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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BONNIE SANCHEZ,  
  
Plaintiff,  
  
v.  
  
CORECIVIC, INC.; CORECIVIC, LLC;  
CORECIVIC OF TENNESSEE, LLC;  
OTAY MESA DETENTION CENTER;  
DOES 1 to 20; and CHRISTOPHER J.  
LAROSE,  
  
Defendants.

Case No.: 3:25-CV-1944-JES-BLM

**ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANTS’  
MOTION TO DISMISS**

**[ECF No. 4]**

Plaintiff Bonnie Sanchez (“Plaintiff”) brings this action against Defendants CoreCivic, Inc; CoreCivic, LLC; CoreCivic of Tennessee, LLC; Otay Mesa Detention Center; Does 1 to 20; and Christopher J. LaRose (“Defendants”), alleging multiple causes of action arising from a sexual assault she states occurred during her detention at Otay Mesa Detention Center. ECF No. 1-4. Defendant moves to dismiss Plaintiff’s first amended complaint pursuant to Federal Rules of Civil Procedure 8 and 12(b)(6). ECF No. 4. For the reasons stated herein, Defendant’s motion is **GRANTED** in part and **DENIED** in part.

1 **I. BACKGROUND**

2 **A. Factual background**

3 In 2021, Plaintiff Bonnie Sanchez was incarcerated at Otay Mesa Detention Center  
4 (“OMDC”) serving a criminal sentence. ECF No. 1-4 (“FAC”) ¶ 8. During her  
5 incarceration, Plaintiff claims that she was sexually assaulted by an individual working at  
6 OMDC who “invaded Plaintiff’s body and person by touching her private areas without  
7 Plaintiff’s consent.” *Id.* at ¶ 9.

8 Plaintiff states that the person who harmed her was “one of Defendants’ employees.”  
9 *Id.* Plaintiff alleges that Defendants “knew, or should have known, of the officer’s  
10 propensity for sexual and physical misconduct but failed to take appropriate action” to  
11 prevent Plaintiff’s harm. *Id.* at ¶ 10. Plaintiff further alleges that her assault, in the context  
12 of other assaults at OMDC, is part of “a de facto policy and/or practice by Defendants to  
13 permit, authorize, ratify, and allow such abuse to occur.” *Id.* at ¶ 13.

14 Plaintiff states that she suffered violation of her bodily autonomy, physical injury,  
15 and emotional distress as a result of sexual assault. *Id.* at ¶ 14.

16 **B. Procedural background**

17 The present action is the fourth time similar parties have been in federal court on  
18 claims arising from this set of facts. On February 21, 2024, Plaintiff sued CoreCivic Inc.;  
19 CoreCivic, LLC; CoreCivic of Tennessee, LLC; Otay Mesa Detention Center; and Does 1  
20 to 20 in San Diego Superior Court. ECF No. 1-3. CoreCivic removed the case to federal  
21 court on the basis of diversity jurisdiction. *Sanchez v. CoreCivic, Inc. et al.*, 24-cv-885-L-  
22 VET, ECF No. 1 (S.D. Cal. May 20, 2024). The court remanded the case, stating that  
23 Defendants failed to provide sufficient information to establish diversity jurisdiction. *Id.* at  
24 ECF No. 2 (S.D. Cal. May 24, 2024).

25 In July of 2024, Defendants again removed the case to federal court with increased  
26 factual information to establish diversity jurisdiction. *Sanchez v. CoreCivic, Inc. et al.*, 24-  
27 cv-1199-L-VET, ECF No. 1 (S.D. Cal. Jul. 12, 2024). Defendants filed a motion to dismiss  
28 Plaintiff’s claims after removal. *Id.* at ECF No. 22 (S.D. Cal. Dec. 16, 2024) (“Prior

1 Motion”). The court there granted in part and denied in part the motion to dismiss, granting  
2 Plaintiff leave to amend. *Id.* at ECF No. 26 (S.D. Cal. Apr. 21, 2025) (“Prior Order”).  
3 Plaintiff then filed an amended complaint, adding OMDC Warden Christopher LaRose as  
4 a defendant in this action. *Id.* at ECF No. 32 (S.D. Cal. June 18, 2025). The court *sua sponte*  
5 found that Defendant LaRose and Plaintiff are both California residents, destroying  
6 diversity jurisdiction, and remanded the action to state court. *Id.* at ECF No. 34 (S.D. Cal.  
7 June 30, 2025).

