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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TEEN RESCUE and CARLTON
WILLIAMS, as an individual
and on behalf of all others
similarly situated

Plaintiffs,

v.

XAVIER BECERRA, Attorney
General of the State of
California, in his official
capacity; et al.,

Defendants.

No. 2:19-cv-00457-JAM-EFB

**ORDER DENYING PLAINTIFFS'
EMERGENCY APPLICATION AND MOTION
FOR A TEMPORARY RESTRAINING
ORDER**

This matter is before the Court on a Motion for a Temporary Restraining Order ("TRO") filed by Plaintiffs Teen Rescue and Carlton Williams (collectively, "Plaintiffs"). TRO, ECF No. 10. Defendants Xavier Becerra and William Lightbourne filed an opposition to the motion, ECF No. 16, and Defendant Butte County Department of Children's Services Division has not yet been served, ECF No. 9. For the reasons stated below, the Court DENIES Plaintiffs' Motion for a Temporary Restraining Order.

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1 I. OPINION

2 The facts and procedural history, as set out in the
3 briefing, are familiar to the parties. The Court will not recite
4 them here except as necessary to explain the Court's disposition.

5 A. Younger Abstention

6 Defendants assert that the Court need not consider the
7 merits of this case based on the Younger abstention doctrine.
8 See Younger v. Harris, 401 U.S. 37 (1971). "Younger abstention
9 is grounded in a 'longstanding public policy against federal
10 court interference with state court proceedings.'" Herrera v.
11 City of Palmdale, 918 F.3d 1037, 1043 (9th Cir. 2019) (quoting
12 Younger, 401 U.S. at 43). The doctrine permits courts to
13 "preserve respect for state functions such that the national
14 government protects federal rights and interests in a way that
15 will not 'unduly interfere with the legitimate activities of the
16 States.'" Id. (quoting Gilbertson v. Albright, 381 F.3d 965, 970
17 (9th Cir. 2004) (en banc)).

18 Younger permits abstention in three categories of cases:
19 "(1) parallel, pending state criminal proceedings, (2) state
20 civil proceedings that are akin to criminal prosecutions, and
21 (3) state civil proceedings that implicate a State's interest in
22 enforcing the orders and judgments of its courts." Id. (quoting
23 ReadyLink Healthcare, Inc. v. State Comp. Ins. Fund, 754 F.3d
24 754, 759 (9th Cir. 2014)). "To warrant Younger abstention, a
25 state civil action must fall into one of the [above] categories,
26 and must also satisfy a three-part inquiry: the state proceeding
27 must be (1) 'ongoing,' (2) 'implicate important state interests,'
28 and (3) provide 'an adequate opportunity ... to raise

1 constitutional challenges.' " Id. at 1044 (quoting Middlesex Cty.
2 Ethics Comm. v. Garden State Bar Ass'n, 457 U.S. 423, 432
3 (1982)). Should a case fall into one of the three categories of
4 state proceedings and meet all three Middlesex factors, the Court
5 may abstain if "the federal action would have the practical
6 effect of enjoining the state proceedings." ReadyLink, 754 F.3d
7 at 759.

8 Here, the facts support Younger abstention. In September
9 2018, the California Department of Social Services began its
10 investigation into allegations that River View Christian Academy
11 ("River View") was an unlicensed community care facility. The
12 Department applied for and received an inspection warrant from
13 Shasta County Superior Court in January 2019. Following
14 subsequent inspection, the Department issued Notices of Violation
15 of Law to Teen Rescue and other non-parties on April 2, 2019.
16 Between issuance of the warrant and the Notices of Violation,
17 Plaintiffs filed this case on March 13, 2019. See Compl., ECF
18 No. 1. Although Plaintiffs sought injunctive relief in their
19 original complaint, they did not move for a temporary restraining
20 order until April 5, 2019. No proceedings on the merits of this
21 case have transpired. Thus, the Court finds that there is an
22 ongoing state proceeding, satisfying the state proceedings
23 inquiry and the first of the Middlesex factors. See Doran v.
24 Salem Inn, Inc., 422 U.S. 922, 929 (1975) (finding that
25 commencement of state proceedings only ceases to require federal
26 abstention after the federal court proceedings have moved beyond
27 an "embryonic stage").

