

1 Justin G. Reedy
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4 (916) 428-1510
5 Plaintiff, In Pro Per
6
7

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 Justin G. Reedy,
12 Plaintiff,

13 v.

14 Gavin Newsom, Governor of the State of
15 California, in his official and individual
16 capacity;
17 Dr. Mark Ghaly, Secretary, Health and
18 Human Services Agency, in his official and
19 individual capacity;
20 Kim Johnson, Director of the California
21 Department of Social Services, in her
22 official and individual capacity;
23 Ann Edwards, Previous Director of the
24 Sacramento County Department of Human
25 Assistance, in her official and individual
26 capacity;
27 Ethan Dye, Acting Director of the
28 Sacramento County Department of Human
Assistance, in his official and individual
capacity; and
Eloy Ortiz Oakley, Chancellor and CEO of
the Board of Governors of California
Community Colleges,
Defendants.

No. 2:21-cv-00223-TLN-CKD

**SECOND AMENDED COMPLAINT
CIVIL RIGHTS VIOLATIONS
REQUEST FOR DECLARATORY AND
INJUNCTIVE RELIEF AND DAMAGES**

DEMAND FOR JURY TRIAL

1. **42 U.S.C. §1983 Violation of U.S. Constitution, Fourteenth Amendment – Equal Protection Clause**
2. **42 U.S.C. §1983 Violation of U.S. Constitution, Fourteenth Amendment – Due Process Clause**
3. **42 U.S.C §1983 Violation of Title IX of the Educational Amendments of 1972 [Deprivation of Equal Educational Opportunities through Federally Funded Programs]**
4. **Violation of California Constitution, Art. I, § 7 – Equal Protection**
5. **Violation of California Constitution, Art. I, § 7 – Due Process**

1 **SUMMARY OF THE CASE**

2 Plaintiff alleges he was discriminated against on the basis of sex in violation of state and
3 federal law. Through legislative fiat, the single female parent was able to apply for public
4 benefits first on the basis of exclusively female attributes (i.e., during pregnancy/after childbirth).
5 Plaintiff was denied access to the same public benefits on the basis that the female parent had
6 already applied and was receiving benefits for herself and the child, even though both parents
7 were similarly situated and shared equal responsibility for the child’s care. State regulations
8 further excluded Plaintiff, as a male parent, from CalWORKs coordinated educational programs
9 and activities as well as having his income treated differently than the female parent’s income for
10 the purposes of child support. As a result, Plaintiff has suffered and continues to suffer loss of
11 constitutionally protected property and liberty interests, deep poverty/high debt, mental and
12 emotional anguish, and irreparable damage to the parent-child relationship with the potential for a
13 loss of the parent-child relationship due to financial hardship.

14 **I. Jurisdiction**

15 A. Plaintiff brings this action pursuant to 42 U.S.C. §1983 for violations of civil
16 rights under the Fourteenth Amendment to the United States.

17 B. This court has subject-matter jurisdiction over this matter pursuant to

18 a. Plaintiff is now and has been a U.S. citizen and resident of Sacramento
19 County for all the time during which the actions giving rise to this
20 claim accrued.

21 b. 28 U.S.C. §1331 (civil actions arising under the Constitution, laws, or
22 treaties of the United States). This complaint arises out of violation of
23 federal law, including the 5th and 14th Amendments of the U.S.
24 Constitution, Title IX of the Educational Amendments of 1972.

25 c. 28 U.S.C §1343(3) (states in relevant part, it’s intent: “(3) To redress
26 the deprivation, under color of any State law, statute, ordinance,
27 regulation, custom or usage, of any right, privilege or immunity secured
28 by the Constitution of the United States or by any Act of Congress

1 providing for equal rights of citizens or of all persons within the
2 jurisdiction of the United States; (4) To recover damages or to secure
3 equitable or other relief under any Act of Congress providing for the
4 protection of civil rights, including the right to vote.

5 d. 28 U.S.C. §1367(a) (in any civil action of which the district courts have
6 original jurisdiction, the district courts shall have supplemental
7 jurisdiction over all other claims that are so related to claims in the
8 action within such original jurisdiction that they form part of the same
9 case or controversy...);

10 e. 28 U.S.C §1391(b) (defendant’s unlawful violations under color of
11 state law of Plaintiff’s constitutional rights giving rise to the claims
12 herein accrued within this district and division);

13 f. These constitutional law violations are “capable of repetition, yet
14 evading review.” *Roe v. Wade*, 410 U.S. 113, 125 (1973) (citing
15 *Southern Pacific Terminal Co. v. ICC*, 219 U.S. 498, 515 (1911),
16 *Moore v. Ogilvie*, 394 U.S. 814, 816 (1969), *Carroll v. Princess Anne*,
17 393 U.S. 175, 178-179 (1968), *United States v. W.T. Grant Co.*, 345
18 U.S. 629, 632-633 (1953));

19 g. Title IX of the Education Amendments of 1972 (No person in the U.S.
20 shall, on the basis of sex, be excluded from participation in, be denied
21 the benefits of, or be subjected to discrimination under any education
22 program or activity receiving Federal financial assistance);

23 h. The existing Department of Social Services Administrative Hearing to
24 appeal the denial of benefits lacks due process to challenge deprivation
25 of benefits resulting from sex discrimination within the statutory
26 framework of the programs. Therefore, this complaint is appropriately
27 before this court for judicial review.

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1 **II. Parties**

2 A. Plaintiff, Justin G. Reedy.

3 B. Defendant, Gavin Newsom is now and has been at all material times the
4 Governor of the State of California. Article 5, § 1 of the California
5 Constitution states, “The supreme executive power is vested in the Governor.
6 The Governor shall see that the law is faithfully executed.” In his oath of
7 office, Governor Newsom swore to “support and defend the Constitution of the
8 United States and the Constitution of California...”

9 C. Defendant, Dr. Mark Ghaly, is now and has been at all material times the
10 Secretary of Health and Human Services Agency and is responsible for the
11 direction, supervision, and control of that agency. The Department of Social
12 Services is one of 16 departments and offices within the agency.

13 D. Defendant, Kim Johnson is now and has been at all material times the Director
14 of the Department of Social Services, and is in responsible for the direction,
15 supervision, and control of that department, which promulgated, implements,
16 administers, and continues to enforce the CalWORKs regulations in question.
17 The Department of Social Services structured the agency’s appeals process.

18 E. Defendant, Ann Edwards was at material times the Director of the Sacramento
19 County Department of Human Assistance, and is responsible for the direction,
20 supervision, and control of the agency, which administers the state CalWORKs
21 program at the county level. She is currently the Acting County Executive.

22 F. Defendant, Ethan Dye is now and has been at material times the Acting
23 Director of the Sacramento County Department of Human Assistance.

24 G. Eloy Ortiz Oakley is now and has been at all material times the Chancellor and
25 CEO of the Board of Governors of California Community Colleges. As such,
26 he has oversight of all its Divisions, including Educational Services and
27 Support which administers nearly \$600 million annually in categorical and
28 grant funding that helps to provide support services across their campuses, in

1 addition to supplemental services for special populations
2 ([https://www.cccco.edu/About-Us/Chancellors-Office/Divisions/Educational-
4 Services-and-Support/What-we-do](https://www.cccco.edu/About-Us/Chancellors-Office/Divisions/Educational-
3 Services-and-Support/What-we-do)).

4 H. Each and every one of the defendants named herein are sued in both their
5 official and individual capacities as to each and every violation of federal and
6 state rights included in this complaint. Each defendant is a State actor (or
7 quasi-State actor) responsible for either promulgating, implementing,
8 administering, and/or enforcing a state program that receives federal funding,
9 and as such, the Constitution of the United States and the Constitution of the
10 State of California govern their individual and collective actions.

