

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANGEL DE JESUS ZEPEDA RIVAS, et  
al.,

Plaintiffs,

v.

DAVID JENNINGS, et al.,

Defendants.

Case No. 20-cv-02731-VC

**ORDER DENYING MOTION TO  
DISMISS, MOTION TO STRIKE, AND  
MOTION TO TRANSFER**

Re: Dkt. No. 979

The motion to dismiss is denied. The GEO defendants clearly qualify as state actors for purposes of the plaintiffs' constitutional claim for the reasons set forth in *Pollard v. The GEO Group, Inc.*, 629 F.3d 843, 854-58 (9th Cir. 2010), *reversed on other grounds by Minneci v. Pollard*, 565 U.S. 118 (2012), as well as in Judge Motz's concurrence in *Holly v. Scott*, 434 F.3d 287, 297-302 (4th Cir. 2006) (Motz, J., concurring).

The motion to strike is denied as unnecessary. It is understood that to the extent the plaintiffs are seeking habeas relief, they will not be able to obtain it by way of a judgment against the GEO defendants. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1183-1187 (N.D. Cal. 2017). There is no need to strike anything from the complaint.

The motion to transfer is denied as frivolous. A transfer at this late stage of the case would obviously be inconvenient for everyone involved. (Everyone, that is, except the undersigned judge and his law clerk.)

**IT IS SO ORDERED.**

Dated: February 23, 2021

  
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VINCE CHHABRIA  
United States District Judge

