

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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JUSTIN REEDY,

Petitioner,

VS.

CALIFORNIA DEPT. OF SOCIAL SERVICES, et. al,

Respondent.

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On Petition for a Writ of Certiorari  
to the Court of Appeals of the State of New York

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**PETITIONER'S APPLICATION FOR EXTENSION OF TIME TO FILE  
PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF  
APPEALS OF THE STATE OF CALIFORNIA**

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Justin Reedy, Petitioner  
7295 Amherst Street  
Sacramento, CA 95822  
916.428.1510

May 11, 2024

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*To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States as Circuit Justice for the Ninth Circuit:*

Petitioner, Justin Reedy, respectfully applies to this Court for an order extending the time in which to file his petition for writ of certiorari from June 13, 2024 until September 12, 2024, a period of sixty (90) days. This Court's jurisdiction is based upon 28 U.S.C. §§ 1254(1) and 1257(a). The Office of the Attorney General of the State of California was notified of this Application pursuant to this Court's Rule 29(4)(c) and 28 U.S.C. § 2403(b). In support of this Application, Mr. Reedy sets forth the following:

1. Mr. Reedy is a disabled, single father who filed a Paternity motion prior to his daughter's birth and obtained joint equal custody of her when she was 11 months old. Due to back and learning disabilities, Justin was unable to secure gainful employment and was attending vocational school under a Department of Rehabilitation (DOR) contract. Upon his request, the DOR changed his IPE to help him find work to support his child.

2. Mr. Reedy was removed from work due to back disabilities and received State Disability Insurance (SDI). Upon a referral from his doctor, the DOR changed his IPE again to facilitate retraining in a new career field. Mr. Reedy's SDI benefits expired leaving him destitute.

3. In June 2019, Mr. Reedy applied for CalWORKs benefits but was denied because the mother was receiving benefits for herself and the child.

4. Mr. Reedy requested an appeal of the decision through the Department of Social Services. The state appeal process could not redress the unconstitutional state regulations that formed the basis of his denial. These regulations are found in the Manual of Policies and Procedures and are enforced together [MPP §§82-804.1, 82-808.4 and 82-808.413 (d)] to allow the "first parent that applied" to continue to receive the benefits ongoing.

5. Mr. Reedy filed a complaint in the United States Court for the Eastern District of California citing discrimination on the basis of gender because mothers can apply for welfare benefits when they are pregnant, and therefore, they can always apply first. The regulations create two different criteria for eligibility for CalWORKs, one for males (men/fathers) and a different one for females (women/mothers).

6. Mr. Reedy proceeded *in forma pauperis* and in pro per.

7. The State defendants argued that Mr. Reedy was the "second eligible parent" and as such would be able to receive the benefits once the mother's case ended after a period of 48 months.

8. New legislation extended her statutory period to 60 months during the proceedings. The State defendants ignored the multitude of exceptions to the time limit.

9. The state argued that Mr. Reedy failed to demonstrate a property right.

10. They further argued that Mr. Reedy failed to meet the eligibility requirements because California has created regulations that do not allow two parents living in two different households to receive CalWORKs benefits for the same

child at the same time.

11. The County defendants maintain that they are only responsible for administering the CalWORKs program in conformity with federal and state laws and regulations. The California Department of Social Services oversees the administering of the CalWORKs program. To determine eligibility, the County applies a multi-step process.

12. The trial court granted the defendant's motion to dismiss on June 1, 2022. Mr. Reedy engaged a pro bono attorney to file an appeal in the Ninth Circuit. Mr. Reedy proceeded *in forma pauperis*.

13. Prior to filing the complaint, on Sept. 19, 2019, Mr. Reedy requested the court designate him primary custodial parent for purpose of social services pursuant Cal. Civ. Code Section 4600.5 (h). The Superior court denied the request.

14. Civ. Code Section 4600.5 (h) implicitly adopts the "change in circumstances requirement" that the court state its reasons for modifying or terminating joint custody if the motion for joint custody is opposed. *Speelman v. Superior Court* (Cal. App. 1st Dist. Nov. 22, 1983), 152 Cal. App. 3d 124, 199 Cal. Rptr. 784, 1983 Cal. App. LEXIS 2575.

15. Cal. Civ. Code Section 4600.5 (h) was superseded by Cal. Fam. Code Section 3086 in 1992. The State defendants did not raise this remedy at trial.

16. On April 1, 2022, Mr. Reedy brought a motion in the El Dorado County Superior Court seeking relief under Section 3086. The motion was heard May 12th, continued to July 11th, Oct. 10th, and Nov. 28th when it was denied.