11 **III. Factual Allegations**

12 Plaintiff alleges as follows:

13 **BACKGROUND**

- 14 1. Plaintiff, Justin G. Reedy, is a natural person. He is not now, nor has he ever been
15 married. He is the natural father of one minor child, a daughter, born in 2018. Plaintiff has
16 joint equal custody of the minor child since May 22, 2019.
- 17 2. Plaintiff became involved with the mother of the minor child (hereafter referred to as
18 “Mother”) on or around August 25, 2017.
19 Plaintiff was unaware that Mother was on parole from a 3-year 8-month prison sentence.
20 She was working full-time earning \$12 per hour and was attending Folsom Lake College
21 (FLC). Mother has reported that she is currently working on a master’s degree at Sacramento
22 State University.
- 23 3. Plaintiff was not employed and attending American River College (ARC) full-time in a
24 vocational program. Plaintiff is disabled. He had no history of long-term, gainful
25 employment. He was, and continues to be, a client of the Department of Rehabilitation
26 (DOR). As a student, he was, and continues to be, a participant in the Disability Services and
27 Programs for Students (DSPS).
- 28 4. Mother told Plaintiff that she was incapable of bearing children. He did not irresponsibly

1 father this child.

2 On November 5, 2017, Mother publicly posted a sonogram on Facebook. Plaintiff first
3 became aware of the pregnancy through this post. Mother publicly held out on Facebook that
4 Plaintiff was the father.

5 5. In December 2017, Plaintiff modified his DOR contract to allow him to find immediate
6 employment so he could support his child. Due to the confidential status of his paternity case,
7 Plaintiff was obliged to drive 50 miles each way to appear in person at the Placerville
8 courthouse for the purposes of meeting with the Court Facilitator and filing/picking up
9 documents, as well as to appear in court. This put him in a difficult position with new
10 employers. Plaintiff obtained short-term temporary positions throughout 2018.

11 6. In December, he was medically restricted from work duties and referred to the DOR for
12 vocational re-training. Since 2019, he has been a $\frac{3}{4}$ time student under a modified vocational
13 rehabilitation contract with the DOR. He is expected to remain in this academic program
14 through 2024. He expects to earn an associate degree upon completion.

15 7. Mother was married at the time of the pregnancy. The law in the State of California states
16 that the husband is the presumed father. Mother filed for a Default Dissolution of Marriage
17 without Minor Children in January 2018, and she did not disclose the pregnancy on the forms.
18 Petitioner requested that she provide him with a Waiver of Paternity from the estranged
19 husband. She refused.

20 8. Plaintiff sought assistance from the Center for Fathers and Families. A visiting attorney
21 advised him of the appropriate forms to file a motion with the court. On April 16, 2018,
22 Plaintiff filed a packet, including a Petition to Establish a Parental Relationship with the El
23 Dorado County Family Court asking to be informed of the birth, to be granted a paternity test,
24 and to be granted joint legal and physical custody of the child pending positive DNA results.

25 9. Plaintiff learned that he had a fundamental right to parent his child guaranteed by the
26 Constitution. He was overwrought with emotion at the prospect of becoming a new father. He
27 worked with his family to prepare a room, including installing new flooring, new paint with
28 airbrushed decorations, and furnishings, in anticipation of bringing his newborn home.

1 10. Plaintiff's paternity could not be established at or before the child's birth. The child was
2 born without notice to Plaintiff.

3 11. On July 28, 2018, the court ordered a paternity test. On August 2, 2018, the court
4 determined that Plaintiff was the father of the child.

5 12. Plaintiff was a pro se litigant. Mother had representation. Plaintiff requested that he be
6 allowed to bring his child home. He had photos to demonstrate his readiness to parent. The
7 judge refused. Plaintiff was overwhelmed with emotion by the court's decision. He was told
8 upon leaving the courtroom that he should have had an attorney.

9 13. Mother had sole legal and physical custody pending mandatory Family Court Services and
10 a custody hearing set for October 10, 2018.

11 Mother would only allow Plaintiff visitation at "Child Connect," a supervised visitation
12 facility in Placerville, where she resides. The judge issued a "referral" to the program
13 effectively circumventing due process and the standard 'findings of the court' that are essential
14 to restricting a parent's custody to formal supervised visitation.

15 Plaintiff's initiation into fatherhood was to be forced to bond with his 2-month-old
16 daughter in an institutional setting for an allotted 2 hours per week. Due to facility constraints,
17 he was able to see her only eight of the ten weeks for a total of 16 hours for which he was
18 forced to drive a total of 800 miles.

19 Plaintiff decided that he must have at least limited scope representation for future hearings
20 in order to preserve his right to a parent/child relationship. Plaintiff had to borrow extensively
21 to hire an attorney for the upcoming hearings.

22 14. The parents attended Family Court Services and a follow up hearing on October 11, 2018.

23 The 1st Child Custody Recommending Counselor (CCRC) recommended in her report to
24 the court that "Mother retain primary physical custody of the child due to the child's tender
25 years."

26 The Tender Years Doctrine "is a judicial presumption that operates...to give custody of a
27 young child to the mother...Most states have eliminated this presumption, and some courts
28 have held that the tender years doctrine violates the equal protection clause of the Fourteenth

1 Amendment to the U.S. Constitution because it discriminates on the basis of sex...Some states
2 have gone so far as to hold that the tender years doctrine violates the Equal Protection Clause
3 of the state constitution (See, e.g. *King v. Vancil*, 34 Ill. App. 3d 831, 341 N.E. 2d 65 [Ill.
4 1975].)” (<https://legal-dictionary.thefreedictionary.com/Tender+Years+Doctrine>).

5 The California Family Code § 3040 (c) states in relevant part: “The court shall not
6 consider the sex...of a parent...in determining the best interest of the child...”

7 15. On October 11, 2018, the court awarded informal supervised visitation for Plaintiff with
8 paternal grandmother supervising, allowing her to withdraw a separate motion for visitation
9 that she made after nearly five months without seeing her only grandchild.

10 On October 18, 2018, the court granted Plaintiff joint legal custody and adopted a step-up
11 parenting plan that allowed for increasing physical custody over a period of months. Due to
12 the distance between the parties, each parent initially had to drive approximately 200 miles per
13 week for child custody exchanges, which are transitions of physical custody from one parent to
14 the other.

15 16. Plaintiff had no financial resources of his own. He was not eligible for CalWORKs
16 benefits or ANY public assistance for the child regardless of his financial hardship. He had to
17 rely on borrowed money and family and friends to provide transportation as well as to provide
18 necessities for his infant daughter, including appropriate housing, heating/cooling, clothing,
19 diapers, bottles, formula, blankets, a car seat, a stroller, toys/teethers, and other incidentals.
20 His only other choice was to abandon the parent/child relationship altogether.

21 17. The court’s policy of proscribing immediate joint equal custody exacerbated his financial
22 hardship. Following a total of eight court appearances and more than one year after he filed
23 his initial motion, Plaintiff and Mother went to trial. The court finally granted Plaintiff’s
24 request for **joint equal custody** (hereafter referred to as “50/50”) on **May 22, 2019**. (Emphasis
25 added.)

26 18. These facts demonstrate the systemic discrimination Plaintiff faced as a male parent and
27 the duration necessary for him to establish equal parental rights which was the minimum
28 threshold for him to *apply* for CalWORKs benefits. (Emphasis added).

1 **Plaintiff Denied Benefits Based – Mother Applied First**

2 19. Plaintiff formally applied for CalWORKs in July 2019. He was denied eligibility on the
3 basis that Mother applied first. (See **Exhibit A**, Relevant Provisions of the CalWORKs
4 System, attached hereto and incorporated by reference as if fully stated herein).

