

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

**Logan Dakota Kai Blömqvist, et al. v. Extra Space Storage, Inc., et
al.**

Blömqvist · No. 25-cv-07867-EKL · Decided January 7, 2026

SUMMARY

The United States District Court for the Northern District of California screened Plaintiffs’ amended complaint concerning access to storage units and related disability-discrimination allegations. The court dismissed the 42 U.S.C. § 1983 claim with leave to amend, found cognizable claims under Title III of the Americans with Disabilities Act and 42 U.S.C. § 12203, and ordered service of the amended complaint. The court denied Plaintiffs’ motion for a preliminary injunction for failure to demonstrate likely success on the merits or irreparable harm.

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
LOGAN DAKOTA KAI BLÖMQVIST, et Case No. 25-cv-07867-EKL al., 8 Plaintiffs, ORDER
SCREENING COMPLAINT 9 AND DENYING MOTION FOR v. PRELIMINARY
INJUNCTION 10 EXTRA SPACE STORAGE, INC., et al., Re: Dkt. No. 15, 16 11 Defendants.
12 13 This case arises out of a dispute concerning access to storage units located in Campbell and
14 Los Gatos, California.

Before the Court are Plaintiffs’ amended complaint for screening and a 15 motion for a
preliminary injunction. See ECF No. 15; ECF No. 16. The Court screens the 16 amended
complaint, dismisses Plaintiffs’ 42 U.S.C. § 1983 claim, and finds that the remaining 17 federal
claims meet the requirements of 28 U.S.C. § 1915.

As Plaintiffs are proceeding in forma 18 pauperis (“IFP”), the Court ORDERS service of the
amended complaint, but DENIES Plaintiffs’ 19 motion for a preliminary injunction, finding that
Plaintiffs have not met the demanding standard 20 for such extraordinary relief. 21 I.
PROCEDURAL HISTORY 22 On September 16, 2025, self-represented Plaintiffs Logan
Blömqvist and Todd Myers filed 23 an ex parte application for a temporary restraining order
(“TRO”) and IFP applications.

ECF Nos. 24 1-3. The Court denied the TRO application as premature because Plaintiffs had not
filed a 25 complaint. ECF No. 7; see also Fed. R. Civ. P. 3 (“A civil action is commenced by filing
a 26 complaint with the court.”).

The Court deferred ruling on the IFP applications, and informed 27 Plaintiffs that it would screen any future complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). ECF 1 On September 19, 2025, Plaintiffs filed a complaint alleging that they are being denied 2 access to their respective storage units in violation of their leases, and that they are being 3 discriminated against on account of race and disability.

See ECF No. 8. Shortly thereafter, 4 Plaintiffs filed a second TRO application seeking immediate and unrestricted access to their leased 5 storage units, as well as email-only communication between Plaintiffs and Defendants Extra Space 6 Storage, Inc. (“Extra Space”), and its employees. ECF No. 12.

On October 17, 2025, the Court 7 granted Plaintiffs’ IFP applications, screened the complaint, and denied the TRO application. 8 ECF No. 14 (“Screening Order”). The Court dismissed the complaint, with leave to amend, for 9 failure to state a claim. Id. 10 Plaintiffs filed an amended complaint and a third TRO application.¹ ECF No. 15; ECF No. 11 16.

On November 19, 2025, the Court converted Plaintiffs’ third TRO application into a motion 12 for preliminary injunction, set a briefing and hearing schedule, and ordered the Clerk to notify 13 Defendants by certified mail. ECF No. 17. Defendants have not been personally served a copy of 14 the complaint or summons and have not appeared.

Therefore, the Court proceeds with screening 15 of the complaint and orders service. 16 II. SCREENING THE COMPLAINT 17 Section 1915(e)(2) requires the Court to screen complaints filed by persons proceeding in 18 forma pauperis.

The Court must identify any cognizable claims, and dismiss claims that are 19 frivolous or malicious, fail to state a claim on which relief may be granted, or seek monetary relief 20 against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); see also *Lopez v. 21 Smith*, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc).

The amended complaint alleges three 22 federal causes of action – violations of 42 U.S.C. § 1983, 42 U.S.C. § 12181, and 42 U.S.C. 23 § 122032 – and various state law causes of action.³ See ECF No. 15. The Court finds that the 24 1 The third TRO application is improperly captioned “Second MOTION for Temporary 25 Restraining Order[.]” ECF No. 16. 26 2 In the original complaint, Plaintiffs alleged a violation of 29 U.S.C. § 504.

The amended complaint does not reallege this cause of action. Instead, Plaintiffs allege retaliation in violation 27 of 42 U.S.C. § 12203. 1 complaint satisfies the requirements of 28 U.S.C. § 1915(e)(2) because it states at least one 2 cognizable claim on its face, and is not otherwise frivolous, malicious, or seeking monetary relief 3 from immune defendants.

