

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Brave and Free Santa Cruz v. Aragon

Brave and Free Santa Cruz · No. 2:24-cv-02312-DAD-JDP · Decided August 12, 2025

SUMMARY

The United States District Court for the Eastern District of California granted defendants’ motions to dismiss claims concerning vaccination requirements and access to educational services for students with individualized education programs. The court held that the organizational plaintiffs had not adequately alleged associational standing and that it lacked authority to enforce permanent injunctions issued by the Northern District of California. The first claim was dismissed without leave to amend, while the remaining claims were dismissed with leave to amend.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dale A. Drozd
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 12, 2025
DOCKET	2:24-cv-02312-DAD-JDP
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss plaintiffs' first amended complaint, which asserted claims concerning IDEA compliance, enforcement of permanent injunctions issued by another federal district court, and denial of a free appropriate public education.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the legal sufficiency of the complaint, accepts well-pleaded factual allegations as true, construes them in the plaintiff's favor, and determines whether the complaint alleges enough facts to state a facially plausible claim. Article III standing and subject-matter jurisdiction must be established before the court reaches the merits.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Brave and Free Santa Cruz, Free Now Foundation, D.C., B.P. v. Tomas J. Aragon, Tony Thurmond, Gavin Newsom, Gilroy Unified School

TOPICS

motions to dismiss standing subject matter jurisdiction pleadings civil procedure

PRACTICE AREAS

civil procedure constitutional law disability law education law health law

QUESTIONS PRESENTED

1. Whether the organizational plaintiffs adequately alleged associational standing under Article III.
2. Whether the Eastern District of California had authority to enforce permanent injunctions issued by the Northern District of California.
3. Whether plaintiffs' claims should be dismissed with or without leave to amend.
4. Whether the claims of D.C. and B.P. and the claims against Gilroy Unified School District and Anisha Munshi should be dismissed without prejudice.

HOLDINGS

1. The organizational plaintiffs failed to allege that their members suffered an injury in fact because they did not identify any member whose child was subject to a policy excluding an unvaccinated student with an IEP from school or mainstream classes. Accordingly, the organizations lacked associational standing.
2. The Eastern District of California lacked authority to adjudicate plaintiffs' claim seeking enforcement of permanent injunctions issued by the Northern District of California.
3. Because plaintiffs lacked Article III standing and the court lacked authority over the injunction-enforcement claim, the court could not reach defendants' remaining arguments on the merits.
4. Plaintiffs were granted leave to amend their remaining claims because the identified standing deficiencies might be cured by alleging the relevant school districts and their policies, but the injunction-enforcement claim was dismissed without leave to amend because amendment could not cure the court's lack of authority.

KEY QUOTATIONS

“standing requires that (1) the plaintiff suffered an injury in fact, i.e., one that is sufficiently ‘concrete and particularized’ and ‘actual or imminent, not conjectural or hypothetical,’ (2) the injury is ‘fairly traceable’ to the challenged conduct, and (3) the injury is ‘likely’ to be ‘redressed by a favorable decision.’” (at 5)

“The court finds that it lacks authority to adjudicate plaintiffs’ first claim.” (at 9)

“Because plaintiffs lack Article III standing and this court lacks authority to enforce the permanent injunctions at issue, the court lacks jurisdiction over plaintiffs’ claims.” (at 10)

“The court will grant leave to amend as to plaintiffs’ remaining claims” (at 12)

FACTUAL BACKGROUND

Plaintiff organizations alleged that their members included parents and grandparents of unvaccinated children with individualized education programs who attended California schools. They alleged that school districts had been advised that unvaccinated students with disabilities could be excluded from mainstream classes, but they did not identify the members' school districts or allege that any member's child was subject to a policy excluding such students. The complaint also sought enforcement in the Eastern District of California of permanent injunctions issued by the Northern District of California concerning IDEA compliance.

PROCEDURAL HISTORY

Plaintiffs filed the action on August 26, 2024, and filed their first amended complaint on October 31, 2024. The court previously denied plaintiffs' motion for a preliminary injunction. Defendants moved to dismiss; plaintiffs did not oppose dismissal of Gilroy Unified School District and Anisha Munshi. The court granted the motions, dismissed some claims without leave to amend, dismissed the remaining claims with leave to amend, and set a deadline for a second amended complaint or notice of intent not to amend.