5 20. Even if Plaintiff had been granted 50/50 custody at the earliest opportunity in the legal
6 proceedings when his paternity was established, he would have been denied CalWORKs
7 benefits if Mother was receiving them.

8 Plaintiff and his Authorized Representative insisted on filing a new application in 2020,
9 when his circumstances changed, and he became the “primary custodial parent” for IRS
10 purposes based on a parenting schedule whereby the child was with him more nights of the
11 year. After reconsideration, his eligibility was again denied.

12 **Two Criteria for Public Benefits: Pregnancy v. Custody**

13 21. Plaintiff alleges that in practice, there are two different criteria for eligibility for
14 CalWORKs, one for males (men/fathers) and a different one for females (women/mothers), in
15 violation of state and federal laws, including the right to due process and equal protection
16 pursuant the Fourteenth Amendment and the U.S. Constitution and Article 1, §7 of the
17 California Constitution.

18 22. The public assistance programs for which pregnancy will qualify a woman include:
19 (a) CalWORKs (California Work Opportunity and Responsibility to Kids), (b) CalFresh,
20 formerly called Food Stamps and federally known as SNAP (Supplemental Nutrition
21 Assistance Program), and (c) Medi-Cal, federally known as Medicaid, which provides health
22 and dental coverage to low-income people; and pregnant women also qualify for U.S.
23 Department of Agriculture Special Supplemental Nutrition Program for *Women, Infants, and*
24 *Children* commonly called WIC. (Emphasis added.)

25 Pregnant women can receive aid under the California Welfare and Institutions Code
26 §11450(b)(2) and (c). Mother was eligible to apply for CalWORKs for herself at the fourth
27 month of pregnancy to receive benefits during the fifth month.

28 23. “[The U.S. Supreme Court] has consistently upheld statutes where the sex classification is

1 not invidious, but rather realistically reflects the fact that the sexes are not similarly situated in
2 certain circumstances.” *Michael M. v. Superior Court of Sonoma County* 450 U.S. 464 101
3 S.Ct. 1200 67 L.Ed.2d 437 (Decided March 23, 1981).

4 Plaintiff recognizes that “men and women are necessarily not similarly situated with
5 respect to childbirth and pregnancy,” (Mary Ann Mason, *Motherhood v. Equal Treatment*, 29
6 *Journal of Family Law*. 1, 26-27 (1990)), and this complaint does not seek to address benefits
7 inequities occurring during pregnancy or childbirth.

8 **Deliberate Indifference**

9 24. When Plaintiff first went to the Department of Human Assistance office in or around June
10 2019, the worker looked up the child’s information and said she was already on an open case
11 in another county and therefore Plaintiff would not be eligible for benefits. The worker did
12 not complete the application process or generate an intake appointment.

13 Plaintiff and his Authorized Representative returned to the Department of Human
14 Assistance office, and both were informed that he would not be eligible on the basis that the
15 child was on another case. The worker implied that there was no reason for Plaintiff to apply.
16 Plaintiff’s Authorized Representative insisted he be given an intake appointment to complete
17 the application and explained that this would document the denial of benefits and thusly
18 preserve Plaintiff’s due process rights. The worker was unfamiliar with any challenges to the
19 system prior.

20 25. During the intake interview, another of the intake workers stated that, in his experience,
21 male parents will often decide not to complete the application because once they become
22 aware that “they must cooperate with child support enforcement,” they become “fearful that
23 instead of getting assistance, they will be made to pay child support they cannot afford.”

24 Welfare and Institutions Code § 11350 fn. 1 and Civil Code § 248 allow a county to seek
25 reimbursement from a **noncustodial parent** [179 Cal. App. 3d 650] when public assistance is
26 paid to support a child. (Emphasis added). Civ. Code, § 241 et seq., creates private rights to
27 enforce child support obligations. Receipt of public assistance operates as an assignment of
28 these rights to the county by operation of law. (See § 11477; fn. 7 *In re Marriage of Shore*

1 (1977) 71 Cal. App. 3d 290, 295 [139 Cal. Rptr. 349].)

2 According to the U.S. Census Bureau, “In 2018, about 4 of every 5 (79.9 percent) of the
3 12.9 million custodial parents were mothers. **One of every five custodial parents were**
4 **fathers** (20.1 percent).” (Emphasis added). (Source: Custodial Mothers and Fathers and
5 Their Child Support: 2017 Current Population Reports by Timothy Grall, Issued May 2020).
6 (<https://www.census.gov/content/dam/Census/library/publications/2020/demo/p60-269.pdf>).
7 (See **Exhibit B**, pg. 3, printed article, attached hereto, and incorporated by reference herein.)

8 26. The Department of Human Assistance does not instruct, supervise, and train intake
9 workers about their “legal duty to avoid violating citizens' rights,” and this failure “amounts
10 to ‘deliberate indifference to the rights of persons with whom the untrained employees come
11 into contact.’” *Connick v. Thompson*, 563 U.S. 51, 61, 131 S. Ct. 1350, 179 L. Ed. 2d 417
12 (2011).

13 **Public Assistance Grant Amounts Based on County**

14 27. The CalWORKs programs provide a monthly grant of Cash Aid. In El Dorado County,
15 where Mother’s CalWORKs case originates, the maximum Cash Aid grant for a two-person
16 household (i.e., Mother and Plaintiff’s child) is \$661. CalFresh benefits for a household of
17 two is \$374. A ‘caretaker relative’ with one eligible child both receive Medi-Cal and Denti-
18 Cal coverage. Mother has additional supportive services under welfare-to-work regulations
19 and access to coordinated ‘educational programs and activities’ through the California
20 Community Colleges. CalWORKs refers pregnant mothers to “WIC” (The Special
21 Supplemental Nutrition Program for Women, Infants, and Children, a federal assistance
22 program of the Food and Nutrition Service of the United States Department of Agriculture for
23 healthcare and nutrition of low-income pregnant women, breastfeeding women, and children
24 under the age of five).

25 The amount of CalWORKs grants for the County of Sacramento may vary from these
26 amounts. Plaintiff was eligible for, and continues to receive, Medi-Cal and CalFresh benefits
27 for himself.

28 **Unequal Treatment of Income for Child Support**

1 28. On October 22, 2018, El Dorado County Department of Child Support Services took
2 Plaintiff to court for child support pursuant Cal.Fam.Code § 17402.

3 Collection of child support under Welfare and Institutions Code § 11350 is supposed to be
4 “**limited** by such parent's **reasonable ability to pay** during that period in which aid was
5 granted.” (Emphasis added.) Mother requested that Plaintiff’s earnings be imputed for
6 calculation of the support order since he was not working. Plaintiff therefore requested that
7 Mother’s earnings also be imputed for purposes of calculating the support order since Mother
8 worked full-time as a condition of her parole and had an established earning capacity. In
9 rendering his judgment, the judge said that “[his] hands [were] tied.” Plaintiff was later
10 informed that *County of Yolo v. Garcia* (1993) precludes the court from imputing earnings on
11 a CalWORKs recipient.

12 29. Plaintiff was ordered to pay \$359 per month going forward and applied retroactively to
13 September 1, 2018. Plaintiff was facing three months child support due for September,
14 October, and November 2018, with approximately two weeks to bring his account current, or
15 he would be three months in arrears and his driver license would be suspended by the State of
16 California pursuant Cal. Fam. Code § 17520.

17 30. **Plaintiff was not able to pay.** On October 29, 2018, Plaintiff was sent a notice that a
18 Child Support levy had been placed on his credit union checking account which was
19 permanently closed as a result. This resulted in negative credit reporting.

20 Plaintiff’s family had to provide hundreds of dollars in immediate financial assistance to
21 avoid imminent suspension of his driver license and as follows to avoid the potential reversal
22 of custody for which he already borrowed thousands of dollars for legal fees to obtain.
23 Maintaining a valid driver license is a specific order of the court for both parents who are
24 responsible for transporting the child to and from custody exchanges.

