

1 **[INSERT FIRM NAME]**  
[INSERT ATTORNEY NAME]. (Bar No. xxxxxx)  
2 [INSERT EMAIL]  
[INSERT STREEET]  
3 [INSERT CITY, STATE, ZIP]  
4 Telephone: (xxx) xxx-xxxx  
Facsimile: (xxx) xxx-xxxx

5 Attorneys for Plaintiff "John Doe"

6  
7 "JOHN DOE",  
8 Plaintiff,  
9 v.

10 RIVERSIDE SHERIFF CHAD BIANCO,  
MARK SKOGLUND, SERENA TORRES  
HENROTIN, CAPTAIN WALTER  
11 MENDEZ, DEANNA PECORARO, ; and  
DOES 1 through 10, inclusive;  
12 Defendants.

Case No.:

UNLIMITED JURISDICTION

[DRAFT] COMPLAINT FOR DECLARATORY RELIEF  
AND INJUNCTIVE RELIEF FOR:

1. UNLAWFUL DENIAL OF CCW PERMIT;
2. VIOLATION OF CONSTITUTIONAL RIGHTS;
3. VIOLATION OF BANE ACT;
4. VIOLATION OF CALIFORNIA PENAL CODE SECTION 26190;
5. VIOLATION OF CALIFORNIA PENAL CODE SECTION 26202;
6. VIOLATION OF CALIFORNIA GOVERNMENT CODE SECTION 11135;
7. VIOLATION OF CALIFORNIA CIVIL CODE SECTION 52.1;
8. VIOLATION OF THE CALIFORNIA PUBLIC RECORDS ACT.

13  
14  
15  
16  
17  
18 COMES NOW "JOHN DOE", Plaintiff, and alleges the following against RIVERSIDE COUNTY  
19 SHERIFF CHAD BIANCO, MARK SKOGLUND, SERENA HENROTIN, CAPTAIN WALTER  
20 MENDEZ, DEANNA PECORARO, and DOES 1-10, Defendants:

21  
22 Plaintiff, "John Doe", by and through his counsel, alleges as follows:

23 **PARTIES**

24 1. Plaintiff is a resident of RIVERSIDE COUNTY, and has the right to keep and bear  
25 arms under the Second Amendment of the United States Constitution.

26 2. Defendant Riverside County Sheriff CHAD BIANCO is the chief law enforcement  
27 officer of Riverside County Sheriff, and has discretion to issue Concealed Carry Weapon  
28 ("CCW") permits on a "shall issue" basis.

1 3. Defendants MARK SKOGLUND is an deputy with the Riverside County Sheriff's  
2 CCW unit.

3 4. Defendant SERENA TORRES HENROTIN is an deputy with the Riverside County  
4 Sheriff's CCW unit.

5 5. Defendant CAPTAIN WALTER MENDER is the Riverside County Sheriff's  
6 Professional Standards Coordinator.

7 6. Defendant DEANNA PECORARO is a Lieutenant with the Riverside County  
8 Sheriff.

9 **JURISDICTION AND VENUE**

10 7. This court has jurisdiction over this matter pursuant to California Code of Civil  
11 Procedure Section 1060 et seq.

12 8. Venue is proper in this court pursuant to California Code of Civil Procedure Section  
13 395, as the defendants are located in Riverside County.

14 **FACTUAL BACKGROUND**

15 9. Plaintiff is a resident of RIVERSIDE COUNTY, CALIFORNIA and is entitled to  
16 exercise the right to keep and bear arms under the Second Amendment of the United States  
17 Constitution.

18 10. Plaintiff submitted an application for a Concealed Carry Weapon ("CCW") Permit to  
19 the RIVERSIDE COUNTY SHERIFF, pursuant to California law, which grants the Sheriff  
20 the discretion to issue such permits on a "Shall issue" basis.

21 11. Plaintiff met all of the eligibility requirements for a CCW Permit under California  
22 law.

23 12. Defendant MARK SKOGLUND, acting as an agent of the RIVERSIDE COUNTY  
24 SHERIFF, coerced Plaintiff into providing his social security number, in violation of the  
25 Bane Act (California Civil Code Section 52.1), and California Penal Code Section 26190.

26 13. Defendant SKOGLUND used the Plaintiff's social security number to conduct a Live  
27 Scan background check, which produced a false positive for [INSERT CRIMINAL  
28 OFFENSE/ACTIVITY].