17. The Dept. of Child Support Services (DCSS) was a party. The DCSS

attorney objected to the motion stating that the court had no jurisdiction and that there was a well-established administrative appeal process in place. DCSS is a subsidiary of Health and Human Services Agency, a named defendant in this case.

18. In December 2022, DCSS requested rehearing. On January 23, 2023, the DCSS attorney rescinded the objection. The motion was denied on the basis that the mother was already receiving the benefits, the same unconstitutional circular argument made by the State defendants. Mr. Reedy, a joint parent, was instructed to find resources that “do not involve the minor” despite his equal share of parenting time.

19. Mr. Reedy, an indigent parent, could not get help from the family law facilitator regarding how to file a Notice of Appeal or to determine whether the denial of the motion was appealable. On or around April 16, 2023, Mr. Reedy filed a writ of Mandate or Other Appropriate Relief in the Third Appellate Court. It was denied.

20. The mother has been on welfare for seven years since her pregnancy in 2017. This period exceeds the 48-month period the State defendants claimed would be the maximum duration her benefits would be active and Mr. Reedy would be able as the “second eligible parent” to receive the benefits.

21. The State defendants put forth a second post-deprivation remedy that fails. They argued on appeal that Cal. Fam. Code Section 3087 allows Mr. Reedy an opportunity for eligibility by obtaining more responsibility over the child, which requires a change in custody/parenting time. This proposed remedy ignores the state legislature’s intent and public policy in maintaining stable custody arrangements and minimizing litigation.

22. The Ninth Circuit Court of Appeals found that the issue raised is one purely of law and that these post-deprivation proposals, ie. Cal. Fam. Code Section 3086 and 3087 provided adequate procedural protections. Mr. Reedy disagrees. Had the State defendants raised these remedies at trial, he would have had the opportunity to include different facts and evidence. Mr. Reedy's case was prejudiced by the State defendants' failure to raise these remedies in the trial court. *United States v. Carleson*, 900 F.2d 1346; 1990 U.S. App. LEXIS 4706); See *Rubalcaba*, 811 F.2d at 493; *Bolker*, 760 F.2d at 1042; *Patrin*, 575 F.2d at 712.

23. Mr. Reedy's case raises exceedingly important questions regarding the minimum due process guarantees afforded under the Fourteenth Amendment when denied substantial property interests in the CalWORKs benefits for which he was and remains financially qualified to receive. In addition, Mr. Reedy's case raises important questions regarding public policy insofar as Commissioner Gary Slossberg's finding that a proposed remedy under Cal. Fam. Code § 3086 is inoperable without a child support order. Mr. Reedy's case demonstrates the supremacy of the child support statutes that are mandated by federal law and codified into international law.

The United Nations Articles 3 and 27 provide, in relevant part:

“[I]n all actions concerning children the best interests of the child shall be a primary consideration; every child has a right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development; the parent(s)... have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development; States Parties should take all appropriate measures...to secure the recovery of maintenance for the child from the parent(s) or other responsible persons...”

24. This is especially poignant when poverty threatens an important liberty interest, i.e., the right to parental relationship. See *Matthews v. Eldridge* , 424 U.S.

319, 331-332 (U.S. 1976); *Fuentes v. Shevin* , 407 U.S. 67, 81 (U.S. 1972); *Santosky v. Kramer* , 455 U.S. 745, 753 (U.S. 1982); *Quillan v. Walcott* , 434 U.S. 246, 255 (U.S. 1978). Mr. Reedy's complaint alleges harm to the protected parent-child relationship as a result of the unequal treatment and due process violations. *See Kelson v. Springfield* , 767 F 2d 651; US Ct App 9th Cir, (1985).

Mr. Reedy's complaint argues the challenged regulations are arbitrary and capricious. Whomever applies first does not consider the relative ability, opportunity, and earning capacity of each parent. The Superior Court of California, County of El Dorado disregarded these factors when considering Mr. Reedy's motion under Cal. Fam. Code § 3086. They failed to consider that the mother had obtained an AA, then a BSW, and was working on her master's degree. She will graduate this month but continues to receive the benefits for the child.

25. The California Department of Social Services regulation MPP § 82-808.413(d) relating to which parent shall receive the totality of social services benefits violates the minimum due process and equal treatment requirements under the United States Constitution as it does not provide Mr. Reedy with a no-cost, pre-deprivation hearing through the appeal process. The only remedy the State provides Mr. Reedy is a disparate financially burdensome post-deprivation judicial review process which on its face fails to provide adequate procedural protections.