25 31. Mother returned to work at her prior employment through the Welfare-to-Work program.
26 She is currently earning \$14/hour working 20 hours per week. The first \$500 of earnings do
27 not count toward her \$661 cash grant but each dollar above that reduces the grant on a dollar-
28 for-dollar basis. Her maximum allowable earnings are \$1,161 per month. Mother’s Cash Aid

1 and earnings are exempt from the Child Support calculation.

2 California Family Code §3900, states, “Subject to this division, the father and mother of a
3 minor child have an **equal responsibility** to support their child in the manner suitable to the
4 child’s circumstances.” (Emphasis added.)

5 The child support case remains open in anticipation of any changes to Plaintiff’s financial
6 situation, which only he must report, because he remains the “non-custodial parent” for child
7 support purposes because Mother was eligible to apply for CalWORKs before he was, and as
8 a condition, she assigned her rights to child support over to the state.

9 Therefore, instead of receiving CalWORKs assistance, Plaintiff was, in fact, forced to pay
10 child support he could not afford, as the intake worker had suggested. However, it was not
11 because he applied for benefits. It was because Mother was eligible to receive the benefits
12 first, during pregnancy, and then to receive the child’s benefits immediately after birth.

13 This exacerbated Plaintiff’s financial hardship, emotional suffering, and acute anxiety.

14 **Maternal Preference for Child Rearing in Violation of State and Federal Constitution**

15 32. Plaintiff contends that CalWORKs regulatory provisions foster single female head of
16 household living arrangements with a maternal preference for child rearing in violation of the
17 U.S. Constitution’s Fourteenth Amendment and the California Constitution.

18 The Institute for Family Studies’ 2019 article titled “Family Breakdown and America’s
19 Welfare System” reports that “Only 9% of children were raised without their father in 1960,
20 yet today a quarter of American kids are raised without their father.” The article goes on to
21 say that “According to Harvard’s Paul Peterson, it was ‘estimated that in 1975 a household
22 head would have to earn \$20,000 a year to have more resources than what could be obtained
23 from Great Society programs.’ In today’s dollars, that’s over \$90,000 per year in earnings...
24 That may be a reason why, in 1964, only 7% of American children were born out of wedlock,
25 compared to 40% today. As Jason Riley has noted, “the government paid mothers to keep
26 fathers out of the home—and paid them well.”” ([https://ifstudies.org/blog/family-breakdown-
27 and-americas-welfare-system](https://ifstudies.org/blog/family-breakdown-and-americas-welfare-system)). (See **Exhibit C**, printed article, attached hereto and
28 incorporated by reference herein.)

1 **No Mechanism for Procedural Due Process**

2 33. Upon being denied CalWORKs benefits, Plaintiff and his Authorized Representative
3 requested a State Hearing, and the Authorized Representative appeared before an
4 Administrative Law Judge (ALJ) who determined that Sacramento County had acted within
5 the State’s regulations, citing, in part, the Manual of Policies and Procedures (hereafter
6 “MPP”) §§82-804.1, 82-820.21&.22, 80-301(c), 82-808.1, 82-808, 63-401, and 63-402.
7 (See **Exhibit D**, Department of Social Services Hearing Denial Letter, and **Exhibit E**, Denial
8 of Request for Rehearing, attached hereto and incorporated by reference as if fully stated
9 herein).

10 **Stereotyping**

11 34. Plaintiff believes that pervasive stereotyping of single male parents as “dead-beat dads” is
12 a type of invidious discrimination on the basis of sex which is evident from the systemic
13 abuses that occur throughout the family court, public assistance programs, and child support
14 enforcement.

15 **IV. Civil Rights Violations**

16 **42 U.S.C. §1983: Violations of Federal Rights Under Color of State Law**

17 35. The specific policies and regulations that violate Plaintiff’s rights were officially adopted,
18 and either promulgated, implemented, administered, and/or enforced by each and every
19 defendant named herein, all of which are state and/or quasi-state government actors. Each of
20 the defendants named herein took an oath of office that bound them to “support and defend”
21 and “bear true faith and allegiance to the Constitution of the United States and the Constitution
22 of the State of California.” (Government Code Title 1, Division 4, Chapter 2, Article 4,
23 §§1360 to 1369.) (See California Constitution Article XX, § 3).

24 Yet, each one of the named defendants either continued to develop, administer,
25 implement, and/or enforce state regulations that violate these and other federal laws.

26 36. At all relevant times, each and every one of the defendants named herein acted under
27 color of state law.

28 37. Plaintiff contends that each and every one of the defendants named herein, collectively

1 and individually, in their official capacities, acted with a concerted “purpose to harm” when
2 they continued to either develop, administer, implement, and/or enforce program regulations
3 and coordinated interagency agreements between the Department of Social Services and
4 California Community Colleges that excluded male parents for decades. Plaintiff contends
5 that over time, this fostered an attitude of ‘deliberate indifference’ within the Department of
6 Human Assistance intake workers, who administer the programs according to the regulations
7 and agreements promulgated and directed by these higher authorities.

8 Each and every one of the named defendants knew, or reasonably should have known, that
9 their actions were in violation of the Constitution of the United States and the Constitution of
10 the State of California, among other laws. Defendants deliberately avoided providing Plaintiff
11 with any legitimate means to notify them of civil rights violations arising from laws,
12 ordinances, regulations, standards, policies, procedures, and practices, nor did they provide
13 him notification of any available avenue to redress such civil rights violations without
14 foreclosing his rights.

15 38. Each and every defendant’s actions affecting Plaintiff that are described herein were
16 committed with reckless indifference to his federally protected rights under color of state law,
17 and they therefore run afoul of the superior authority of the U.S. Constitution. “[They are] in
18 that case stripped of [their] official or representative character and [are] subject in [their]
19 persons to the consequences of [their] individual conduct.” (*Ex Parte Young*, 209 U.S. 123,
20 159-60 (1908).

21 **Deprivation of Property and Liberty Interests**

22 39. Plaintiff has been forced to rely on family, student loans, and other borrowed funds to pay
23 for legal expenses and child support arrears, as well as for the provisions the child requires.
24 These circumstances impose time constraints and emotional burdens on Plaintiff which
25 continue to impair the parent-child relationship, as well as diminish Plaintiff’s autonomy,
26 dignity, and equal authority as a co-parent (*Stanley v. Illinois*, 405 U.S. 645, 651; 92 S. Ct.
27 1208, (1972), (*Quilloin v. Walcott*, 98 S. Ct. 549; 434 U.S. 246, 255-56, (1978), (*Kelson v.*
28 *Springfield*, 767 F 2d 651; US Ct App 9th Cir, (1985).

1 40. Through enactment of the Welfare and Institutions Code and any related, applicable
2 statutory provisions, the State of California established state and federally funded programs
3 providing benefits to families with dependent children for the purpose of mitigating impacts of
4 poverty on those dependent children. In doing so, the state legislature enacted statutory
5 eligibility requirements for receiving such benefits. Such benefits are a matter of statutory
6 entitlement for qualified persons. Denial of such benefits warrants procedural due process
7 (*Goldberg v. Kelly*, 397 U.S. 254, 90 S. Ct. 1011, 25 L. Ed. 2d 287, 1970 U.S. LEXIS 80 (U.S.
8 Mar. 23, 1970), (*Shapiro v. Thompson* (1969)), (*Sherbert v. Verner* (1963)).

9 Plaintiff was, and continues to be, qualified to receive CalWORKs benefits if not for each
10 and every named defendant's action of either promulgating, implementing, administering,
11 and/or enforcing regulations that discriminate on the basis of sex.