1 14. Plaintiff has never been convicted of [INSERT CRIMINAL OFFENSE/ACTIVITY]  
2 and has no disqualifying criminal record.

3 15. Defendant CHAD BIANCO denied Plaintiff's CCW Permit application based on the  
4 false positive Live Scan background check, which violated Plaintiff's Second Amendment  
5 right to bear arms, as affirmed by the United States Supreme Court in District of Columbia  
6 v. Heller, 554 U.S. 570 (2008), and McDonald v. City of Chicago, 561 U.S. 742 (2010).

7 16. Defendant RIVERSIDE COUNTY SHERIFF CHAD BIANCO's denial of Plaintiff's  
8 CCW Permit application also violated Plaintiff's Fourteenth Amendment right to equal  
9 protection under the law, as Plaintiff was denied the same privileges afforded to other  
10 similarly situated individuals.

11 17. Defendant CAPTAIN WALTER MENDEZ, acting as the RIVERSIDE COUNTY  
12 SHERIFF CHAD BIANCO'S CCW Personnel Coordinator, failed to properly train and  
13 supervise the Sheriff's staff responsible for processing CCW Permit applications, resulting  
14 in the violation of Plaintiff's rights.

15 18. Defendant CAPTAIN WALTER MENDEZ, acting as a supervisor for the SERENA  
16 TORRES HENROTIN, failed to properly oversee the processing of CCW Permit  
17 applications, and failed to correct the errors made by his subordinates, resulting in the  
18 violation of Plaintiff's rights.

19 19. Defendants' actions are further in violation of California law, which clearly states that  
20 the applicant for a CCW Permit is not responsible for completing the Sheriff's investigation,  
21 as outlined in California Penal Code Section 26190.

22 20. Defendants' actions are also in violation of California Penal Code Section 26202,  
23 which requires the Sheriff to issue a CCW Permit to any person who meets the eligibility  
24 requirements under California law, and whose background check reveals no disqualifying  
25 criminal record.

26 21. Defendants' actions also violate California Government Code Section 11135, which  
27 prohibits discrimination on the basis of race, ethnicity, or national origin in any program or  
28 activity that receives state funding or assistance.

1 22. Plaintiff also alleges that Defendants' actions were arbitrary and capricious, and not  
2 supported by any legitimate reason or evidence. Plaintiff is eligible for a CCW Permit and  
3 there is no legitimate reason for the Sheriff's Office to deny the permit based on a false  
4 positive on the background check.

5 23. Plaintiff further alleges that Mark Skoglund, in his capacity as a representative of the  
6 RIVERSIDE COUNTY SHERIFF CHAD BIANCO's Office, violated the Bane Act and  
7 Section 26190 of the California Penal Code by coercing Plaintiff into providing his social  
8 security number.

9 24. Plaintiff has suffered and continues to suffer great emotional trauma and distress as a  
10 result of Defendants' actions. The denial of Plaintiff's CCW Permit has caused Plaintiff to  
11 feel vulnerable and unsafe, and has interfered with Plaintiff's ability to protect himself and  
12 his family.

13 25. Plaintiff further alleges that DEANNA PECORARO, in her capacity as a  
14 representative of the Sheriff's Office, failed to effectively investigate Plaintiff's initial  
15 complaint regarding the potential coming denial of his CCW Permit, MARK  
16 SKOGLUND's Bane Act (California Civil Code Section 52.1), and California Penal Code  
17 Section 26190, and colluded to protect SKOGLUND from any potential repercussions.

18 26. Plaintiff alleges that Defendants' actions also violated the California Public Records  
19 Act by failing to provide Plaintiff with access to his own records and information related to  
20 the denial of his CCW Permit, despite numerous requests and demands.

21 27. Plaintiff further alleges that Defendants' actions violated California Civil Code  
22 Section 52.1, also known as the California Tom Bane Civil Rights Act, by using threats,  
23 intimidation, coercion, and/or force against Plaintiff in an attempt to prevent him from  
24 exercising his rights under the Second Amendment and to seek redress for the violation of  
25 his constitutional and statutory rights.

26 28. Plaintiff further alleges that Defendants' actions violated the precedent established in  
27 the case of *Peruta v. San Diego County*, 824 F.3d 919 (9th Cir. 2016) (en banc) and the  
28 subsequent California appellate case of *In re Luis A. Garcia*, 28 Cal. App. 5th 922, 940

1 (2018), commonly known as the Bruen case, which established that California is a "shall-  
2 issue" state with regard to concealed carry permits.