26. The proposed post-deprivation remedy under Family Code Section 3087 ignores the public policy promoting joint equal custody and the legislative intent to continue stable custody arrangements.

27. The proposed remedy under Family Code Section 3086 is illusory and fails

to incorporate child support factors which are under Cal. Fam. Code § 4053.

Commissioner Gary Slossberg heard the case on July 11, 2022 and stated that "the goal of the State is to get parents out of poverty when they have children...it doesn't seem to fit with public policy that two parents have 50 percent time share and only one parent is receiving the support from the state...both parents should have that support if neither has the ability to support the child without [it]...If there were a child support order in place, I would find good cause under the circumstances to likely deviate to try to rectify the situation...it's beyond my scope to go beyond that."

28. Commissioner Hana Balfour heard the case on continuance on November 22, 2022 after Mr. Reedy filed a brief. On this occasion a due process violation exacerbated Mr. Reedy's inability to meaningfully participate in the hearing due to his disabilities which were not accommodated, a violation of Title II of the ADA. *See also Ake v. Oklahoma*, 470 U.S. 68, 76 (U.S. 1985) (explaining that a criminal defendant must be able to meaningfully participate in his defense to avoid deprivation of due process).

29. Judge Bowers presided over the January 23, 2023 rehearing and determined that the "system is not discriminatory on the basis of gender," a finding outside the scope of her jurisdiction given that the issue was before the Ninth Circuit. She found that the mother had been receiving the benefits "accordingly" and should continue to do so, relying on the very regulations that are being challenged. She also inaccurately determined that eligibility is based on the "child's needs and not the parent's needs," when it is the parent's financial need that upon which financial eligibility for CalWORKs is determined. Judge Bowers violated Mr. Reedy's due



process rights by discriminating on the basis of gender when she found that he should continue to seek resources that “do not involve the minor” despite his equal parental responsibilities.

“[T]he court must be vigilant to scrutinize the attendant facts with an eye to detect and a hand to prevent violations of the Constitution by circuitous and indirect methods. Constitutional provisions for the security of person and property are to be liberally construed, and ‘it is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon.’” *Byars v. United States*, 273 U.S. 28 (1927) quoting *Boyd v. United States*, 116U. S. 616, 116 U. S. 635; *Gouled v. United States*, *supra*, p. 255 U. S. 304, *supra*.

30. The Ninth Circuit Court of Appeals found that the issue raised is one purely of law, citing the proposed remedies – Cal. Fam. Code Sections 3086 and 3087 - that were raised in the appeal. However, had the State defendants raised these proposed remedies at trial, Mr. Reedy’s experienced federal appellate attorney would have included different facts and evidence. As a result, Mr. Reedy’s case was prejudiced. *United States v. Carleson*, 900 F.2d 1346; 1990 U.S. App. LEXIS 4706); See *Rubalcaba*, 811 F.2d at 493; *Bolker*, 760 F.2d at 1042; *Patrin*, 575 F.2d at 712.

In the ARB pg. 5., Mr. Reedy’s attorney stated, “Tellingly, even the County Defendants do not embrace this newly minted defense. See Dkt. No. 27.

31. As this specific case demonstrates, under California's regulatory scheme, an individual can be denied minimum procedural due process in the administrative appeal and be left without adequate post deprivation remedy. Although the regulations provide for judicial review, the process is unduly burdensome to indigent

fathers and entails a completely different application process.

32. To demonstrate its futility, the motion Mr. Reedy brought under Cal. Fam. Code Section 3086 case was unprecedented despite the adoption of the family code in 1992. Neither the two Commissioners nor the DCSS attorney had ever heard of the statute thus objecting to/denying the relief Mr. Reedy sought. It wasn't until Mr. Reedy, an indigent, disabled father, provided all parties with a brief on the matter in 2022 – 30 years after the Family Law Act was enacted - that the State defendants raised the issue at trial because even the defendants responsible for promulgating, administering, and enforcing the regulations were unaware of the statute.

33. Mr. Reedy's parents are well-educated and committed to helping him rectify this miscarriage of justice. They discovered the statute derived from the archived Civil Code § 4600.5 (h), which also has no history of litigation.

34. Mr. Reedy, like other indigent fathers, was not able to bring the motion on his own as he possesses neither the skill nor the resources. To expect an indigent parent who is eligible for public assistance to undergo such a lengthy, expensive, and burdensome process "shocks the conscience."

