

1 Anastasia P. Boden  
Cal. Bar No. 281911  
2 Pacific Legal Foundation  
555 Capitol Mall, Suite 1290  
3 Sacramento, California 95814  
Telephone: (916) 419-7111  
4 ABoden@pacifical.org

5 Brandon C. Beyer  
Minnesota Bar No. 403249\*  
6 Pacific Legal Foundation  
3100 Clarendon Boulevard, Suite 1000  
7 Arlington, VA 22201  
Telephone: 202-888-6881  
8 BBeyer@pacifical.org

9 *Attorneys for Plaintiff*

10 *\*pro hac vice application forthcoming*

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12 **IN THE UNITED STATES DISTRICT COURT**  
13 **EASTERN DISTRICT OF CALIFORNIA**  
14 **SACRAMENTO DIVISION**

15 JACOB MOLIERI and SNAKEOUT, INC.,  
16  
17 Plaintiffs,

18 v.

19 CHARLTON H. BONHAM, in his official  
capacity as Director of the California  
Department of Fish and Wildlife,  
20

21 Defendant.

Civil Action No. 2:25-at-01315

**COMPLAINT FOR DECLATORY  
AND INJUNCTIVE RELIEF**

## INTRODUCTION

1  
2 1. Plaintiff Jacob Molieri is a small business owner who provides a unique and  
3 valuable service to his community: he teaches dogs to recognize and avoid venomous  
4 rattlesnakes, which are prevalent across Northern California. This training saves the  
5 lives of beloved pets and protects dog owners from the emotional and financial  
6 hardship of a venomous snakebite.

7 2. Jacob's rattlesnake aversion training classes use live native rattlesnakes in a  
8 controlled environment to help dogs recognize and steer clear of the appearance, scent,  
9 and sound of local venomous species. His company, SnakeOut, enables dogs to  
10 instinctively retreat from real encounters in snake-prone areas. The training is widely  
11 respected and has served both families and pet-owners in the general public as well  
12 as law enforcement agencies.

13 3. Despite the clear public benefit of his work, Jacob's business is threatened by  
14 the illegal regulations of the California Department of Fish and Wildlife (CDFW).  
15 CDFW has created a regulatory scheme that prohibits Jacob from charging a fee for  
16 his educational services if he uses the very snakes that make his training effective,  
17 even though those same classes would be allowed if he offers them for free.

18 4. CDFW has informed Jacob that he can legally conduct his training classes if he  
19 either offers them for free or uses non-native or albino rattlesnakes. The first option  
20 is financially impossible for a small business, and the second is impractical, less  
21 effective, and potentially more dangerous for both the dogs and trainers.

22 5. CDFW has also illegally delayed processing Jacob's application for a Scientific  
23 Collecting Permit (SCP), which authorizes possession of native wildlife for educational  
24 purposes but prohibits commercialization.

25 6. Jacob and SnakeOut, Inc. have brought this lawsuit to vindicate their  
26 constitutional rights to due process, free speech, and equal protection under the law,  
27 and to put an end to the state's arbitrary and unequal regulation of Jacob's right to  
28 earn an honest living.

1 **JURISDICTION AND VENUE**

2 7. This action arises under the First and Fourteenth Amendments to the United  
3 States Constitution and 42 U.S.C. § 1983. This Court has subject matter jurisdiction  
4 over the federal claims pursuant to 28 U.S.C. §§ 1331 and 1343.

5 8. This Court is authorized to grant declaratory relief under the Declaratory  
6 Judgment Act, 28 U.S.C. §§ 2201–2202, and injunctive relief under 42 U.S.C. § 1983.

7 9. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), because a  
8 substantial part of the events or omissions giving rise to the claims occurred in this  
9 district, and Defendant is located in this district.

10 **PARTIES**

11 10. Plaintiff Jacob Molieri is a citizen of the United States and a resident of  
12 Sacramento County, California. He is the owner and operator of SnakeOut, Inc. He  
13 has applied for an SCP from the CDFW.