8 Defendants again removed the action on July 30, 2025, bringing this action before  
9 the Court today. ECF No. 1.

## 10 II. LEGAL STANDARD

11 A motion to dismiss for failure to state a claim should be granted when the  
12 allegations do not “state a claim to relief that is plausible on its face.” *Aschroft v. Iqbal*,  
13 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).  
14 “A claim has facial plausibility when the plaintiff pleads factual content that allows the  
15 court to draw the reasonable inference that the defendant is liable for the misconduct  
16 alleged.” *Id.* at 678 (citing *Twombly*, 550 U.S. at 556). “The plausibility standard ... asks  
17 for more than a sheer possibility that a defendant has acted unlawfully.” *Mashiri v. Epsten*  
18 *Grinnell & Howell*, 845 F.3d 984, 988 (9th Cir. 2017) (internal quotation marks omitted).

19 When evaluating the sufficiency of a complaint's factual allegations, the court must  
20 accept as true all well-pleaded material facts alleged in the complaint and construe them in  
21 the light most favorable to the non-moving party. *Wilson v. Hewlett-Packard Co.*, 668 F.3d  
22 1136, 1140 (9th Cir. 2012); *see Daniels-Hall v. Nat'l Educ. Ass'n*, 629 F.3d 992, 998 (9th  
23 Cir. 2010). Allegations in a complaint “may not simply recite the elements of a cause of  
24 action, but must contain sufficient allegations of underlying facts to give fair notice and to  
25 enable the opposing party to defend itself effectively.” *Starr v. Baca*, 652 F.3d 1202, 1216  
26 (9th Cir. 2011). While the court must draw all reasonable inferences from the factual  
27 allegations in favor of the plaintiff, *Newcal Industries, Inc. v. Ikon Office Solution*, 513  
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1 F.3d 1038, 1043 n.2 (9th Cir. 2008), the court need not credit legal conclusions that are  
2 couched as factual allegations, *Iqbal*, 556 U.S. at 678-79.

3 When a court dismisses a complaint under FRCP 12(b)(6), it must then decide  
4 whether to grant leave to amend. FRCP 15(a) provides that a district court should “freely  
5 give leave [to amend] when justice so requires.” Fed. R. Civ. P. 15(a). A district court has  
6 discretion to deny leave to amend when a proposed amendment would be futile. *Chappel*  
7 *v. Lab. Corp. of America*, 232 F.3d 719, 725-26 (9th Cir. 2000). Dismissal without leave  
8 to amend is appropriate only when the Court is satisfied that the deficiencies of the  
9 complaint could not possibly be cured by amendment. *Jackson v. Carey*, 353 F.3d 750, 758  
10 (9th Cir. 2003). In other words, if allowing a party to amend its pleading would be futile,  
11 district courts properly decline to grant leave to amend. *Thinket Ink Info. Res., Inc. v. Sun*  
12 *Microsys., Inc.*, 368 F.3d 1053, 1061 (9th Cir. 2004) (citing *Saul v. United States*, 928 F.2d  
13 829, 843 (9th Cir. 1991)).

### 14 III. DISCUSSION

#### 15 A. Jurisdiction

16 Federal courts are courts of limited jurisdiction. *Gunn v. Minton*, 568 U.S. 251, 256  
17 (2013). Federal subject matter jurisdiction arises either under 28 U.S.C. § 1331, for cases  
18 arising under federal law, or under § 1332, for cases in which the parties are completely  
19 diverse and the amount in controversy is over \$75,000. *Arbaugh v. Y & H Corp.*, 546 U.S.  
20 500, 513 (2006). Federal courts are constitutionally required to raise issues of federal  
21 subject matter jurisdiction, *sua sponte* if necessary, before proceeding to the merits of a  
22 case. *Id.* at 514; *Ruhrgas AG v. Marathon Oil Co.*, 625 U.S. 574, 577 (1999). When a case  
23 is removed from state to federal court multiple times, the subsequent removal must arise  
24 from a change in circumstances and not a grounds for removal that Defendant previously  
25 omitted. *Reyes v. Dollar Tree Stores*, 781 F.3d 1185, 1188 (9th Cir. 2015); *Leon v. Gordon*  
26 *Trucking, Inc.*, 76 F. Supp. 3d 1055, 1063 (C.D. Cal. 2014) (“Successive removals are  
27 therefore improper absent a showing that the posture of the case has so changed that it is  
28 substantially a new case.”) (internal quotations omitted).