12 41. Each and every named defendant has deprived Plaintiff of any such benefits to support his
13 child while providing the totality of benefits to the female parent even when the child was, and
14 continues to be, dependent on both parents equally half the time. These actions have therefore
15 granted the female parent **twice the amount of aid allotted to a family of two - for herself.**
16 (Emphasis added). The child qualifies Mother for benefits on the basis that she is deprived of
17 the support of the father due to his "absence," which is not only false, but completely ignores
18 the immense fortitude he showed while confronting unimaginable hardship he faced
19 emotionally and financially, and the impact this has had on the entire family. Plaintiff's
20 parent/child relationship has continually been threatened by a lack of resources made worse by
21 a burden of child support when he was not working, and each and every named defendant's
22 indifference to this as well as their indifference to the child's welfare now and in the future
23 while she is in the custody of her father shocks the conscience.

24 As a direct and proximate result of each and every named defendant's actions, Plaintiff's
25 ability to be on equal terms with the female parent insofar as equal resources, including time;
26 less burden, including the burden of proving to the family court that he does not have more
27 resources available to him than she does, the burden of student loans and high academic
28 workload, and the burden of having income he may receive subjected to child support

1 collection, when her income is exempt because she is on CalWORKs. All of these factors
2 have an enormous impact on the parent/child relationship. As a result, each and every named
3 defendant has impaired Plaintiff's fundamental liberty interest to establish a home and bring
4 up his child. Each and every one of the named defendants have systematically deprived
5 Plaintiff and his child of quality time together that can never be recovered, and to the extent
6 that these deprivations continue, the harm will be ongoing and irreversible. They have caused
7 the relationship to be significantly compromised due to Plaintiff's ongoing stress.

8 42. As a direct result of each and every named defendant's actions, Plaintiff suffers extreme
9 stress due to a higher than reasonable academic workload for someone with his disabilities.
10 Pursuant to interagency agreements between California Community Colleges and the
11 Department of Social Services, CalWORKs recipients have access to resources and Title IX
12 education benefits designed to help low-income parents become self-sufficient.

13 43. Each and every one of the defendants' actions in denying such benefits to Plaintiff has
14 forced him to depend on access to student loans, which are conditionally granted on passing
15 grades and the number of units taken per semester. Therefore, he has had to attend classes that
16 are condensed from the normal 16 weeks to 8 weeks during summers. This has amounted to a
17 higher-than-normal workload for a person with his disabilities, causing him stress and grossly
18 limiting the time available to spend with his daughter during her early years of development,
19 as well as divesting him of social life or adequate time for his own personal needs. Thus,
20 Plaintiff has been, and continues to be, deprived of financial and emotional stability.

21 **Violation of Fourteenth Amendment – Due Process Clause**

22 44. Plaintiff was denied both procedural and substantive due process of law guaranteed by the
23 U.S. Constitution. The administrative hearing failed to provide for judicial review of the
24 statutory requirements at issue, and the denial of benefits deprived Plaintiff of his liberty
25 interest in establishing a home and bringing up his family by denying him constitutionally
26 protected property interests in the form of CalWORKs and coordinated educational benefits.

27 45. Plaintiff alleges that the Department of Human Assistance is governed by an informal
28 policy whereby intake workers immediately inform male parents definitively that they cannot

1 receive benefits because the child is already receiving them in another household. This creates
2 a pattern of deliberate indifference to the violation of the male parents right to equal protection
3 and due process. Without exhausting available administrative remedies, male parents are
4 foreclosed to their entitlement to subsequent judicial review of the impairment of their
5 substantive due process rights which Plaintiff is exercising in the instant case.

6 The Department of Social Services Appeals process does not adequately address
7 challenges to unlawful legislative regulations, and the designated Civil Rights Units for both
8 the Department of Human Assistance and the Department of Social Services are each unable
9 to address issues of systemic sex discrimination resulting from the regulatory policies of their
10 programs. The Civil Rights Units of the Department of Social Services stated in an email that
11 “the issues [Plaintiff] raise concern the laws and regulations that govern County Welfare
12 Departments (CWDs) rather than prohibited discriminatory conduct by a CWD, and as such,
13 we do not have authority to handle your complaint.” The Civil Rights Unit of the Department
14 of Human Assistance stated in an email that “The Civil Rights complaint process cannot
15 change the application of a program regulation.” (See **Exhibit F**, true and correct copies of
16 email correspondence, attached hereto and incorporated by reference as if fully stated herein.)

17 **Violation of Fourteenth Amendment – Equal Protection Clause**

18 46. The CA Department of Social Services regulations must treat all applicants, both male and
19 female, in a sex-neutral and marital-status neutral manner.

20 47. The regulations include a criterion (pregnancy) that is unique to women that allows them
21 to apply first. The regulations then employ the condition of ‘applying first’ as a criterion for
22 determining the primary caretaker at the point when both parents share equal joint custody and
23 when both have applied for benefits.

24 48. CalWORKs regulations ignored the legitimate need of Plaintiff who was unemployed due
25 to disability (criteria for eligibility) when the child was equally dependent on him as a co-
26 parent with equal custody and control over her welfare.

27 He was in similar financial circumstances, and theoretically in greater financial need of
28 the benefits as the female parent, and he remains in greater need because she is no longer

1 pregnant, she is able to work, and she is, in fact, working at her prior employment which she
2 left during pregnancy.

3 49. Plaintiff's income has been and continues to be treated differently than Mother's for Child
4 Support purposes due to her sex-based advantage in obtaining eligibility for CalWORKs.

5 50. Each and every one of the named defendants' actions result in interference with the male-
6 parent/child relationship, including Plaintiff's parent/child relationship. Statistical data from
7 credible sources, including twenty years of California Community Colleges coordinated
8 program participation rates, rates of fatherless, percentage of male v. female non-custodial
9 parents coupled with rates of single female head of household growth since the 1960's,
10 confirm that the implementation, administration, and/or enforcement of CalWORKs
11 discriminatory regulations operate "for purposes of oppression" of male parents and thereby
12 constitutes a violation of Plaintiff's substantive due process rights guaranteed by the
13 Fourteenth Amendment, (quoting *Daniels v. Williams*, 474 U.S. 327, 331 (1986)).

14 **Violations of Title IX of the Educational Amendments of 1972**

15 51. Plaintiff alleges that CalWORKs educational programs and activities are funded in part by
16 a federal block grant through TANF. (See also *Barron v. Superior Court*, 173 Cal. App. 4th
17 293, 299 (2009) (noting that CalWORKs is funded in part by the federal block grant program
18 known as TANF (Temporary Aid to Needy Families) (citing 42 U.S.C. § 601 et. seq.; Welf. &
19 Inst. Code §§ 10100-10101, 11200.5).

20 52. The purpose of Title IX is to "avoid the use of federal resources to support discriminatory
21 practices" and "provide individual citizens effective protection against those practices" in
22 educational settings (*Cannon v. University of Chicago*, 441 U.S. 677 (1979)). Title IX's
23 regulations establish two steps to protect against sex discrimination in educational institutions:
24 voluntary compliance or federal funding termination pursuant 34 C.F.R. § 100.8 (1999).

25 53. According to the U.S. Department of Health and Human Services Civil Rights Division,
26 ([https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/title-ix-education-
27 amendments/index.html](https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/title-ix-education-amendments/index.html)), Title IX prohibits sex discrimination in the education programs and
28 activities of entities that receive federal financial assistance. These programs and activities

1 include "all of the operations of ... a college, university, or other postsecondary institution, or a
2 public system of higher education." 20 U.S.C. § 1687(2)(A); see also 45 C.F.R. § 86.2(h).