4 A. 42 U.S.C. § 1983 5 In its previous screening order, the Court found that Plaintiffs had not stated a cognizable 6 Section 1983 claim because Plaintiffs failed to allege joint action between Defendants and law 7 enforcement. Screening Order at 2-4.

The Court noted that it was Plaintiffs who “repeatedly 8 requested police intervention,” and “[t]he fact that the police did not intervene further in Plaintiffs’ 9 favor is insufficient to infer a conspiracy between Defendants and the police officers.” Id. at 4. 10 Plaintiffs reassert the Section 1983 claim in the amended complaint, but omit the allegations 11 relating to their own requests for the police presence.

Instead, Plaintiffs allege that “[p]olice 12 assistance/refusal enabling a private lockdown constitutes state action[.]” ECF No. 15 ¶ 21. This 13 allegation is insufficient for the same reasons articulated in the Court’s previous screening order. 14 See Screening Order at 4 (“Based on the totality of the allegations in the [amended] complaint, 15 Plaintiffs have failed to allege any agreement or meeting of the minds between Defendants and the 16 police.” (citing *Fonda v. Gray*, 707 F.2d 435, 438 (9th Cir.

1983)). 17 Therefore, the Court dismisses the Section 1983 claim with leave to amend if Plaintiffs can 18 do so in good faith. This will be Plaintiffs’ last opportunity to amend their Section 1983 claim to 19 allege a conspiracy or joint action between Defendants and law enforcement. Failure to cure the 20 deficiencies identified in this Order and the previous screening order will result in dismissal of the 21 Section 1983 claim with prejudice.

22 B. 42 U.S.C. § 12181 23 Construing the complaint liberally, the Court finds that Plaintiffs sufficiently allege a 24 cognizable claim for violation of Title III of the Americans with Disabilities Act (“ADA”). To 25 establish a violation of Title III, the plaintiff must allege that (1) he is disabled as defined by the 26 27 Act, as well as common law claims for breach of implied covenant of quiet enjoyment, 1 ADA; (2) the defendant is a private entity that owns, leases, or operates a place of public 2 accommodation;⁴ (3) the defendant employed a discriminatory policy or practice; and (4) the 3 defendant discriminated against the plaintiff based on the plaintiff’s disability by failing to make a 4 requested reasonable modification that was necessary to accommodate the plaintiff’s disability.

5 *Fortyone v. Am. Multi-Cinema, Inc.*, 364 F.3d 1075, 1082 (9th Cir. 2004) (citing 42 U.S.C. 6 §§ 12182(a) and (b)(2)(A)(ii)). 7 Plaintiffs allege that they are each “medically vulnerable” with “PTSD/anxiety triggers,” 8 and require access to certain medications stored in their respective storage units. ECF No. 15 9 ¶¶ 6-7, 25. Plaintiffs further allege that they “repeatedly requested reasonable modifications,” 10 including: (1) email-only communications, (2) “predictable access [to storage units] for 11 medications,” and (3) acceptance of Myers’ “written advocate authorization” for Blömqvist to act 12 on Myers’ behalf.

Id. ¶ 25. They further allege that Defendants “refus[ed] to engage in the ADA 13 interactive process.” Id. ¶ 27. 14 The Court previously found that Plaintiffs’ original complaint did not state a cognizable 15 ADA claim because Plaintiffs failed to identify any discriminatory “policy or practice.” ECF 16 No. 14 at 5-6 (explaining that the lock-out policy is facially neutral, and Plaintiffs failed to allege 17 that the policy placed a “different and greater burden” on Plaintiffs due to their disabilities).

The 18 Court maintains doubt as to whether the first two requested modifications – email-only 19 communications and on-going access to storage units despite previous failure to pay monthly fees 20 – are “reasonable modifications... necessary to accommodate the [Plaintiffs’] disability.” See 21 Screening Order at 6.

However, on its face, refusal to accept “written advocate authorization” 22 coupled with “refusing to engage in [an] interactive process” plausibly states a cognizable Title III 23 claim. 24 4 Defendant Extra Space owns and/or operates storage facilities in Campbell and Los Gatos, 25 California. ECF No. 15 ¶ 8. Construing the complaint liberally, Plaintiffs allege that Extra Space leases storage units to members of the public, including to Plaintiffs.

Defendants Noreta Mendez, 26 Jessica Brubaker, and David Gallegos are allegedly employees of Extra Space with managerial or supervisory roles. Id. ¶¶ 9-11; see also *Lentini v. Cal. Ctr. for the Arts, Escondido*, 370 F.3d 837, 27 849 (9th Cir. 2004) (holding that an individual “operator” of public accommodations can be liable 1 C. 42 U.S.C. § 12203 2 The Court finds that the complaint alleges a cognizable claim under 42 U.S.C. § 12203.