1 Defendants argue three bases for jurisdiction in the present removal of this action:  
2 (1) that Defendants are entitled to federal officer removal under 28 U.S.C. § 1442(a)(1);  
3 (2) that LaRose was fraudulently joined, making diversity jurisdiction proper, and (3) that  
4 plaintiff raises federal claims when she alleges broadly that her constitutional rights were  
5 violated. ECF No. 1 ¶¶ 22, 55, 56. Defendants’ claim of federal officer jurisdiction arises  
6 from basic underlying facts of this case, such as Defendants’ federal contract, which existed  
7 at the time of the first complaint but which Defendants did not raise in their first or second  
8 removal. *See Sanchez v. CoreCivic et al.*, 24-cv-885-L-VET, ECF Nos. 1-2; 1 (S.D. Cal.  
9 May 20, 2024); *Sanchez v. CoreCivic, Inc. et al.*, 24-cv-1199-L-VET, ECF No. 1 (S.D.  
10 Cal. Jul. 12, 2024). Defendants are precluded from raising that basis for removal for the  
11 first time here. *See Reyes*, 781 F.3d at 1188. The Court also does not find sufficient basis  
12 in Plaintiff’s complaint for Defendant’s third basis for jurisdiction regarding constitutional  
13 rights, because Plaintiff does not raise a specific constitutional cause of action. *See* ECF  
14 No. 1-4 ¶¶ 59, 61, 62.

15 Jurisdiction is proper, however, under 28 USC § 1332 because the parties are  
16 completely diverse following Plaintiff’s concession that Defendant Christopher J. LaRose  
17 (“LaRose”) is an improper defendant. Defendants argue that LaRose was fraudulently  
18 added, and, moreover, that he should be dismissed from this lawsuit because Plaintiff does  
19 not allege sufficient facts to state a cause of action against him. ECF No. 1 ¶ 55; ECF No.  
20 4 at 27. Plaintiff does not refute either of these claims. Further, Plaintiff’s opposition to  
21 Defendant’s motion to dismiss does not mention LaRose’s name once or even list LaRose  
22 as a defendant on the coversheet. ECF No. 10 at 1. The Court finds that Plaintiff has  
23 conclusively conceded the issue that LaRose is not a proper defendant in this lawsuit.  
24 Plaintiff is a citizen of California, and the CoreCivic Defendants are citizens of Delaware,  
25 Tennessee, and Maryland. ECF No. 1 ¶¶ 14-17. Plaintiff’s FAC does not state a dollar  
26 amount of damages, but her initial complaint prayed for damages in excess of ten million  
27 dollars on substantively similar claims. ECF No. 1-3 at 3; *cf.* ECF No. 1-4. Therefore, the  
28

1 requirements of diversity jurisdiction are met and the Court has jurisdiction to hear this  
2 case. *See* 28 U.S.C. § 1332.

3 **B. The Law of the Case**

4 Because the prior court ruled on a motion to dismiss in this action before remanding  
5 the case, the doctrine of the law of the case applies to claims brought in this motion. The  
6 law of the case doctrine posits that “when a court decides upon a rule of law, that decision  
7 should continue to govern the same issues in subsequent stages in the same case.” *Arizona*  
8 *v. California*, 460 U.S. 605, 618 (1983). “This rule of practice promotes the finality and  
9 efficiency of the judicial process by protecting against the agitation of settled issues.”  
10 *Christianson v. Colt Indus. Operating Corp.*, 486 U.S. 800, 816 (1988) (internal quotation  
11 omitted). Even in transfer cases, a court should be “loathe” to disregard the law of the case  
12 except where a prior ruling was “clearly erroneous and would work a manifest injustice.”  
13 *Id.* at 817. Here, a court in this district has already ruled on a motion to dismiss on  
14 substantively similar claims between these parties, denying in part and granting in part  
15 Defendants’ prior motion to dismiss. *See* Prior Order. The court granted Plaintiff leave to  
16 amend, resulting in the amended complaint now before this Court. *Id.* at 10. This Court  
17 shall ratify the previous court’s substantive rulings on the previous motion to dismiss where  
18 required by the law of the case so long as they are not clearly erroneous and likely to work  
19 a manifest injustice.