28 Additionally, this case implicates important state

1 interests. California enacted the Community Care Facilities Act
2 "to establish a coordinated and comprehensive statewide service
3 system of quality community care" for individuals who require
4 care from a licensed facility. Cal. Health & Safety Code
5 § 1501(a). The Act seeks to ensure that facilities offer
6 adequate, safe, and sanitary care and to protect the legal and
7 human rights of individuals receiving care at facilities. Id. at
8 § 1501(b). California controls the oversight and licensure of
9 state community care facilities, a field "over which federal
10 courts have no general jurisdiction . . . and in which the state
11 courts have a special expertise and experience." H.C. ex rel.
12 Gordon v. Koppel, 203 F.3d 610, 613 (9th Cir. 2000).

13 Additionally, California has a legitimate interest in protecting
14 the health, safety, and welfare of vulnerable children. Cf.
15 Baker v. Racansky, 887 F.2d 183, 187 (9th Cir. 1989) (noting "the
16 difficult balancing of a family's right to autonomy against the
17 state's interest in protecting minor children from abuse.>").

18 Lastly, there is an opportunity for Plaintiffs to raise
19 challenges within the state court proceeding. "Minimal respect
20 for the state processes, of course, precludes any presumption
21 that the state courts will not safeguard federal constitutional
22 rights." Middlesex, 457 U.S. at 431. See Younger, 401 U.S. at
23 45 ("The accused should first set up and rely upon his defense in
24 the state courts, even though this involves a challenge of the
25 validity of some statute, unless it plainly appears that this
26 course would not afford adequate protection."). There is no
27 evidence to suggest that the state court proceeding would not
28 offer the opportunity to challenge the Community Care Facilities

1 Act's applicability to River View or whether the Act intrudes
2 upon First Amendment protections.

3 Accordingly, as to Plaintiff Teen Rescue's claim, the Court
4 will apply Younger abstention. As Teen Rescue has only requested
5 injunctive and declaratory relief and does not seek damages, it
6 is appropriate to dismiss Teen Rescue's claim. See Gilbertson,
7 381 F.3d at 981.

8 **B. Temporary Restraining Order**

9 Federal Rule of Civil Procedure 65 provides authority to
10 issue either preliminary injunctions or temporary restraining
11 orders. Plaintiffs seeking these forms of injunctive relief must
12 demonstrate (1) that they are likely to succeed on the merits,
13 (2) that they are likely to suffer irreparable harm in the
14 absence of preliminary relief, (3) that the balance of equities
15 tips in their favor, and (4) that an injunction is in the public
16 interest. Am. Trucking Ass'ns v. City of Los Angeles, 559 F.3d
17 1046, 1052 (9th Cir. 2009) (quoting Winter v. Natural Res. Def.
18 Council, 555 U.S. 7 (2008)).

19 Temporary restraining orders are emergency measures,
20 intended to preserve the status quo pending a fuller hearing on
21 the injunctive relief requested, and the irreparable harm must
22 therefore be clearly immediate. Fed. R. Civ. Proc. 65(b)(1).
23 This district's local rules further specify that the Court will
24 consider "whether the applicant could have sought relief by
25 motion for preliminary injunction at an earlier date without the
26 necessity for seeking last-minute relief by motion for temporary
27 restraining order." E.D. Cal. L.R. 231(b).

28 Although the Court is not convinced that Younger abstention

1 bars Plaintiff Carlton Williams's claims, the Court does not find
2 that he has carried his burden to justify the extraordinary
3 remedy of a temporary restraining order. There is no evidence to
4 support that Williams is in any danger of suffering immediate,
5 irreparable harm. Plaintiffs' discussion of harm focused on the
6 Notice of Violation issued to Teen Rescue and other non-parties.
7 TRO, ECF No. 15, pp. 10-11. There is no argument that the
8 notices subject parents to any danger of fine or prosecution.
9 See Opp'n at 19 n.4. Because the Supreme Court standard
10 "requires plaintiffs seeking [injunctive] relief to demonstrate
11 that irreparable injury is likely in the absence of an
12 injunction," the motion here must be denied because there is no
13 evidence of any possible harm to Plaintiff Williams. Winter, 555
14 U.S. at 22.

15 **II. ORDER**

16 After careful consideration of all papers filed by the
17 parties,

- 18 1. The Court DENIES Plaintiffs' Motion for a Temporary
19 Restraining Order; and
20 2. The Court DISMISSES Plaintiff Teen Rescue's claim with
21 prejudice.

22 IT IS SO ORDERED.

23 Dated: April 11, 2019

24 
25 **JOHN A. MENDEZ,**
26 **UNITED STATES DISTRICT JUDGE**