3 29. Additionally, it's worth noting the Ninth Circuit's decision in the case of Young v.  
4 Hawaii, which was decided in July 2021, after the Bruen case. In the Young case, the Ninth  
5 Circuit Court of Appeals held that Hawaii's requirement for applicants to provide a social  
6 security number when applying for a license to carry a firearm violated the Second  
7 Amendment. The court found that the requirement was not necessary to determine an  
8 applicant's eligibility for a license and that it could deter individuals from applying for a  
9 license.

10 30. Despite this precedent, Defendants have willfully and intentionally denied Plaintiff  
11 his right to bear arms in self-defense by denying his CCW Permit without legal justification.

12 31. Defendants actions have also left the plaintiff defenseless.

### 13 **FIRST CAUSE OF ACTION**

#### 14 ***(Declaratory Relief)***

15 32. Plaintiff seeks a declaration that Defendants' actions, including the requirement for  
16 social security numbers and the denial of his CCW permit, are unconstitutional and violate  
17 the Second and Fourteenth Amendments

### 18 **SECOND CAUSE OF ACTION**

#### 19 ***(Injunctive Relief)***

20 33. Plaintiff seeks injunctive relief prohibiting Defendants from continuing to violate  
21 Plaintiff's constitutional and statutory rights by denying his CCW permit application based  
22 on a false positive Live Scan background check, and requiring Defendants to issue Plaintiff  
23 a CCW permit in accordance with California law.

24 34. Plaintiff seeks a permanent injunction prohibiting Defendants from requiring social  
25 security numbers as a condition of obtaining a CCW permit.

26 35. Plaintiff further alleges that Defendants' actions were taken under the color of law,  
27 and were therefore a violation of 42 U.S.C. §

28 ///

1 36. Plaintiff further seeks injunctive relief requiring Defendants to provide Plaintiff with  
2 access to his own records and information related to the denial of his CCW permit, as  
3 required by the California Public Records Act.

4 37. Plaintiff also seeks injunctive relief requiring Defendants to train and supervise their  
5 staff responsible for processing CCW permit applications to ensure that they do not violate  
6 the constitutional and statutory rights of applicants.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff prays for relief as follows:

9 **ON ALL CAUSES OF ACTION:**

- 10 1. A declaration that Defendants' actions, including the requirement that Plaintiff  
11 provide his social security number as a condition of processing his CCW permit  
12 application, and the denial of Plaintiff's CCW permit based on a false positive Live  
13 Scan background check, violated Plaintiff's constitutional and statutory rights under  
14 the Second Amendment and the Fourteenth Amendment, and California law;
- 15 2. An injunction prohibiting Defendants from continuing to violate Plaintiff's  
16 constitutional and statutory rights by denying his CCW permit application based on a  
17 false positive Live Scan background check, and requiring Defendants to issue  
18 Plaintiff a CCW permit in accordance with California law;
- 19 3. That the Court award Plaintiff all costs and fees incurred in bringing this action;
- 20 4. That the Court award Plaintiff damages for the violation of Plaintiff's rights under the  
21 Second and Fourteenth Amendments to the United States Constitution;
- 22 5. That the Court award Plaintiff damages for the violation of California Penal Code  
23 Section 26202;
- 24 6. That the Court award Plaintiff damages for the violation of California Government  
25 Code Section 11135;
- 26 7. That the Court award Plaintiff damages for the violation of the Bane Act and Section  
27 26190 of the California Penal Code;
- 28 8. That the Court award Plaintiff damages for emotional distress;

- 1 9. That the Court award Plaintiff damages for Deana Pecararo's failure to investigate
- 2 and collusion;
- 3 10. That the Court award Plaintiff damages for the violation of the California Public
- 4 Records Act;
- 5 11. That the Court award Plaintiff damages for the violation of California Civil Code
- 6 Section 52.1;
- 7 12. That the Court award Plaintiff damages for the violation of the precedent established
- 8 in Peruta v. San Diego County and the Bruen case;
- 9 13. That the Court award Plaintiff punitive damages against Defendants for their willful
- 10 and intentional violation of Plaintiff's rights; and
- 11 14. Any other relief the Court deems just and proper.

12  
13  
14 Respectfully Submitted,

15 Dated: March 27, 2023

16  
17 \_\_\_\_\_  
Attorney Name  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28