20 **C. Defendant Christopher J. LaRose**

21 As stated above, Defendants argue that all claims against LaRose should be  
22 dismissed because Plaintiff fails to plead specific facts regarding his liability. ECF No. 4  
23 at 27. Plaintiff does not refute this, does not mention LaRose in her opposition to  
24 Defendant’s motion to dismiss, and did not include him as a defendant on the coversheet  
25 of her opposition. ECF No. 10 at 1. Plaintiff has conceded that she failed to state a claim  
26 against LaRose. The Court **GRANTS** the motion to dismiss all causes of action in this suit  
27 against LaRose with prejudice, finding that the opportunity to amend would be futile based  
28 on Plaintiff’s failure to pursue these claims.

1           **D. Defendant Otay Mesa Detention Center**

2           Defendants argue that all claims against OMDC should be dismissed because  
3 OMDC is incapable of being sued as a non-jural entity. ECF No. 4 at 13. Defendants raised  
4 the same argument in their motion to dismiss the second time this action was removed.  
5 Prior Motion at 22. The court there ruled against Defendants on this issue, declining to take  
6 judicial notice of Defendant’s proffered evidence that OMDC is not a legal entity. Prior  
7 Order at 4. The court’s decision did not constitute clear error because it was based on the  
8 well-established principle that courts should not take judicial notice of disputed facts in a  
9 12(b)(6) motion. *See id.*, *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988, 999 (9th Cir.  
10 2018) (holding that a court can take notice matters of public record but “cannot take judicial  
11 notice of disputed facts contained in such public record.”) Under the doctrine of the law of  
12 the case, Defendants may not raise again arguments that were already decided by a prior  
13 ruling. The motion to dismiss all claims against OMDC is **DENIED**.

14           **E. Sexual Assault, Battery, and Assault claims**

15           Defendants argue that Plaintiff’s FAC fails to state a claim for her causes of action  
16 of sexual battery, battery, and assault. ECF No. 4 at 15. Defendants state that Plaintiff’s  
17 allegations on these causes of action are conclusory and merely recite the elements of those  
18 causes of action. *Id.* Defendants further argue that Plaintiff fails to show vicarious liability  
19 that could make the administrative defendants liable for her harm. ECF No. 4 at 19.

20           Defendants made the same arguments in their first motion to dismiss. Prior Motion  
21 at 8-11. The court there found that Plaintiff had sufficiently pled sexual assault, presumably  
22 against the Doe defendants as the direct perpetrators of that assault, and that she sufficiently  
23 pled vicarious liability for her injuries against OMDC. Prior Order at 11. Finding neither  
24 clear error nor manifest injustice in the prior court’s rulings, the Court thus **DENIES**  
25 Defendant’s motion to dismiss the sexual assault claims against OMDC and Does 1-20  
26 based on the law of the case.

27           Regarding the assault and battery claims, the previous court found that Plaintiff had  
28 failed to refute Defendants’ arguments in their motion dismiss. *Id.* at 8. The court dismissed

1 those claims with leave to amend. *Id.* In the present motion, Plaintiff now refutes  
2 Defendant’s arguments regarding her sexual assault, battery, and assault claims based on  
3 the facts of her harm. ECF No. 10 at 5-6. The Court finds that this is sufficient to meet the  
4 pleading standard under 12(b)(6). These claims are sufficiently alleged through direct  
5 liability against the Doe defendants as the presumptive perpetrators of Plaintiff’s harm, and  
6 through vicarious liability against OMDC under the prior court’s ruling. *Id.* The Court thus  
7 **DENIES** Defendant’s motion to dismiss the assault and battery claims against OMDC and  
8 Does 1-20.

9 Although the previous court granted leave to amend for Plaintiff to show vicarious  
10 liability against the CoreCivic defendants, her amended complaint still fails to state a claim  
11 against those Defendants for sexual assault, battery, and assault. *Id.* Employers are  
12 vicariously liable for the torts of their employees when they are committed within the scope  
13 of their employment. *Lisa M. v. Henry Mayo Newhall Memorial Hospital*, 12 Cal.4th 291,  
14 296 (1995). For intentional torts under California law, employers are held liable only when  
15 there is a causal nexus between the intentional tort and the employee’s work. *Id.* at 297. At  
16 the hearing on this motion, Plaintiff stated that her showing of employer liability as to the  
17 CoreCivic defendants was contained in Paragraph 9 of the amended complaint, which  
18 states in relevant part: “During Plaintiff’s incarceration at Otay Mesa Detention Center in  
19 2021, Plaintiff was sexually assaulted by one of Defendants’ employees.” ECF No. 4 ¶ 9.  
20 This sentence is insufficient to state a claim for vicarious liability against the CoreCivic  
21 defendants because it states neither that CoreCivic employed the individual nor that the  
22 individual was acting within the scope of his employment when he committed sexual  
23 assault, battery, and assault. During oral argument, Plaintiff initially stated she could  
24 amend the complaint to properly allege these claims. The Court does find that granting  
25 leave to amend is proper regarding these claims, because Plaintiff could state a claim  
26 against the CoreCivic defendants if she can state facts showing that they employed the  
27 person who assaulted her, that the assault occurred within the scope of employment, and  
28 that there was a causal nexus between the assault and the employee’s work. The Court thus