14 11. Plaintiff SnakeOut, Inc., is a California corporation with its principal place of  
15 business in Sacramento County, California. It provides rattlesnake removal and  
16 aversion training services.

17 12. Defendant Charlton H. Bonham is the Director of the California Department  
18 of Fish and Wildlife. In this role, he is responsible for administering and enforcing the  
19 challenged regulations. He is sued in his official capacity.

20 **FACTUAL ALLEGATIONS**

21 SnakeOut’s Life-Saving Educational Services

22 13. Plaintiff Jacob Molieri’s passion for wildlife began at a young age. He was  
23 inspired by his grandfather, who travelled the world as a dedicated conservation  
24 advocate. Jacob’s lifelong interest led him to pursue formal education in the field,  
25 receiving a Bachelor of Science in Biological Sciences from California Polytechnic  
26 State University, San Luis Obispo, with a concentration in Wildlife and Conservation  
27 in 2020.

1 14. To gain practical experience, Jacob volunteered for several years at the  
2 Lindsay Wildlife Experience, where he worked extensively with reptiles, including  
3 snakes. In 2020, after an associate who provided similar services moved out of state,  
4 Jacob recognized the critical need for rattlesnake aversion training in his community.

5 15. Jacob founded SnakeOut, Inc. to apply his expertise and provide critical  
6 services to residents in areas of Northern California where encounters with venomous  
7 rattlesnakes are common. In addition to removing dangerous rattlesnakes from  
8 private property, SnakeOut's primary source of revenue is specialized rattlesnake  
9 aversion training for dogs.

10 16. The purpose of the aversion training is to teach dogs to recognize the unique  
11 sight, sound, and scent of venomous native rattlesnakes and to avoid them  
12 instinctively.

13 17. The training helps dogs retreat from real encounters in rattlesnake-prone  
14 areas that are common throughout the state.

15 18. SnakeOut's training is a crucial safety measure that protects dogs from  
16 potentially fatal snakebites and saves their owners from the significant emotional  
17 distress and veterinary expenses that result from such incidents.

18 19. The most effective training for such classes uses live, native rattlesnakes that  
19 are representative of the species dogs are most likely to encounter in Northern  
20 California.

21 20. During the training sessions, dogs are safely exposed to the live rattlesnakes  
22 in a controlled environment, allowing them to learn essential avoidance behaviors.  
23 This enables the dogs to retreat when they encounter a rattlesnake in a real-world  
24 setting.

25 21. SnakeOut's aversion training classes are highly respected for their  
26 effectiveness and safety and have been utilized by both the general public and law  
27 enforcement agencies to protect their K-9 dogs and officers.  
28

The CDFW's Arbitrary Regulatory Scheme

1  
2 22. The CDFW has informed SnakeOut that it can legally conduct its aversion  
3 training classes only if it complies with one of two conditions: (a) it offers the classes  
4 for free, or (b) it uses non-native or albino rattlesnakes. *See* Cal. Code Regs. tit. 14,  
5 § 43(a)(7). Neither of these options is a viable alternative for SnakeOut. SnakeOut  
6 must charge a fee in order to survive as a business. The second option is equally  
7 unworkable, as it compromises both the effectiveness and the safety of the training.

8 23. Non-native or albino rattlesnakes are both less effective for training and more  
9 dangerous for dogs and trainers. The available albino snakes are typically Western  
10 Diamondbacks, a different species from those native to Northern California, making  
11 the training less relevant for teaching dogs to avoid local threats. Moreover, the  
12 genetic traits of albino snakes make them more hazardous. Their light sensitivity not  
13 only causes increased stress and erratic behavior but also forces trainers to possess a  
14 larger stock of snakes for frequent cycling. This unpredictable behavior heightens the  
15 risk of a strike, which endangers trainers, dogs, and the snakes themselves.

16 24. Because Plaintiffs want to use native, non-albino rattlesnakes, they have also  
17 pursued obtaining a Scientific Collection Permit, which governs the use of native  
18 wildlife for scientific, educational, or propagation purposes. Cal. Code Regs. tit. 14,  
19 § 650. The SCP allows any person, entity, or qualified student to use wildlife for  
20 educational purposes. However, under its regulations, CDFW prohibits the  
21 commercialization of native species possessed under an SCP. Cal. Code Regs. tit. 14,  
22 § 650(a)(5).

