

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kurt Hipp, et al. v. The City of Vallejo

Hipp · No. 2:25-cv-01806-DJC-SCR · Decided July 24, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Plaintiffs’ motion for a preliminary injunction seeking to prevent the City of Vallejo from removing them from encampments near City Hall. The court concluded that Plaintiffs had not shown a likelihood of success or serious questions on their ADA Title II, state-created danger, or due process claims. The court ordered that the Temporary Restraining Order expire on July 25, 2025, while requiring the City to provide at least 72 hours’ written notice before seeking to remove the encampments.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Daniel J. Calabretta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 24, 2025
DOCKET	2:25-cv-01806-DJC-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs sought a preliminary injunction continuing to prohibit the City of Vallejo from removing them from temporary residences near City Hall. The court had previously issued a temporary restraining order and denied the motion for preliminary injunction.
STANDARD OF REVIEW	Preliminary injunctive relief requires a clear showing that the plaintiff is likely to succeed on the merits, likely to suffer irreparable harm without relief, that the balance of equities favors relief, and that an injunction is in the public interest. In the Ninth Circuit, serious questions going to the merits and a sharply plaintiff-favoring hardship balance may suffice if the plaintiff also shows likely irreparable injury and that an injunction is in the public interest.
PRECEDENTIAL VALUE	unpublished district-court order; nonprecedential

PARTIES

Kurt Hipp, Corletta Tate, M.T., Deshawnda Watson v. The City of Vallejo

TOPICS

injunctions

reasonable accommodation

ada / disability

due process

civil rights

PRACTICE AREAS

civil procedure

civil rights

disability discrimination

constitutional law

municipal law

QUESTIONS PRESENTED

1. Whether Plaintiffs were entitled to a preliminary injunction based on their claim that Vallejo violated Title II of the Americans with Disabilities Act by failing to provide reasonable accommodations during enforcement of Administrative Rule 7.10.
2. Whether Plaintiffs were likely to succeed on a Fourteenth Amendment state-created-danger claim based on the City's planned removal of their temporary residences.
3. Whether the City's implementation of Administrative Rule 7.10 violated Plaintiffs' substantive or procedural due process rights.
4. Whether the alleged disposal of personal property or any violation of the prior temporary restraining order warranted preliminary injunctive relief in this motion.

HOLDINGS

1. Plaintiffs failed to show a likelihood of success or serious questions on their claim that the City denied reasonable accommodations. Title II required the City to account for Plaintiffs' disabilities in enforcing Administrative Rule 7.10, but Plaintiffs' requested accommodations—remaining indefinitely at their current locations or receiving hotel housing—would likely fundamentally alter the City's encampment-removal program or require creation of a new program.
2. Plaintiffs failed to establish a likelihood of success or serious questions on their state-created-danger claim because they did not identify an actual, particularized danger created or increased by a state actor's affirmative action.
3. Plaintiffs failed to show a likelihood of success on their substantive and procedural due process claims because they did not identify a constitutionally protected interest deprived by the City's enforcement of Rule 7.10.
4. The court did not grant preliminary injunctive relief based on the alleged disposal of personal property or an alleged violation of the prior temporary restraining order because those matters were outside the present motion; the property injury was past and economic damages were an adequate remedy.

KEY QUOTATIONS

“A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his

favor, and that an injunction is in the public interest.” (at 3)

“Thus, the City must make reasonable modifications to its policies, practices, and procedures in implementing Rule 7.10 such that Plaintiffs are not subject to discrimination on the basis of their disability.” (at 6)

“As such, it is a modification that would fundamentally alter the “program,” that is, the enforcement of Rule 7.10.” (at 8)

“The state-created danger doctrine is not properly applied where, as here, the dangers in question are generalized dangers inherent to homelessness that are not created by the actions of a state actor.” (at 10)

FACTUAL BACKGROUND

Four unhoused Plaintiffs with various disabilities were living in temporary locations near Vallejo City Hall while the City planned to enforce its anti-camping ordinance and remove encampments under Administrative Rule 7.10. The court initially restrained removal because the City appeared not to have communicated with Plaintiffs or offered reasonable accommodations. The City later offered additional time before removal, at least 90 days of storage, and transportation to housing if Plaintiffs secured housing; Plaintiffs principally sought continued occupancy of their current locations or hotel vouchers.

PROCEDURAL HISTORY

Plaintiffs sued to prevent enforcement of the City's encampment-removal program, Administrative Rule 7.10, against their temporary residences. The court issued a temporary restraining order because the City had apparently failed to communicate with Plaintiffs or provide reasonable disability accommodations. Before ruling on the preliminary-injunction motion, the City offered additional time, storage, and potential transportation to housing. The court denied preliminary injunctive relief and ordered that the temporary restraining order expire on July 25, 2025, while requiring at least 72 hours' written notice before removal.

DISPOSITION

other

REMAND INSTRUCTIONS

The motion for preliminary injunction was denied. The temporary restraining order was to expire on July 25, 2025. Before seeking to remove Plaintiffs' encampments, the City must provide at least 72 hours' written notice. The matter was referred to the assigned Magistrate Judge for further pretrial proceedings.

CASES CITED

- City of Grants Pass, Or. v. Johnson, 603 U.S. 520, 528 (2024)
- Winter v. NRDC, Inc., 555 U.S. 7, 20, 22, 24 (2008)
- CI Games S.A. v. Destination Films, No. 2:16-cv-05719-SVW-JC, 2016 WL 9185391, at *11 (C.D. Cal. Oct. 25, 2016)
- Alliance for the Wild Rockies v. Cottrell, 622 F.3d 1045, 1053 (9th Cir. 2010)

- *Bernhardt v. Los Angeles County*, 339 F.3d 920, 926 (9th Cir. 2003)
- *McGary v. City of Portland*, 386 F.3d 1259, 1266, 1269 (9th Cir. 2004)
- *Townsend v. Quasim*, 328 F.3d 511, 518 (9th Cir. 2003)
- *Where Do We Go Berkeley v. Cal. Dep't of Transp.*, 32 F.4th 852, 862 (9th Cir. 2022)
- *Mayfield v. City of Mesa*, 131 F.4th 1100, 1110 (9th Cir. 2025)
- *Martinez v. City of Clovis*, 943 F.3d 1260, 1271 (9th Cir. 2019)
- *Cobine v. City of Eureka*, 250 F. Supp. 3d 423, 433 (N.D. Cal. 2017)
- *Koontz v. Town of Fairfax*, No. 25-cv-01311-RFL, 2025 WL 1766046, at *6-*7 (N.D. Cal. 2025)
- *Coalition on Homelessness v. City & County of San Francisco*, 758 F. Supp. 3d 1102, 1130 (N.D. Cal. 2024)
- *Sacramento Homeless Union v. County of Sacramento*, 617 F. Supp. 3d 1179, 1193 (E.D. Cal. 2022)
- *Shanks v. Dressel*, 540 F.3d 1082, 1087, 1090 (9th Cir. 2008)
- *Livadas v. Bradshaw*, 512 U.S. 107, 132 (1994)
- *Pennhurst State Sch. & Hosp. v. Halderman*, 451 U.S. 1, 27 (1981)
- *Aargon Agency, Inc. v. O'Laughlin*, 70 F.4th 1224, 1240 (9th Cir. 2023)
- *Rent-A-Center, Inc. v. Canyon Television & Appliance Rental, Inc.*, 944 F.2d 597, 603 (9th Cir. 1991)