9th Cir. 1989)

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