35. The actions of the Superior Court compounded the due process violations. Mr. Reedy was clearly denied adequate post-deprivation remedy.

36. The proposed remedy further denies equal protection under the law. Mr. Reedy had to return repeatedly to court between April 2022 and January 2023 whereas the mother, as an applicant for CalWORKs through the county, was guaranteed a determination in 30 days or less. The burdens placed on Mr. Reedy force only the male parent to seek judicial review that is expensive, time-

consuming, and stressful, and that violates privacy rights. The mother's financial need, application for, and participation in CalWORKs is entirely confidential whereas judicial review is public record. The Fourth and Fifth Amendments were described in *Boyd v. United States*, as protection against all governmental invasions "of the sanctity of a man's home and the privacies of life." cited in *Griswold v. Connecticut*, 381 US 479 (1965).

37. Mr. Reedy contends that Cal. Welfare and Institutions Code Article 2. Powers and Duties [10600-10619] grants the State defendants the authority to review his application and his administrative appeal *de novo* as well as to revise the discriminatory regulations. Any argument that this places an additional burden on the State administrative process is rebuttable by the additional burden on the judiciary.

38. Mr. Reedy now seeks a writ of certiorari for the Court of Appeals of the State of California with respect to its denial of his complaint. The Ninth Circuit Court of Appeals denied his petition for rehearing and/or rehearing *en banc* that addressed the proposed new remedies that were raised for the first time on appeal. This Court's jurisdiction to grant a writ of certiorari arises pursuant to 28 U.S.C. 1257(a) as California Department of Social Services regulatory scheme, and specifically regulation MPP § 82-808.413(d), is being challenged as constitutionally repugnant.

39. As per this Court's Rule 13.3, a petition for writ of certiorari is due in this case on or before June 13, 2024, or 90 days after the denial of reconsideration by the Ninth Circuit Court of Appeals. This time is insufficient to allow Petitioner to adequately prepare the petition and address these exceptionally important issues. As

such, petitioner, who is in pro se, requires additional time to carefully and properly prepare the petition with help from family as an ADA accommodation.

40. Petitioner is disabled and gets help with legal research and document preparation. Due to a prolonged illness over a six week period since the mandate was filed on March 15, 2024, no help was available to him.

41. Petitioner is also faced with numerous other obligations in other cases which prevents him from being able to devote the adequate time and attention that a petition for a writ of certiorari requires. The other obligations are as follows:

a. Trial preparation for trial set for July 11, 2024 on the matter of change in custody and parenting time. Issues are related to decisions of the court rendered on May 23, 2023 regarding school choice. Justin Reedy v. Kayla McKinney, Superior Court of California, County of El Dorado.

b. An appeal of the decisions made on the matter of school choice for the trial that ended on May 23, 2023. He must designate the record and fulfill other procedural requirements and prepare his opening brief. Justin Reedy v. Kayla McKinney, Court of Appeal, Third Appellate District, California;

c. Summons and Complaint filed in the Eastern District Court of California on February 29, 2024. At issue are multiple ADA and due process violations. Mr. Reedy is seeking an injunction and requesting the family law case be moved to Placer County where the mother now resides. Neither party lives in El Dorado County. Justin Reedy v. Hon. Lauren C. Bowers, Rebecca Nelson, and Superior Court of California, County of El Dorado.

42. Petitioner has reached out to opposing counsel for the County of

Sacramento and the Attorney General's Office. The County defendants do not oppose this request for an extension of time. The State defendants did not respond.

Wherefore, in the interest of justice and for good cause shown, Mr. Reedy respectfully requests that this Court extend the current June 13, 2024 deadline for 60 days until August 12, 2024.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J. Reedy", is written over a horizontal line.

Justin G. Reedy, in pro per

# **EXHIBIT A**

**EXHIBIT A**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

MAR 15 2024

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

JUSTIN G. REEDY,

Plaintiff - Appellant,

v.

CALIFORNIA DEPARTMENT OF  
SOCIAL SERVICES; et al.,

Defendants - Appellees,

and

STATE OF CALIFORNIA and  
GAVIN NEWSOM,

Defendants.

No. 22-16214

D.C. No. 2:21-cv-00223-TLN-CKD  
U.S. District Court for Eastern  
California, Sacramento

**MANDATE**

The judgment of this Court, entered December 11, 2023, takes effect this  
date.