DISPOSITION

other

CASES CITED

- Doe v. Maher, 793 F.2d 1470, 1501-02 (9th Cir. 1986), aff'd as modified sub nom. Honig v. Doe, 484 U.S. 305 (1988)
- Honig v. Doe, 484 U.S. 305 (1988)
- N. Star Int'l v. Ariz. Corp. Comm'n, 720 F.2d 578, 581 (9th Cir. 1983)
- Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1990)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 676, 678 (2009)
- Hishon v. King & Spalding, 467 U.S. 69, 73 (1984)
- U.S. ex rel. Chunie v. Ringrose, 788 F.2d 638, 643 n.2 (9th Cir. 1986)
- Associated Gen. Contractors of Cal., Inc. v. Cal. State Council of Carpenters, 459 U.S. 519, 526 (1983)
- Lee v. City of Los Angeles, 250 F.3d 668, 688-89 (9th Cir. 2001)
- City of Los Angeles v. Lyons, 461 U.S. 95, 101 (1983)
- Matter of East Coast Foods, Inc., 66 F.4th 1214, 1218 (9th Cir. 2023)
- City of Oakland v. Lynch, 798 F.3d 1159, 1163 (9th Cir. 2015)
- Lujan v. Defs. of Wildlife, 504 U.S. 555, 560-61 (1992)
- Bates v. United Parcel Serv., Inc., 511 F.3d 974, 985 (9th Cir. 2007) (en banc)
- Chapman v. Pier 1 Imports (U.S.) Inc., 631 F.3d 939, 946 (9th Cir. 2011)
- E. Bay Sanctuary Covenant v. Biden, 993 F.3d 640, 662 (9th Cir. 2021)
- Friends of the Earth, Inc. v. Laidlaw Env'tl. Servs. (TOC), Inc., 528 U.S. 167, 169 (2000)

- *Stavrianoudakis v. U.S. Fish and Wildlife Serv.*, 108 F.4th 1128, 1143 (9th Cir. 2024)
- *Associated Gen. Contractors of Am., San Diego Chapter, Inc. v. Cal. Dep't of Transp.*, 713 F.3d 1187, 1194 (9th Cir. 2013)
- *J.N. v. Or. Dep't of Educ.*, No. 6:19-cv-00096-AA, 2020 WL 5209846, at *6 (D. Or. Sept. 1, 2020)
- *Capistrano Unified Sch. Dist. v. S.W.*, 21 F.4th 1125, 1129 (9th Cir. 2021)
- *Fry v. Napoleon Cmty. Sch.*, 580 U.S. 154, 158 (2017)
- *Parents Involved v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 702 (2007)
- *Doe ex rel. Doe v. Horne*, No. 23-cv-03188, 2024 WL 4119371, at *2 (9th Cir. Sept. 9, 2024)
- *Klett v. Pim*, 965 F.2d 587, 590 (8th Cir. 1992)
- *MOAC Mall Holdings LLC v. Transform Holdco LLC*, 598 U.S. 288, 298 (2023)
- *Sinochem Int'l Co. v. Malaysia Int'l Shipping Corp.*, 549 U.S. 422, 430-31 (2007)
- *Xcentric Ventures, LLC v. Arden*, No. 10-cv-80058-SI, 2011 WL 806629, at *3 (N.D. Cal. Mar. 2, 2011)
- *Wright v. Runnels*, No. 2:05-cv-02530-MCE-EFB, 2007 WL 9807471, at *3 (E.D. Cal. June 28, 2007)
- *Jerry's Famous Deli, Inc. v. Papanicolaou*, 383 F.3d 998, 1001 (9th Cir. 2004)
- *Righthaven LLC v. Hoehn*, 716 F.3d 1166, 1172 (9th Cir. 2013)
- *Rosenberg Bros. & Co. v. Arnold*, 283 F.2d 406, 406 (9th Cir. 1960)
- *Foman v. Davis*, 371 U.S. 178, 182 (1962)
- *Cook, Perkiss and Liehe, Inc. v. N. Cal. Collection Servs.*, 911 F.2d 242, 247 (9th Cir. 1990)
- *Broam v. Bogan*, 320 F.3d 1023, 1026 n.2 (9th Cir. 2003)
- *Ruiz v. City of Santa Maria*, 160 F.3d 543, 548 n.13 (9th Cir. 1998)
- *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.1 (9th Cir. 2006)
- *Myers v. Calandrino*, No. 16-cv-02239-JGB-JEM, 2017 WL 11632256, at *6 (C.D. Cal. Mar. 1, 2017)