3 Therefore, Title IX's nondiscrimination protections apply to student recruitment, admissions,
4 educational programs (including individual courses), research, housing, counseling, financial
5 and employment assistance, health and insurance benefits and health services.

6 54. As a result of each and every named defendant's actions, Plaintiff was and continues to be
7 denied equal treatment and equal benefits of the California Community Colleges –
8 CalWORKs coordinated educational programs on the basis of sex.

9 55. California Community Colleges collects and collates data on CalWORKs participation
10 rates. (See **Exhibit G**, true and correct copy of CalWORKs Status Summary Reports –
11 statewide by decade: 1999-2000, 2009-2010, and 2020-2021 academic years, and Annual
12 2020, Los Rios Community College District, attached hereto and incorporated by reference as
13 if fully stated herein).

14 Divisions under the authority of the Chancellor and CEO of the Board of Governors are
15 responsible for funding each district's needs for special programs. (See **Exhibit H**, California
16 Community Colleges and CalWORKs, attached hereto and incorporated by reference as if
17 fully stated herein).

18 It is implausible that the Chancellor is unaware of the grossly disproportionate
19 participation rates of males in the CalWORKs coordinated educational program, and there is
20 no data indicating any attempt has been made to address the disproportionate participation
21 over time. Given that the Chancellor reports directly to the Governor, liaises with state
22 legislators, and engages in interagency program development and implementation, he has an
23 obligation to ensure that the programs are meeting Title IX and California Constitution
24 requirements which prohibit discrimination on the basis of sex.

25 56. Mother's eligibility for CalWORKs has allowed her to be treated vastly differently for
26 student aid insofar as her perceived "need" being based on her CalWORKs participation for a
27 family of two. Mother has access to Cooperative Agencies Resource for Education (CARE),
28 which is one of the special programs for Extended Opportunity Programs and Services (EOPS)

1 students who are single parents, head of household, and receiving public assistance from
2 CalWORKS or TANF. Her educational grants are supplemented by CalWORKs services on
3 campus, and there is a dedicated office to help recipients with services and benefits, such as
4 paid childcare through Welfare-to-Work, priority registration, paid textbooks, prepaid gas
5 cards in the amount of \$200-300 monthly, meal tickets to the cafeteria, and student supplies,
6 among other services, whereas Plaintiff was, and continues to be, denied all such benefits.

7 **Violations of California Constitution – Equal Protection**

8 57. Each and every named defendant’s actions violated Plaintiff’s right to equal protection by
9 either promulgating, implementing, administering, and/or enforcing unconstitutional eligibility
10 requirements for CalWORKs benefits that treat similarly situated single male parents
11 differently than single female parents.

12 **Violation of California Constitution – Due Process**

13 58. Plaintiff alleges deprivation of constitutionally protected liberty and property interests
14 described in paragraphs 39-43.

15 Parents and children possess a constitutionally protected liberty interest in companionship
16 and society with each other. *Smith v. City of Fontana*, 818 F.2d 1411, 1418 (9th Cir. 1987).
17 Each and every defendant named herein interfered with Plaintiff’s substantive due process
18 right to establish a home and bring up his child as well as interfered with his parent-child
19 relationship when they either promulgated, implemented, administered, and/or enforced
20 discriminatory regulations that favor female parents.

21 59. Because pregnancy and childbirth are exclusive to women, the female parent can always
22 apply and receive benefits first. Mother, because she gave birth, had sole legal and physical
23 custody of the child until Plaintiff obtained custody through family court proceedings. This
24 ensured that Plaintiff was ineligible to *apply* until after the female parent had obtained
25 benefits, which guarantees that he will remain ineligible to receive benefits for the duration of
26 time that she is receiving them, regardless of his, or the child’s, need and the fact that the child
27 is dependent upon him for her care fully half the time.

28 The statutory framework is an artifact of the “old notion” that "generally it is the man's

1 primary responsibility to provide a home and its essentials" while the female's primary
2 responsibility is for rearing the children (*Stanton v. Stanton*, 421 U.S. 7, 10; 95 S.Ct. 1373,
3 1376 (1975)). The provisions of the CalWORKs programs are predicated on long-standing,
4 inappropriate stereotyping of men's roles in child-rearing.

5 The system fosters a positive perception of mothers as "single moms," a stereotype that is
6 juxtaposed to, and the antithesis of, the characterization of unwed male parents as "dead-beat"
7 dads, who neither support nor want any involvement with their children. These false
8 perceptions have served to justify the oppression of unwed single fathers resulting from an
9 outdated socio-economic model prioritizing mothers' access to public assistance benefits for
10 herself and the child(ren) based on social norms of the 1930's that ignore the importance of a
11 fathers' role in parenting as well as the current coparenting model emphasizing joint custody.

12 60. According to the Department of Social Services CalWORKs Annual Summary of March
13 2019, "The program known as CalWORKs began with the 1935 federal Aid to Families with
14 Dependent Children (AFDC) program, jointly funded and administered by the federal
15 government and the 50 states. The AFDC provided cash aid to single mothers with children
16 who had no support from a husband as a result of his death, disability, or absence.

17 By the 1960s, the number of AFDC cases had grown considerably, and the caseload had
18 shifted toward female-headed households that resulted from "out-of-wedlock births or
19 divorce.""

20 61. According to the Public Policy Institute of California, "CalWORKs is a key component of
21 California's safety net for low-income families." ([https://www.ppic.org/publication/the-
22 calworks-program/](https://www.ppic.org/publication/the-calworks-program/)). CalWORKs is both a child well-being and a welfare-to-work program.
23 "It has **two central goals**. (Emphasis added.) The first is to buffer children against extreme
24 poverty by supplementing family income. CalWORKs' second goal is to increase parents'
25 earning power and thus help them gain independence from welfare." ([https://www.ppic.org/
26 publication/calworks-in-transition/](https://www.ppic.org/publication/calworks-in-transition/)). (See **Exhibit I**, Public Policy Institute reports, attached
27 hereto, and incorporated by reference herein).

28 However, as regulations are applied to Plaintiff, the program fails to achieve these goals.

1 To address the needs of the child, benefits must accurately follow the child's living
2 arrangements such that effects of poverty on the child are mitigated at all times.

3 The statutory framework creates a system whereby the child's needs are ignored in a
4 reality of single parents living apart. This places the child in deep poverty during periods
5 when the child is dependent on Plaintiff whose income is well below the federal poverty level.

6 Official conduct violates substantive due process when it "shocks the conscience." *Gantt*
7 *v. City of Los Angeles*, 717 F.3d 702, 707 (9th Cir. 2013) (citing *Wilkinson v. Torres*, 610 F.3d
8 546, 554 (9th Cir. 2010)). The fact that each and every named defendant shows a shocking
9 indifference to and lack of concern for the child's welfare while she is in the custody of the
10 male parent while they are fully willing to provide excess support to the female parent, who is
11 effectively receiving **twice the benefits** intended for the child, demonstrates a clear and
12 compelling Fourteenth Amendment due process concern. (Emphasis added).

13 It is shocking that each and every one of the defendants' implementations of the
14 CalWORKs program appear to have completely subverted the public policy intent of
15 mitigating childhood poverty to one of advocating for single motherhood in spite of decades of
16 data that has been collected with regard to children's outcomes, including the damaging effects
17 of fatherlessness. They also have unequivocal data that male parents are grossly under-
18 represented in the educational programs which can only result from discrimination on the basis
19 of sex, which is specifically prohibited by Title IX. Each and every one of the defendants
20 named herein failed to monitor the programs they are responsible for administering through
21 quality assurance and quality control measures that guarantee that the programs comply with
22 the U.S. Constitution and the California Constitution.

23 Without access to the educational programs and activities and welfare-to-work supportive
24 services, Plaintiff does not have the same support to achieve greater earning power, and as a
25 result of excessive borrowing of student loans, he will suffer lower overall income due to
26 repayment of those loans over a long period of time, effectively reducing only his income that
27 should be available for the child's future needs and security.