23 25. SnakeOut's aversion training classes are plainly educational in nature, as they  
24 instruct dogs and their owners on how to avoid a significant public safety risk. But  
25 CDFW has taken the position that because SnakeOut charges a fee for its classes, the  
26 service constitutes prohibited commercialization. This is true even though businesses,  
27 universities, and other entities that possess an SCP similarly collect fees to attend or  
28 participate in their activities.

The CDFW's Unreasonable Permitting Delays

26. On October 27, 2023, Plaintiffs applied for an SCP, with SnakeOut, Inc. as the applicant entity and Jacob designated as the permit holder.

27. CDFW regulations establish a mandatory, non-discretionary timeline for processing SCP applications. The agency must determine whether an application is complete within forty calendar days from the date the application fee clears payment. Once an application is deemed complete, the CDFW must either approve or deny the permit within the next sixty calendar days. Cal. Code Regs. tit. 14, § 650(e)(3).

28. Despite the mandatory timeline set forth in its regulations, the CDFW has failed to render a decision on Jacob's SCP application.

29. This unreasonable and unlawful delay has left SnakeOut in a state of regulatory limbo, unable to obtain the necessary authorization to conduct any business under an SCP.

30. The CDFW's combination of arbitrary rules and unlawful delays has forced Jacob to attempt to redesign his business around an unclear regulatory landscape, causing significant economic harm and uncertainty.

**CLAIMS FOR RELIEF**

**FIRST CAUSE OF ACTION**

**Violation of Due Process**

**(U.S. Const. amend. XIV, § 1)**

31. The Fourteenth Amendment to the United States Constitution provides that no State shall deprive any person of life, liberty, or property, without due process of law.

32. State regulations that establish a mandatory, non-discretionary timeline for the issuance of a permit create a protected property interest in the timely processing of that permit application, mandating that the agency must make a final decision on an SCP application within 100 days of its submission.

1 33. Defendant, acting in his official capacity, has exceeded his authority by failing  
2 to abide by this deadline and by failing to process Plaintiffs' SCP application for nearly  
3 two years. That failure to act is ultra vires and deprives Plaintiffs of due process of  
4 law.

5 34. This unreasonable and arbitrary delay constitutes a deprivation of Plaintiffs'  
6 right to due process in violation of the Fourteenth Amendment.

7 **SECOND CAUSE OF ACTION**

8 **Violation of Equal Protection**

9 **(U.S. Const. amend. XIV, § 1)**

10 35. The Equal Protection Clause of the Fourteenth Amendment requires that  
11 similarly situated persons be treated alike and prohibits the government from making  
12 classifications that are not sufficiently related to a government interest.

13 36. The CDFW's regulatory scheme creates several arbitrary and irrational  
14 classifications that violate Plaintiffs' right to equal protection and that burden  
15 Plaintiffs' fundamental free speech rights.

16 37. The scheme irrationally distinguishes between those who provide rattlesnake  
17 aversion training for a fee and those who offer the identical training for free. There is  
18 no rational, let alone compelling, basis for this distinction.

19 38. The scheme also irrationally distinguishes between educational training that  
20 uses native rattlesnakes and training that uses non-native or albino rattlesnakes.  
21 There is no rational, let alone compelling, basis for this distinction.

22 39. This distinction is arbitrary because the use of less effective or more dangerous  
23 snakes does not advance any conceivable government interest. In fact, it presents an  
24 affirmative danger to the public by forcing Plaintiffs to utilize more dangerous snakes  
25 and thereby undermines the effectiveness of the training.

26 40. These classifications arbitrarily penalize a specific business model and method  
27 of instruction without justification, depriving Plaintiffs of their right to equal  
28 protection of the laws.