1 **GRANTS** Defendant’s motion to dismiss the sexual assault, battery, and assault claims  
2 against CoreCivic with leave to amend.

3 Based on the law of the case and Plaintiff’s compliance with the prior court’s ruling  
4 regarding her opportunity to amend, the motion to dismiss is **DENIED** with respect to  
5 Plaintiff’s sexual assault, battery, and assault claims against OMDC and Does 1-20.  
6 Defendant’s motion to dismiss Plaintiff’s claims of sexual assault, battery, and assault is  
7 **GRANTED** as to the CoreCivic Defendants, with leave to amend to show specific facts  
8 showing employer liability for those defendants.

9 **F. Negligence**

10 Defendants argue that Plaintiff fails to state a claim for negligence because she does  
11 not plead facts showing breach or causation. ECF No. 4 at 16. In its order on the prior  
12 motion to dismiss, the previous court dismissed these claims with leave to amend because  
13 Plaintiff failed to dispute the arguments in Defendants’ motion to dismiss. Prior Order at  
14 8. In the present motion, Defendants argue that Plaintiff does not state sufficient non-  
15 conclusory facts showing that Defendants breached their duty to Plaintiff, and that such  
16 breach both actually and proximately caused her harm. ECF No. 4 at 18. In response,  
17 Plaintiff points to sections of her complaint discussing other instances of alleged  
18 misconduct at OMDC and stating that “Defendants knew or should have known of the  
19 officer’s propensity and proclivity for sexual and physical misconduct but failed to remove  
20 his access to female inmates.” ECF Nos. 10 at 11; 1-4 at ¶ 45. Without more non-  
21 conclusory facts, other instances of misconduct by other officers do not show that  
22 Defendants breached their duty of care to Plaintiff regarding this officer, or that such breach  
23 caused the harm she suffered. At the hearing on this motion, when asked if Plaintiff could  
24 produce facts showing breach and causation if granted leave to amend, Plaintiff said that  
25 she could not. ECF No. 12. Thus, the motion to dismiss Plaintiff’s claim of negligence as  
26 to all Defendants is **GRANTED** with prejudice.

1           **G. Sexual Harassment**

2           Defendants argue that Plaintiff fails to state a claim for sexual harassment under Cal.  
3 Civ. Code § 51.9 because she cannot establish a business, service, or professional  
4 relationship between herself and Defendants. ECF No. 4 at 22; *see* Cal. Civ. Code  
5 § 51.9(a)(1). In the prior motion to dismiss, the previous court found that Plaintiff had  
6 conceded her sexual harassment claim by failing to oppose Defendants’ arguments, and  
7 therefore granted the motion to dismiss with leave to amend. Prior Order 8. Now, Plaintiff  
8 argues that she has alleged a relationship falling under § 51.9 because of its catch-all  
9 provision regarding “a relationship that is substantially similar” to the business relationship  
10 mentioned. ECF No. 10 at 13. Plaintiff does not explain how the relationship between a  
11 correctional officer and an incarcerated person is like the relationships listed, or cite any  
12 cases finding business or professional relationships involving incarcerated individuals. At  
13 the hearing on this motion, Plaintiff openly conceded this issue and claim. ECF No. 12.  
14 Thus, the Court **GRANTS** Defendant’s motion to dismiss Plaintiff’s sexual harassment  
15 claim with prejudice, because leave to amend would be futile.

16           **H. Bane Act**

17           Plaintiff raises a claim arising under the Bane Act, Cal. Civ. Code § 52.1, for the  
18 first time in her amended complaint. ECF No. 1-4 at 12. To state a claim under the Bane  
19 Act, a plaintiff must show “violence or intimidation by threat of violence [...] due to  
20 plaintiff’s membership in one of the specified classifications set forth in Civil Code section  
21 51.7 or a group similarly protected by constitution or statute from hate crimes.” *Consuela*  
22 *v. Browning-Ferris Industries of California, Inc.*, 68 Cal.App.4th 101, 111 (1998). As  
23 opposed to other remedies, “Civil Code § 52.1 focuses specifically on the *additional*  
24 element present especially in hate violence, viz., putting persons in fear of their safety.”  
25 *Shoyoye v. Cnty. of Los Angeles*, 203 Cal. App. 4th 947, 959 (2012) (emphasis in original).

