

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 28 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOHN JONES DOE, III,

Plaintiff - Appellant,

v.

ROB BONTA; ERICA PAN, Director of
California Department of Health;
DANIELLE SANTOS; LISA WALKER,
M.D.; STEVE MACDONALD,

Defendants - Appellees.

No. 24-5041

D.C. No. 3:16-cv-05195-JD

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
James Donato, District Judge, Presiding

Submitted September 22, 2026**

Before: OWENS, COLLINS, and SUNG, Circuit Judges.

John Jones Doe, III, appeals pro se from the district court's judgment
dismissing his 42 U.S.C. § 1983 action alleging constitutional violations arising

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision
without oral argument. *See* Fed. R. App. P. 34(a)(2).

from his 72-hour and 14-day mental health holds under California Welfare and Institutions Code §§ 5150 and 5250. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Mudpie, Inc. v. Travelers Cas. Ins. Co. of Am.*, 15 F.4th 885, 889 (9th Cir. 2021) (dismissal for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6)); *Sato v. Orange County Dep’t of Educ.*, 861 F.3d 923, 928 (9th Cir. 2017) (entitlement to Eleventh Amendment immunity). We may affirm on any ground supported by the record. *Thompson v. Paul*, 547 F.3d 1055, 1058-59 (9th Cir. 2008). We affirm.

The district court properly dismissed Doe’s claims against defendants MacDonald, Santos, and Walker because Doe failed to allege facts sufficient to state a plausible claim. *See* Cal. Welf. & Inst. Code §§ 5150 (providing for a person to be taken into custody and detained for 72 hours if there is probable cause to believe that person is a danger to themselves or others because of a mental disorder), 5250 (providing that a person held under § 5150 may, upon proper evaluation, be certified for intensive treatment for up to 14 days); *Bias v. Moynihan*, 508 F.3d 1212, 1220 (9th Cir. 2007) (explaining that “[p]robable cause exists under section 5150 if facts are known to the officer that would lead a person of ordinary care and prudence to believe, or to entertain a strong suspicion, that the person detained is mentally disordered and is a danger to himself or herself” (citation and internal quotation marks omitted)).

Dismissal of Doe’s claims against defendants Bonta and Pan was proper because Doe failed to allege facts sufficient to show an exception to Eleventh Amendment immunity under *Ex parte Young*, 209 U.S. 123 (1908). *See Ass’n des Eleveurs de Canards et d’Oies du Quebec v. Harris*, 729 F.3d 937, 943 (9th Cir. 2013) (discussing Eleventh Amendment immunity and exception under *Ex parte Young*).

The district court did not abuse its discretion by dismissing without further leave to amend because amendment would be futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and stating that leave to amend may be denied where amendment would be futile); *Metzler Inv. GMBH v. Corinthian Colls., Inc.*, 540 F.3d 1049, 1072 (9th Cir. 2008) (explaining that “the district court’s discretion to deny leave to amend is particularly broad where plaintiff has previously amended the complaint” (citation and internal quotation marks omitted)).

AFFIRMED.