1 41. Defendant also enforces these regulations unequally. Plaintiffs have sought to  
2 secure an SDP, but would be prohibited from charging a fee even if they successfully  
3 secured one. Universities and other entities, however, have been granted an SDP  
4 despite charging fees for their services. There is no rational, let alone compelling,  
5 reason for distinguishing between these parties.

6 42. Through this irrational regulatory scheme, Defendant, acting in his official  
7 capacity, has violated Plaintiffs' rights under the Equal Protection Clause of the  
8 Fourteenth Amendment.

9 **THIRD CAUSE OF ACTION**  
10 **Violation of Freedom of Speech**  
11 **(U.S. Const. amend. I)**

12 43. The First Amendment, as applied to the states through the Fourteenth  
13 Amendment, protects the freedom of speech. This protection extends to teaching and  
14 instruction.

15 44. SnakeOut's rattlesnake aversion training is a lawful, educational service that  
16 involves the communication of specialized knowledge and skills to both dogs and their  
17 owners. It involves speech that is neither misleading nor potentially misleading, and  
18 it is protected by the First Amendment.

19 45. CDFW's permit scheme, which prohibits charging fees for educational training  
20 that uses native rattlesnakes, is a content- and speaker-based burden on this  
21 protected speech.

22 46. This restriction on paid instruction does not directly advance any substantial  
23 or compelling government interest and is more extensive than necessary to serve any  
24 purported interest.

25 47. The government has no interest in prohibiting speech only so long as the  
26 speaker is charging a fee. Charging a fee does not change the nature of the speech or  
27 make it any less protected by the First Amendment.  
28

1 48. By prohibiting Plaintiffs from receiving compensation for their educational  
2 services, Defendant, acting under color of state law, deprives Plaintiffs of their right  
3 to free speech in violation of the First Amendment.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiffs respectfully request the following relief:

- 6 1. A declaration that Defendant's failure to process Plaintiffs' SCP application  
7 within the mandatory regulatory timeline under Cal. Code Regs. tit. 14,  
8 § 650(e)(3) violates the Due Process Clause of the Fourteenth Amendment to  
9 the United States Constitution;
- 10 2. A permanent injunction prohibiting Defendant from further delaying Plaintiffs'  
11 SCP application pursuant to Cal. Code Regs. tit. 14, § 650(e)(3);
- 12 3. A declaration that forcing Plaintiffs to choose between charging a fee for  
13 educational services or using non-native or albino rattlesnakes violates the  
14 First and Fourteenth Amendments to the United States Constitution;
- 15 4. A permanent injunction enjoining Defendant and his officers, agents,  
16 employees, and successors from forcing Plaintiffs to choose between charging a  
17 fee for educational services or using non-native or albino rattlesnakes;
- 18 5. A declaration that prohibiting Plaintiffs from charging a fee for educational  
19 services under Cal. Code Regs. tit. 14, § 650(a)(5) violates the Equal Protection  
20 Clause of the Fourteenth Amendment to the United States Constitution;
- 21 6. A permanent injunction restraining Defendant and his officers, agents,  
22 employees, and successors from enforcing the prohibition on charging fees for  
23 educational services conducted under an SCP;
- 24 7. Nominal damages in the amount of \$1.00;
- 25 8. An award for the cost of this suit;
- 26 9. An award of reasonable attorneys' fees, costs, and expenses in this action  
27 pursuant to 42 U.S.C. § 1988; and
- 28 10. Such other relief the Court deems just and proper.

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DATED: October 1, 2025.

Respectfully submitted,

/s/ Anastasia P. Boden  
Anastasia P. Boden  
Cal. Bar No. 281911  
Pacific Legal Foundation  
555 Capitol Mall, Suite 1290  
Sacramento, CA 95814  
Telephone: 916-419-7111  
ABoden@pacificlegal.org

Brandon C. Beyer  
Minn. Bar. No. 0403249\*  
Pacific Legal Foundation  
3100 Clarendon Boulevard, Suite 1000  
Arlington, VA 22201  
Telephone: 202-888-6881  
BBeyer@pacificlegal.org

*Attorneys for Plaintiff*

*\*pro hac vice application forthcoming*