This constitutes the formal mandate of this Court issued pursuant to Rule  
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

MAR 5 2024

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

JUSTIN G. REEDY,

Plaintiff-Appellant,

v.

CALIFORNIA DEPARTMENT OF  
SOCIAL SERVICES; MARK GHALY,  
Secretary of the California Health and  
Human Services, in his official and  
individual capacity; KIM JOHNSON,  
Director of the California Department of  
Social Services, in her official and individual  
capacity; ELOY ORTIZ OAKLEY,  
Chancellor of the California Community  
Colleges; ANN EDWARDS, Previous  
Director of the Sacramento County  
Department of Human Assistance, in her  
official and individual capacity; ETHAN  
DYE, Acting Director of the Sacramento  
County Department of Human Assistance, in  
his official and individual capacity,

Defendants-Appellees,

and

STATE OF CALIFORNIA; GAVIN  
NEWSOM,

Defendants.

No. 22-16214

D.C. No.

2:21-cv-00223-TLN-CKD

Eastern District of California,

Sacramento

ORDER

Before: BRESS and JOHNSTONE, Circuit Judges, and EZRA,\* District Judge.

\* The Honorable David A. Ezra, United States District Judge for the



The panel unanimously voted to deny the petition for panel rehearing. Judge Bress and Judge Johnstone voted to deny the petition for rehearing en banc, and Judge Ezra so recommended. The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35. The petition for panel rehearing and rehearing en banc, Dkt. No. 57, is DENIED.

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District of Hawaii, sitting by designation.

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 11 2023

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

JUSTIN G. REEDY,

Plaintiff-Appellant,

v.

CALIFORNIA DEPARTMENT OF  
SOCIAL SERVICES; MARK GHALY,  
Secretary of the California Health and  
Human Services, in his official and  
individual capacity; KIM JOHNSON,  
Director of the California Department of  
Social Services, in her official and individual  
capacity; ELOY ORTIZ OAKLEY,  
Chancellor of the California Community  
Colleges; ANN EDWARDS, Previous  
Director of the Sacramento County  
Department of Human Assistance, in her  
official and individual capacity; ETHAN  
DYE, Acting Director of the Sacramento  
County Department of Human Assistance, in  
his official and individual capacity,

Defendants-Appellees,

and

STATE OF CALIFORNIA; GAVIN  
NEWSOM,

No. 22-16214

D.C. No.

2:21-cv-00223-TLN-CKD

MEMORANDUM\*

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

Defendants.

Appeal from the United States District Court  
for the Eastern District of California  
Troy L. Nunley, District Judge, Presiding

Submitted December 4, 2023\*\*  
San Francisco, California

Before: BRESS and JOHNSTONE, Circuit Judges, and EZRA,\*\*\* District Judge.

Justin Reedy, now proceeding pro se, appeals the district court's dismissal of his federal and state claims against the California Department of Social Services (CDSS) and state and county officials responsible for administering the California Work Opportunity and Responsibility to Kids Act (CalWORKs) benefits program. We review de novo the district court's dismissal under Federal Rule of Civil Procedure 12(b)(6) and can affirm on any basis supported by the record. *McGinity v. Procter & Gamble Co.*, 69 F.4th 1093, 1096 (9th Cir. 2023). We assume the parties' familiarity with the facts. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Reedy's challenges to the denial of CalWORKs benefits generally proceed

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

\*\*\* The Honorable David A. Ezra, United States District Judge for the District of Hawaii, sitting by designation.

from his view that the combination of the “parent who first applied” rule, MPP § 82-808.413(d), and a separate provision allowing “a pregnant person” to apply before their child’s birth, Cal. Welf. & Inst. Code § 11450(b), locks in a sex-based preference for mothers that fathers cannot dispute or overcome.<sup>1</sup> Reedy argues that this creates a procedural due process problem and led to him being denied CalWORKs benefits on the basis of his sex.

But contrary to Reedy’s allegations, a father can obtain individualized review of the CalWORKs benefits allocation after the child’s birth by asking a state court to “specify one parent as the primary caretaker of the child . . . for the purposes of determining eligibility for public assistance.” Cal. Fam. Code § 3086; *see also id.* § 3087 (permitting modification of the order upon the petition of one parent if it is in “the best interest of the child”).<sup>2</sup> When parents sharing joint custody of an eligible

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<sup>1</sup> CDSS promulgates rules and regulations governing CalWORKs eligibility. Cal. Welf. & Inst. Code § 10553(e). These rules and regulations are published in the Manual of Policies and Procedures (MPP). *See* Cal. Welf. & Inst. Code § 10554. Reedy has not clearly alleged that K.M., the mother of his child, even applied for benefits while pregnant. But we will assume that she did, as the parties’ briefing appears to do.