3 Section 12203 provides, in relevant part, that “[n]o person shall discriminate against any 4 individual because such individual has opposed any act or practice made unlawful by this 5 chapter[,]” and that it is unlawful to “coerce, intimidate, threaten, or interfere with any individual 6 in the exercise or enjoyment of... any right granted or protected by this chapter.” Id. Plaintiffs 7 allege that “within 24 hours” of making a written request for reasonable modifications under the 8 ADA,⁵ Defendants retaliated by placing overlocks on Plaintiffs’ storage units, cancelling their 9 leases, and restricting Plaintiffs’ access to business hours only.

ECF No. 16 ¶ 32. This is 10 sufficient, on its face, to state a plausible retaliation claim. Because the amended complaint states 11 a cognizable claim, the Court finds that it satisfies the requirements of 28 U.S.C. § 1915(e)(2). 12 III. THE MOTION FOR A PRELIMINARY INJUNCTION IS DENIED 13 Plaintiffs have not satisfied the standard for obtaining the “extraordinary remedy” of a 14 preliminary injunction.

Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 24 (2008). Among 15 other elements, Plaintiffs must establish that they are likely to succeed on the merits of their claim 16 and that they face a likelihood of “irreparable harm in the absence of preliminary relief.” Id. at 20. 17 Alternatively,

they must raise “serious questions going to the merits” of their claim and show that 18 “the balance of hardships tips sharply in [the movant’s] favor.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir.

2011). To raise serious questions, the movant’s claim 20 must be more than just “plausible.” *Where Do We Go Berkeley v. Cal. Dep’t of Transp.*, 32 F.4th 21 852, 863 (9th Cir. 2022). 22 Although the Court has found that Plaintiffs’ ADA claims survive Section 1915(e)(2) 23 screening, these claims are plausible at best. Through the course of this lawsuit, Plaintiffs will be 24 required to show that Defendants employed a policy or practice that discriminated against 25 Plaintiffs on account of their disabilities.

In addition, Plaintiffs will be required to show that the 26 5 Plaintiffs’ Title III claim “constitutes the predicate for any claim of retaliation and/or 27 interference” under Section 12203. *McColm v. S.F. Hous. Auth.*, No. C 02-5810 PJH, 2007 WL 1 requested modifications were necessary to accommodate Plaintiffs’ disabilities. If Plaintiffs are 2 able to make this prima facie showing, Defendants will have the opportunity to present evidence 3 to the contrary.

Similarly, Plaintiffs will be required to show that Defendants’ retaliatory conduct 4 relates to Plaintiffs’ assertion of their rights under the ADA. Based on the allegations before the 5 Court, Plaintiffs have not demonstrated a likelihood of success on the merits or even “serious 6 questions going to the merits.” 7 Additionally, Plaintiffs have not demonstrated a likelihood of “irreparable harm in the 8 absence of a preliminary injunction.” Plaintiffs argue that they face irreparable harm because they 9 are “medically fragile and have life-sustaining medications and devices” inside the storage units.

10 ECF No. 16 at 2. However, it appears that Plaintiffs have been granted “business-hours-only” 11 access to the storage units – even though Plaintiffs previously admitted to missing payments due 12 under their lease. ECF No. 15 ¶¶ 27-28; see also ECF No. 8 ¶¶ 11 (admitting to missed payment), 13 17, 18, 21.

Because Plaintiffs have been given access on multiple occasions to retrieve items, the 14 Court does not find that Plaintiffs face a likelihood of irreparable harm that the Court can remedy 15 at this stage. In addition, Plaintiffs allege that one of the units “remains under imminent auction 16 threat.” ECF No. 16 at 3.

However, Plaintiffs have not provided any additional information, nor 17 have they alleged that an auction is presently scheduled. Therefore, the Court finds that Plaintiffs 18 have not met their burden for obtaining a preliminary injunction.

The motion is DENIED. 19 IV. CONCLUSION 20 1. Plaintiffs have satisfied 28 U.S.C. § 1915(e) (2) because they have stated cognizable 21 claims against Defendants for violations of the ADA, specifically 42 U.S.C. §§ 12181, 22 12203.

Therefore, the Court ORDERS SERVICE of all named Defendants. The Clerk 23 of Court shall issue the summons, and the U.S. Marshal for the Northern District of 24 California shall serve, without payment of fees, the amended complaint (ECF No. 15), 25 this Order, and the summons upon Defendants. 26 2. Plaintiffs' 42 U.S.C. § 1983 claim is DISMISSED WITH LEAVE TO AMEND.

27 Should Plaintiffs later wish to amend the complaint to add the Section 1983 claim, they 1 at the Status Conference scheduled for March 4, 2026, at 3:00 p.m. in person at 280 2 South Street, San Jose, California — Courtroom 7. 3 3.

The Court DEFERS ruling on whether to exercise supplemental jurisdiction over the 4 state law claims. After Defendants are served and appear, the Court will order briefing 5 on the issue of whether it should exercise supplemental jurisdiction over the state law 6 claims. 7 4.

The Court DENIES Plaintiffs' motion for a preliminary injunction. 8 IT IS SO ORDERED. 9 Dated: January 7, 2026 10 11 umi K. Lee 12 United States District Judge 15 16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28