

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 6 2026

FOR THE NINTH CIRCUIT

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

JANE DOE,

Plaintiff - Appellant,

v.

JOSEPH LOMBARDO, Governor of
Nevada, in his official capacity; AARON
DARNELL FORD Esquire, Attorney
General of Nevada, in his official capacity;
COUNTY OF NYE; COUNTY OF ELKO;
COUNTY OF STOREY; WESTERN
BEST, INC., doing business as Chicken
Ranch; LEONARD LANCE GILMAN, in
his official capacity,

Defendants - Appellees,

MUSTANG RANCH PRODUCTIONS,
LLC, doing business as Mustang Ranch
Lounge, LLC; DESERT ROSE CLUB,
LLC; HACIENDA ROOMING HOUSE,
INC., doing business as Bella's Hacienda
Ranch; WESTERN BEST, LLC,

Defendants.

No. 25-2029

D.C. No.

3:24-cv-00065-MMD-CSD

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada

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

Miranda M. Du, District Judge, Presiding

Argued and Submitted March 11, 2026
Las Vegas, Nevada

Before: BENNETT and SANCHEZ, Circuit Judges, and HOLCOMB, District Judge.**

Jane Doe alleges that between 2017 and 2023, she was a victim of sex trafficking while she was working in brothels regulated by Nye County, Elko County, and Storey County (collectively, the “Counties”). In February 2024, Doe filed a lawsuit against the Counties, among other defendants,¹ asserting claims arising under the Thirteenth Amendment and the Trafficking Victims Protection Reauthorization Act, 18 U.S.C. §§ 1591(a), 1595.

The district court dismissed Doe’s claims against the Counties, concluding that Doe lacked Article III standing to sue those municipalities. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

“We review a district court’s dismissal under Rule 12(b)(1) [of the Federal Rules of Civil Procedure] for lack of standing de novo.” *Unified Data Servs., LLC v. Fed. Trade Comm’n*, 39 F.4th 1200, 1209 (9th Cir. 2022) (citations omitted); *see*

** The Honorable John W. Holcomb, United States District Judge for the Central District of California, sitting by designation.

¹ Doe’s arguments on appeal relate to only the Counties.

also *City & Cnty. of San Francisco v. Garland*, 42 F.4th 1078, 1084 (9th Cir. 2022) (“[W]e review questions of Article III justiciability de novo.”).

“[T]o establish standing, a plaintiff must show (i) that [she] suffered an injury in fact that is concrete, particularized, and actual or imminent; (ii) that the injury was likely caused by the defendant; and (iii) that the injury would likely be redressed by judicial relief.” *TransUnion LLC v. Ramirez*, 594 U.S. 413, 423 (2021) (citing *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992)). At issue here is the second element—causation.

Doe argues on appeal that her alleged injuries are sufficiently traceable to the Counties’ regulatory conduct as to support Article III standing. To establish traceability, Doe must allege that her injuries are “fairly traceable” to the Counties’ conduct and “not the result of the independent action of some third party not before the court.” *Namisnak v. Uber Techs., Inc.*, 971 F.3d 1088, 1094 (9th Cir. 2020) (quoting *Lujan*, 504 U.S. at 561). Although that standard does not require Doe to show proximate cause, it does require her to “establish a ‘line of causation’ between [the Counties’] action and [her] alleged harm that is more than ‘attenuated.’” *Maya v. Centex Corp.*, 658 F.3d 1060, 1070 (9th Cir. 2011) (quoting *Allen v. Wright*, 468 U.S. 737, 757 (1984), *abrogated on other grounds by Lexmark Int’l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118 (2014)).

The district court correctly dismissed Doe’s claims against the Counties for lack of Article III standing. First, Doe has not established that her alleged sex-trafficking-related injuries are fairly traceable to the Counties’ conduct. Doe avers that the Counties’ regulations of legal brothels created the conditions that led to her becoming a victim of sex trafficking. It does not follow that because the Counties’ ordinances allow and regulate commercial sex work, the Counties foreseeably cause—and are therefore liable for—sex trafficking. Doe pleads no other facts directly connecting the Counties’ conduct to her injuries.²

Second, Doe fails to plead a sufficient connection between the Counties’ conduct and the third parties who caused her alleged injuries. Doe’s allegations that the Counties and governmental actors facilitated and enabled illegal sex trafficking necessarily rely on the existence of illegal third-party conduct in Nevada’s commercial sex industry. When, as here, “an essential element of standing”—such as causation—“depends on the reaction of a third party to the requested government action or inaction, ‘it becomes the burden of the plaintiff to adduce facts showing that those choices have been or will be made.’” *Ctr. for Biological Diversity v. Exp.-*

² Doe argues that the conduct of Defendant Leonard Lance Gilman, who served as both a Storey County commissioner and a brothel owner, creates a causal connection between the Counties and Doe’s injuries. However, Doe alleges no facts concerning Gilman’s acts in his capacity as a county commissioner, and his acts in his capacity as a brothel owner do not implicate Storey County.

Imp. Bank of the U.S., 894 F.3d 1005, 1012 (9th Cir. 2018) (quoting *Lujan*, 504 U.S. at 562); see also *WildEarth Guardians v. U.S. Forest Serv.*, 70 F.4th 1212, 1217 (9th Cir. 2023) (same).

There are several ways for a plaintiff to make the causal showing required under these circumstances. For instance, a plaintiff may show: (1) that the defendant’s action had a “determinative or coercive effect upon the action causing the injury”; (2) that “the defendant had clear regulatory authority over the third party who more directly caused the plaintiff’s injury”; (3) that “the defendant was an integral participant in a third-party’s allegedly harmful action”; or (4) that “third parties will likely react in predictable ways to the challenged government action.” *Ctr. for Biological Diversity v. Env’t Prot. Agency*, 168 F.4th 1164, 1176 (9th Cir. 2026) (citation modified).

Doe fails to satisfy any of those tests. Doe does not allege that the Counties coerced the third parties who allegedly subjected her to sex trafficking. Nor do Doe’s allegations, taken together, show that her injuries were a predictable consequence of the Counties’ actions. See *Diamond Alt. Energy, LLC v. Env’t Prot. Agency*, 606 U.S. 100, 112 (2025). Accordingly, Doe fails to establish Article III standing.³

³ The district court also concluded that Doe failed to establish third-party standing, but because Doe does not challenge that conclusion on appeal, any such challenge that Doe could have raised is waived. See *Smith v. Marsh*, 194 F.3d 1045,

Finally, the record does not support a conclusion that the district court failed to consider all of Doe's allegations or to draw all reasonable inferences in Doe's favor.

AFFIRMED.

1052 (9th Cir. 1999) (“[O]n appeal, arguments not raised by a party in its opening brief are deemed waived.”).