<sup>2</sup> While defendants did not address §§ 3086 or 3087 in their motions to dismiss, we exercise our discretion to consider these provisions because the availability of these state processes is “purely [an issue] of law and the opposing party will suffer no prejudice as a result of the failure to raise the issue in the trial court.” *United States v. Carlson*, 900 F.2d 1346, 1349 (9th Cir. 1990). Here, the challenged regulation incorporates § 3086. MPP § 82-808.413(a). Reedy is not prejudiced because he had the opportunity to address §§ 3086 and 3087 in his reply brief, which was prepared by counsel.

child both apply for CalWORKs benefits, MPP § 82-808.413(a) sets benefits eligibility in accordance with the court order. In addition, even without a court order under § 3086, fathers can avoid the “parent who applied first” rule by showing they exercise greater care and control over the child. *See generally* MPP § 82-808.2. Indeed, Reedy himself unsuccessfully appealed his denial of benefits to an administrative law judge who considered whether he had shown that he “exercises the majority care and control” for his child.

In view of the availability of these state processes, Reedy has not plausibly alleged a “denial of adequate procedural protections.” *Kildare v. Saenz*, 325 F.3d 1078, 1085 (9th Cir. 2003) (citing *Hufford v. McEnaney*, 249 F.3d 1142, 1150 (9th Cir. 2001)). To the extent Reedy argues that he has not or would not prevail in these processes, “[i]t is process that the procedural due process right protects, not the outcome.” *Ching v. Mayorkas*, 725 F.3d 1149, 1156 (9th Cir. 2013). Nor was Reedy denied benefits on the basis of his sex, in violation of the Equal Protection Clause, when he had ways to challenge the initial award of benefits. Reedy has also not alleged that MPP § 82-808.413(d) discriminates against men in its application and intent. *See Toomey v. Clark*, 876 F.2d 1433, 1437 (9th Cir. 1989) (explaining that absent a sex-based classification, a plaintiff must show the challenged law “had a discriminatory effect” and that defendants “acted with discriminatory intent or purpose”).

The district court properly dismissed Reedy's remaining claims. Reedy's substantive due process claim fails because he has not alleged any deprivation of his right to parent his child, *see Lehr v. Robertson*, 463 U.S. 248, 261 (1983), and the denial of CalWORKs benefits did not contravene that right. *See Harris v. McRae*, 448 U.S. 297, 317–18 (1980) (“Although the liberty protected by the Due Process Clause affords protection against unwarranted government interference with freedom of choice in the context of certain personal decisions, it does not confer an entitlement to such funds as may be necessary to realize all the advantages of that freedom.”).

Reedy's claim that the denial of CalWORKs benefits violated Title IX because it denied him ancillary education benefits provided by California Community Colleges (CCC) likewise fails. In light of the available state processes for seeking a change to the allocation of benefits, Reedy was not denied benefits “on the basis of sex.” 20 U.S.C. § 1681(a). Nor has Reedy alleged that CCC, the federal funding recipient, had an official policy of discriminating on the basis of sex or was deliberately indifferent to any such discrimination in the CalWORKs program. *See Davis ex rel. LaShonda D. v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 640 (1999); *Karasek v. Regents of Univ. of Cal.*, 956 F.3d 1093, 1104 (9th Cir. 2020).

Finally, the district court did not err in denying leave to amend because amendment would be futile. *See Novak v. United States*, 795 F.3d 1012, 1020 (9th

Cir. 2015). Reedy's counseled briefing does not identify any facts that he could invoke that would cure the defects in the complaint.

**AFFIRMED.**



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SACRAMENTO, CA 95822  
916-399-8171

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FedEx Priority Overnight Envelope  
Ship To:  
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8981 BOX CANYON WAY  
ROSEVILLE, CA 95747-7122  
Package ID: 207858           53.05  
Tracking #: 275257870430  
Expected arrival: Thu 05/30 12:00 PM

SUBTOTAL	53.05
TAX	0.00
TOTAL	53.05
TEND Visa	53.05

Total shipments: 1  
DEBRA REEDY  
JENNIFER                   05/29/2024  
#165056                   11:24 AM  
Workstation: 0 - Master Workstation

Signature\_\_\_\_\_

\*\*\*\*\*  
Thank you for your business  
\*\*\*\*\*