26           Defendants move to dismiss this claim on the grounds that Plaintiff does not allege  
27 threat, intimidation, or coercion, or that such action prevented her from exercising her  
28 constitutional rights. ECF No. 4 at 24. In response, Plaintiff states only that she had the

1 right to be free from cruel and unusual punishment under the Eighth Amendment. ECF No.  
2 10 at 14. The Court finds Plaintiff’s claim under the Bane Act, stating no specific facts  
3 regarding threat, intimidation, or coercion, insufficient to state a claim. Further, at the  
4 hearing on this motion to dismiss, Plaintiff fully conceded her Bane Act claim. ECF No.  
5 12. Thus, Defendant’s motion to dismiss the Bane Act claim is **GRANTED** and that claim  
6 is dismissed with prejudice. The Court finds that it would be futile to allow Plaintiff further  
7 leave to amend this claim based on her four sentence opposition to Defendants’ motion to  
8 dismiss on this issue and her concession at hearing. *See* ECF Nos. 10 at 9-10; 12.

9 **I. Punitive Damages**

10 Defendants argue that Plaintiff has not stated any claim under which punitive  
11 damages may be granted. ECF No. 4 at 24. Because “[p]unitive damages constitute a  
12 remedy, not a claim[,] [...] a motion to dismiss is not the proper mechanism to challenge a  
13 prayer for punitive damages” unless all claims under which punitive damages could be  
14 granted are dismissed. *Sturm v. Rasmussen*, 2019 WL 625167 at \*2-3 (S.D. Cal. 2019)  
15 (internal quotations and citations omitted). In the previous court’s order on the prior motion  
16 to dismiss regarding punitive damages, the court granted the motion to dismiss with leave  
17 to amend because Plaintiff failed to refute Defendants’ argument. Prior Order at 10. Here,  
18 Plaintiff refutes Defendant’s argument by explaining that her allegation of a pattern of  
19 behavior could give rise to punitive damages. ECF No. 10 at 14. Plaintiff’s claims of Sexual  
20 Assault, Battery, and Assault against OMDC survive this motion to dismiss and could give  
21 rise to punitive damages under California law. *See* Cal. Civ. Code § 3294(b) (under which  
22 employers may be liable for punitive damages when they have advanced knowledge of the  
23 risk that caused a plaintiff’s harm). Thus, Defendants’ motion to dismiss Plaintiff’s  
24 allegation of punitive damages is **DENIED**.

25 **IV. CONCLUSION**

26 For the foregoing reasons, Defendant’s motion to dismiss is **GRANTED** with  
27 prejudice as to Plaintiff’s claims arising under negligence (Plaintiff’s Fourth Cause of  
28 Action), Sexual Harassment (Plaintiff’s Fifth Cause of Action), and the Bane Act

1 (Plaintiff's Sixth Cause of Action). Defendant's motion to dismiss all claims as to  
2 Defendant Christopher J. LaRose is also **GRANTED** with prejudice. Defendants' motion  
3 to dismiss Plaintiff's claims of Sexual Assault, Battery, and Assault as to Defendants Otay  
4 Mesa Detention Center and Does 1 to 20 is **DENIED**. Defendants' motion to dismiss  
5 Plaintiff's claims of Sexual Assault, Battery, and Assault as to Defendants CoreCivic Inc.,  
6 CoreCivic, LLC, and CoreCivic of Tennessee is **GRANTED** without prejudice and with  
7 leave to amend for Plaintiff to include sufficient factual allegations of employer liability to  
8 meet the pleading standard. Should Plaintiff decide to file an amended complaint, she must  
9 do so within **21 days** of this order. If Plaintiff files an amended complaint, Defendants are  
10 ordered to file a response within **14 days** of the filing of the amended complaint. If Plaintiff  
11 decides not to file an amended complaint, the case will proceed with the claims and  
12 Defendants that were not dismissed and said Defendants are ordered to file a response no  
13 later than **35 days** from the date of this order.

14 **IT IS SO ORDERED.**

15  
16 Dated: October 20, 2025



17  
18 Honorable James E. Simmons Jr.  
United States District Judge