

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Mosgrove v. County of Santa Clara

No. 24-cv-00808-BLF (N.D. Cal. May 20, 2025) · No. 24-cv-00808-BLF · Decided May 20, 2025

SUMMARY

The United States District Court for the Northern District of California granted motions to dismiss Tom Mosgrove’s Second Amended Complaint against the County of Santa Clara, the City of Morgan Hill, and related police officers. The court held that the pleaded facts established probable cause for Mosgrove’s warrantless domestic-violence arrest, defeating his Fourth Amendment claim, and dismissed the Fourteenth Amendment and Monell claims. Dismissal was without leave to amend because further amendment would be futile.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Beth Labson Freeman
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 20, 2025
DOCKET	24-cv-00808-BLF
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the Second Amended Complaint asserting Fourth and Fourteenth Amendment seizure claims and municipal liability under 42 U.S.C. § 1983.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes them in the plaintiff’s favor, but need not accept conclusory allegations, unreasonable inferences, or allegations contradicted by matters subject to judicial notice. The complaint must contain sufficient factual matter to state a facially plausible claim. Leave to amend may be denied when amendment would be futile, including after repeated failure to cure deficiencies.
PRECEDENTIAL VALUE	unpublished

PARTIES

Tom Mosgrove v. County of Santa Clara, City of Morgan Hill, Scott Martin, Matthew Donatoni, Katrina Olson, unnamed police officers

TOPICS

motions to dismiss

section 1983

municipal liability

police misconduct

civil rights

PRACTICE AREAS

civil procedure

civil rights

constitutional law

municipal liability

criminal procedure

QUESTIONS PRESENTED

1. Whether Mosgrove's warrantless-arrest claim was properly analyzed under the Fourth Amendment rather than the Fourteenth Amendment's generalized substantive-due-process framework.
2. Whether the Second Amended Complaint adequately alleged that the officers arrested Mosgrove without probable cause in violation of the Fourth Amendment.
3. Whether Mosgrove adequately pleaded municipal liability against the City and County under Monell.
4. Whether Mosgrove should be granted leave to amend.

HOLDINGS

1. Because the claim challenged a warrantless arrest as lacking probable cause, it was governed by the Fourth Amendment rather than the Fourteenth Amendment's generalized substantive-due-process framework.
2. The Second Amended Complaint failed to plausibly allege that Mosgrove's warrantless arrest lacked probable cause; the allegations instead established probable cause based on the wife's eyewitness report that he pushed her and blocked her from leaving.
3. The City and County could not be held liable under Monell because Mosgrove failed to adequately plead an underlying constitutional violation arising from his arrest.
4. Leave to amend was denied because Mosgrove had already been given an opportunity to cure the pleading deficiencies and further amendment would be futile.

KEY QUOTATIONS

"Taking facts pled in the SAC as true, Plaintiff has failed to adequately allege that there was no probable cause for his arrest. Instead, he has pled all the facts necessary to establish probable cause." (Discussion § IV.B)

"Plaintiff has failed to adequately allege that there was a constitutional violation surrounding his warrantless arrest. On that basis alone, his Monell claims against the City and the County are untenable." (Discussion § IV.C)

"GRANTS County's motion to dismiss WITHOUT LEAVE TO AMEND" (Order)

“GRANTS Morgan Hill Defendants’ motion to dismiss WITHOUT LEAVE TO AMEND.” (Order)

FACTUAL BACKGROUND

Morgan Hill police officers responded to a 911 call from Mosgrove's wife alleging that Mosgrove pushed her into a bedroom closet and physically blocked her from leaving. The officers arrested Mosgrove approximately eight minutes after arriving, based on the wife's report, for misdemeanor domestic-violence battery and false imprisonment; Mosgrove spent approximately five days in jail and was not charged. He alleged that the arrest resulted from a County and City custom or practice of arresting someone in every domestic-violence case regardless of probable cause, and relied on two other alleged domestic-violence arrests as examples.

PROCEDURAL HISTORY

Mosgrove filed the action on February 9, 2024, and later filed a First Amended Complaint. The court dismissed certain claims and granted leave to amend, while dismissing claims against District Attorney Jeffrey F. Rosen without leave to amend. Mosgrove filed the Second Amended Complaint, and the County and City Defendants moved to dismiss. After a hearing on April 17, 2025, the court granted both motions without leave to amend.

DISPOSITION

dismissed

CASES CITED

- Conservation Force v. Salazar, 646 F.3d 1240, 1241-42 (9th Cir. 2011)
- Navarro v. Block, 250 F.3d 729, 732 (9th Cir. 2001)
- Reese v. BP Exploration (Alaska) Inc., 643 F.3d 681, 690 (9th Cir. 2011)
- In re Gilead Scis. Sec. Litig., 536 F.3d 1049, 1055 (9th Cir. 2008)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Foman v. Davis, 371 U.S. 178 (1962)
- Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048 (9th Cir. 2003)
- Morongo Band of Mission Indians v. Rose, 893 F.2d 1074, 1079 (9th Cir. 1990)
- Jackson v. Bank of Hawaii, Jackson v. Bank of Hawaii, 902 F.2d 1385, 1387 (9th Cir. 1990)
- Tellabs, Inc. v. Makor Issues & Rights, Ltd., 551 U.S. 308, 322 (2007)
- Cnty. of Sacramento v. Lewis, 523 U.S. 833, 842 (1998)
- United States v. Lopez, 482 F.3d 1067, 1072 (9th Cir. 2007)
- Lacey v. Maricopa County, 693 F.3d 896, 918 (9th Cir. 2012)
- Dubner v. City & County of San Francisco, 266 F.3d 959, 964 (9th Cir. 2001)
- Garcia v. Cty. of Merced, 639 F.3d 1206, 1209 (9th Cir. 2011)
- Beck v. Ohio, 379 U.S. 89, 91 (1964)
- United States v. Bishop, 264 F.3d 919, 924 (9th Cir. 2001)

- *Devenpeck v. Alford*, 543 U.S. 146, 153 (2004)
- *D.C. v. Wesby*, 583 U.S. 48, 61 (2018)
- *NAACP of San Jose/Silicon Valley v. City of San Jose*, 562 F. Supp. 3d 382, 404 (N.D. Cal.)
- *Mehta v. City of Sunnyvale*, 721 F. Supp. 3d 1048 (N.D. Cal.)
- *Williams v. Cty. of Alameda*, 26 F. Supp. 3d 925, 943 (N.D. Cal. 2014)
- *Keel v. City of Rohnert Park*, No. 4:21-CV-02235-KAW, 2021 WL 6551423, at *3 (N.D. Cal. Dec. 15, 2021)
- *Schneider v. California Dep't of Corr.*, 151 F.3d 1194, 1197 n.1 (9th Cir. 1998)
- *Monell v. Dep't of Soc. Servs. of City of New York*, 436 U.S. 658 (1978)
- *Benavidez v. Cty. of San Diego*, 993 F.3d 1134, 1153 (9th Cir. 2021)
- *Lytle v. Carl*, 382 F.3d 978, 987 (9th Cir. 2004)
- *Dougherty v. City of Covina*, 654 F.3d 892, 900 (9th Cir. 2011)
- *Plumeau v. Sch. Dist. No. 40 Cty. of Yamhill*, 130 F.3d 432, 438 (9th Cir. 1997)
- *City of Los Angeles v. Heller*, 475 U.S. 796, 799 (1986)

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