28 62. The circumstances in the instant case demonstrate the arbitrary nature of each and every

1 one of the named defendant's actions in either promulgating, implementing, administering,
2 and/or enforcing discriminatory regulations and the abject failure of the provisions to achieve
3 the legislative purposes of the program which include raising the **entire family** out of deep
4 poverty. (Emphasis added).

5 By permitting single mothers to obtain benefits first and then continuing to support only
6 mothers regardless of the child's living arrangements, the underlying legislative framework for
7 eligibility in the CalWORKs program arbitrarily functions to correct perceived economic
8 inequity for women as opposed to the proper legislative purpose of buffering children from the
9 effects of poverty.

10 Plaintiff thusly alleges that the defendant's actions to deny him public benefits run counter
11 to the legislative objectives, and he has shown with statistics that these programs have led to a
12 greater number of children experiencing fatherlessness in this country while women enjoy the
13 substantial benefits of education and public support.

14 **Damages**

15 63. Plaintiff's property damages as a direct result of the actions of each and every one of the
16 defendants named herein include the ongoing denial of: (1) Cash Aid for two people based on
17 Sacramento County's grant amount for two people, (2) the monetary value of CalFresh
18 assistance for one qualifying child, (3) the monetary value of Los Rios Community College
19 District transportation and meal tickets, and any other EOPS, CARE, or related educational
20 program benefits, all retroactive from the date he applied.

21 64. Plaintiff's property damages as a proximate result of denial of benefits include an
22 estimated \$1,230.20. Plaintiff suffered impairment of his property interests when he was
23 forced to repay the State for Mother's CalWORKs benefits through a child support collections
24 action. This resulted in a court order for child support that would otherwise have been
25 calculated at or close 0 if he had been treated equally.

26 65. Plaintiff's damages extend to unfair treatment in family court. Because Mother is
27 receiving CalWORKs, she is perceived as an impoverished single parent who is "suffering
28 financial hardship" that is more severe than Plaintiff's. It is virtually impossible to have

1 Family Code § 271 sanctions awarded against Mother where Plaintiff has been forced to
2 appear in court for her repeated false allegations and lack of cooperation on co-parenting
3 issues. Thus, Mother has faced no risk or deterrents for vexatious litigation regardless how
4 abusive her behavior.

5 Plaintiff cannot say with certainty what sanctions the family court may have imposed and
6 therefore seeks no financial compensation although he has borrowed and owes thousands of
7 dollars for legal fees without an opportunity to demonstrate his damages to the court.

8 66. Plaintiff has suffered and continues to suffer mental anguish and emotional distress as a
9 result of his loss of dignity and autonomy and because the denial of benefits placed him in
10 an inferior position to the female parent.

11 67. Plaintiff continues to suffer mental anguish resulting from fear of the consequences of the
12 loss of the parent-child relationship, which is constantly threatened by Plaintiff's hardship.
13 There is a potential that the violations of his civil rights may still lead to what on its face
14 appears to be a willful abandonment of Plaintiff's parental involvement with his child, when,
15 in fact, he simply lacks the financial means to parent.

16 **V. Causes of Action**

17 **First Cause of Action**

18 42 U.S.C. §1983: Violation of Fourteenth Amendment – Due Process

19 68. Plaintiff repeats and realleges each and every allegation contained in the preceding
20 paragraphs of this Complaint.

21 69. Each and every one of the defendants named herein, in their official capacities and as
22 individuals, acting under color of state authority, deprived Plaintiff of his rights, privileges,
23 and immunities secured by the Constitution of the United States, including but not limited to
24 both substantive and procedural due process as secured by the Fourteenth Amendment to the
25 United States Constitution (U.S. Const. Amend. XIV).

26 The Fourteenth Amendment §1 states that no state shall “deprive any person of life,
27 liberty, or property, without due process of law.”

28 Title 42 U.S.C. § 1983 provides in relevant part: Every person who, under color of any

1 statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of
2 Columbia, subjects, or causes to be subjected, any citizen of the United States or other person
3 within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities
4 secured by the Constitution and laws, shall be liable to the party injured in an action at law,
5 suit in equity, or other proper proceeding for redress...”

6 70. On July 25, 2019, each and every one of the named defendants, in their official capacities
7 and as individuals, both individually and collectively, acting under color of state authority,
8 denied Plaintiff eligibility for CalWORKs benefits, including eligibility for coordinated
9 education programs, based on unlawful Department of Social Services Regulations MPP §§
10 82-804.1, 82-808.4 and 82-808.413(d) that discriminated against him on the basis of sex.

11 71. The Ninth Circuit has held that a parent’s liberty interest is neither binary nor automatic,
12 but rather becomes judicially enforceable only when the parent "demonstrates a full
13 commitment to the responsibilities of parenthood by coming forward to participate in the
14 rearing of [the] child." *Kirkpatrick v. Washoe County*, 843 F.3d 784, 789 (9th Cir. 2016) (en
15 banc).

16 Plaintiff contends that enforcement of CalWORKs discriminatory regulations operates
17 “for purposes of oppression” of male parents and thereby constitutes a violation of his
18 substantive due process rights guaranteed by the Fourteenth Amendment, (quoting *Daniels v.*
19 *Williams*, 474 U.S. 327, 331 (1986)).

20 72. Plaintiff’s redress for denial of constitutionally protected property interest in the form of
21 public benefits was limited to a Reconsideration of the Decision followed by a State
22 Administrative Law Hearing. The Department of Social Services’ appeals process was
23 confined to a determination as to whether the county’s actions were compliant with the state’s
24 regulatory provisions. The administrative hearing failed to provide the necessary judicial
25 review to safeguard applicants’ constitutionally protected rights.

26 73. Each and every named defendant failed to facilitate an administrative process through
27 which they could be noticed of a complaint of discrimination.

28 74. As a direct and proximate result of the unlawful acts of the each and every one of the

1 defendants named herein, Plaintiff was deprived of constitutionally protected liberty and
2 property interests as described in paragraphs 39-43 and suffered damages as described in
3 paragraphs 63-64.

4 **Second Cause of Action**

5 42 U.S.C. §1983: Violation of Fourteenth Amendment – Equal Protection

6 75. Plaintiff repeats and realleges each and every allegation contained in the preceding
7 paragraphs of this Complaint.

8 76. Each and every one of the defendants named herein, in their official capacities and as
9 individuals, acting under color of state authority, deprived Plaintiff of his rights, privileges,
10 and immunities secured by the Constitution of the United States, including but not limited to
11 equal protection of the laws as secured by the Fourteenth Amendment to the United States
12 Constitution (U.S. Const. Amend. XIV).

13 The Equal Protection Clause of the Fourteenth Amendment states, “a governmental body
14 may not deny people equal protection of its governing laws. The governing body state must
15 treat an individual in the same manner as others in similar conditions and circumstances.”

16 Title 42 U.S.C. § 1983 provides in relevant part: Every person who, under color of any
17 statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of
18 Columbia, subjects, or causes to be subjected, any citizen of the United States or other person
19 within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities
20 secured by the Constitution and laws, shall be liable to the party injured in an action at law,
21 suit in equity, or other proper proceeding for redress...”

22 77. Plaintiff, as a male parent, was treated differently and held to different criteria for
23 eligibility than the female parent who is similarly situated while both parents have equal
24 shared custody of the qualifying child.

25 78. On July 25, 2019, each and every one of the named defendants, in their official capacities,
26 both individually and collectively, acting under color of state authority, denied Plaintiff
27 eligibility for CalWORKs benefits, including eligibility for coordinated education programs,
28 based on unlawful Department of Social Services Regulations MPP §§ 82-804.1, 82-808.4 and

1 82-808.413(d) that discriminated against him on the basis of sex.

2 79. As a direct and proximate result of the unlawful acts of each and every one of the
3 defendants named herein, Plaintiff suffered damages as described in paragraphs 63-64.

4 **Third Cause of Action**

5 42 U.S.C. §1983: Violation of Title IX: Educational Opportunity Amendments of 1972
6 [Deprivation of Equal Educational Opportunities through Federally Funded Programs)

7 80. Plaintiff repeats and realleges each and every allegation contained in the preceding
8 paragraphs of this Complaint.

9 81. Each and every one of the defendants named herein, in their official capacities and as
10 individuals, acting under color of state authority, violated Title IX.

11 Title IX states, in relevant part: "no person shall, on the basis of sex, be excluded from
12 participation in, be denied the benefits of, or be subjected to discrimination under any
13 academic, extracurricular, research, occupational training, or other education program or
14 activity operated by a recipient which receives ... Federal financial assistance"

15 Pursuant Article 4 § 79150 of the California Education Code, "the Board of Governors of
16 the California Community Colleges, in conjunction with the State Department of Social
17 Services...adopt guidelines for the cooperative agencies resources for education programs.
18 The board of governors is responsible for the administration of the funds for the program."

19 Title 42 U.S.C. § 1983 provides in relevant part: Every person who, under color of any
20 statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of
21 Columbia, subjects, or causes to be subjected, any citizen of the United States or other person
22 within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities
23 secured by the Constitution and laws, shall be liable to the party injured in an action at law,
24 suit in equity, or other proper proceeding for redress..."

25 82. On July 25, 2019, defendants, in their official capacities and as individuals, both
26 individually and collectively, acting under color of state authority, denied Plaintiff eligibility
27 for CalWORKs benefits, including eligibility for coordinated education programs, based on
28 unlawful Department of Social Services Regulations MPP §§ 82-804.1, 82-808.4 and 82-

1 808.413(d) that discriminated against him on the basis of sex.

2 83. Defendants knew of, or reasonably should have known of, at least two-decades of grossly
3 disproportionate access to educational programs that favors female parents at approximately 7
4 to 1. These statistics are available to the public through the California Community Colleges
5 website.

6 Plaintiff contends that sex-based discrimination in these programs is purposefully
7 designed to exclude male parents, as there is no legitimate means of placing the defendants on
8 notice that it is occurring, and the appeals process is void of any redress for discrimination.

9 84. 42 U. S. C. § 2000d-7(a)(1) (withdraws the States' Eleventh Amendment immunity; §
10 2000d-7(a)(2) (provides that, in suits against States, "remedies (including remedies both at law
11 and in equity) are available for [violations of Title IX] to the same extent as such remedies are
12 available for such a violation in the suit against any public or private entity other than a
13 State").

14 85. As a direct and proximate result of the unlawful acts of each and every one of the
15 defendants named herein, Plaintiff suffered damages as described in paragraph 63 (3): the
16 monetary value of Los Rios Community College District transportation and meal tickets, and
17 any other EOPS, CARE, or related educational program benefits, all retroactive from the date
18 he applied.

19 **Fourth Cause of Action**

20 (Violation of California Constitution, Art. I, § 7 – Equal Protection)

21 86. Plaintiff repeats and realleges each and every allegation contained in the preceding
22 paragraphs of this Complaint.

23 87. Each and every one of the defendants named herein, in their official capacities and as
24 individuals, acting under color of state authority, deprived Plaintiff of his rights, privileges,
25 and immunities secured by the Constitution of the United States.

26 The California Constitution Article I, §7 (a) states, in relevant part, that “A person may
27 not be deprived of life, liberty, or property without due process of law or denied equal
28 protection of the laws...”

1 for CalWORKs benefits, including eligibility for coordinated education programs, based on
2 unlawful Department of Social Services Regulations MPP §§ 82-804.1, 82-808.4 and 82-
3 808.413(d) that discriminated against him on the basis of sex.

4 95. CalWORKs and coordinated education program benefits are a constitutionally protected
5 property interest. Defendants failed to ensure that the administrative process provided on
6 appeal of denial of benefits provided adequate procedural due process.

7 96. Plaintiff was deprived of constitutionally protected liberty and property interests without
8 procedural due process: he was and continues to be deprived of the ability to establish a home
9 and raise his child; his parent/child relationship was, and continues to be, impaired through
10 violations of his civil rights; he was, and continues to be, excluded from federally funded
11 educational programs and activities designed to increase his earning power as a single parent
12 in order to mitigate the effects of poverty on his child.

13 97. The actions of defendants in either promulgating, implementing, administering, and/or
14 enforcing the Department of Social Services regulations against Plaintiff were and are
15 arbitrary, capricious, and unreasonable in at least the following respects, among others: they
16 circumvent the clear and unambiguous central goals of the program – to mitigate the effects of
17 extreme poverty on dependent children and to increase parents’ earnings so they are no longer
18 dependent on welfare programs.

19 98. As a direct and proximate result of the unlawful acts of each and every one of the
20 defendants named herein, Plaintiff suffered damages as described in paragraphs 63-64.

21 99. Each and every defendant’s actions affecting Plaintiff that are described herein were
22 committed with reckless indifference to his rights protected by the California Constitution, as
23 no State official can act in their official
24 capacity to enforce or implement regulations that stand in direct conflict with the superior
25 authority of the California Constitution per their oaths of office.

26 **VI. Prayer for Relief**

27 WHEREFORE, Plaintiff prays that this Court:

28 (a) Enter judgment against the defendants;

1 (b) Enter a declaratory judgment declaring the acts of the defendants to be a
2 violation of Plaintiff's civil rights pursuant 42 U.S.C. §1983 and the Fourteenth
3 Amendment of the United States Constitution and Title IX of the Educational
4 Amendments of 1972 and pursuant the California Constitution, Article I, §7.

5 (c) Issue a declaratory judgment declaring that regulations and enabling statutes
6 authorizing MPP §§82-804.1, 82-808.4 and 82-808.413 (d) are unconstitutional as
7 enforced and as applied to Plaintiff;

8 (d) Issue a temporary restraining order, and a preliminary and permanent
9 injunction enjoining defendants, their agents, servants, employees, and officers from
10 enforcing and applying MPP §§82-804.1, 82-808.4 and 82-808.413 (d) in the
11 discriminatory manner on Plaintiff that has up through time of judgment
12 unconstitutionally been applied to Plaintiff on the basis of sex and to refrain from taking
13 such actions toward Plaintiff in the future;

14 (e) Award Plaintiff all special dispensation including the option for a two-year
15 exclusion from Welfare-to-Work activities (as described in Exhibit A);

16 (f) Award Plaintiff compensatory damages in the amount he should have received
17 in Cash Aid for a household of two people since the date of his application plus the
18 monetary value of SNAP/CalWIN benefits he should have received for one child from the
19 date of application and the value of any other benefits the court deems appropriate
20 calculated retroactively to the date of application; Award Plaintiff the value of the
21 EOPS/CARE program transportation allowance, cafeteria meal ticket allowance, and any
22 other education program benefits the court deems appropriate calculated retroactively to
23 the date of application; Award Plaintiff \$1230.20 for unfair collection of child support;

24 (g) Award Plaintiff costs, interest and reasonable attorneys' fees for this action
25 pursuant to 42 U.S.C. §1988 and other relevant statutes, if applicable;

26 (h) Order such other and further relief as the Court deems just and proper under the
27 circumstances.

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VII. Demand for Jury Trial.

Plaintiff hereby demands a jury trial.

Dated August 13, 2021

Respectfully submitted,

Justin G. Reedy, Plaintiff, In Pro Per