

**AGENDA**  
**COUNTY OF MARIN**  
**CIVILIAN OVERSIGHT COMMISSION MEETING**  
Thursday, January 22, 6:00 pm  
Marin Center Showcase Theater  
20 Ave of the Flags, San Rafael, CA 94903

**Join the meeting via Zoom:**

<https://us06web.zoom.us/j/83247191095?pwd=3Dahjwlvdm1jMxsUirV3amaMDKtYvj.1>

Translation services available upon request. Please email your request to [commissions@marincounty.gov](mailto:commissions@marincounty.gov) at least 5 business days prior to the scheduled meeting.

**How to Provide Public Comment**

- **Before the meeting:** Email written comments to [commissions@marincounty.gov](mailto:commissions@marincounty.gov) no later than noon on January 20, 2025. Please include the agenda item number, your name, and address. Comments will be distributed to the Commissioners and entered into the public record.
- **During the meeting:** Members of the public may comment on any item on the agenda during Commission consideration of the item. The Commission Chair will invite public comment following the staff presentation and prior to final Commission deliberations. Each speaker will be allotted time for comment as set by the Commission Chair (generally 2 minutes).

**Respectful Dialogue:** The Marin County Civilian Oversight Commission encourages a respectful dialogue that supports freedom of speech and values diversity of opinion. The Commission, staff, and members of the public are expected to be civil and courteous, and to refrain from questioning the character or motives of others participating in the meeting. The County requests that speakers not use threatening, profane, or abusive language that disrupts, disturbs, or otherwise impedes the orderly conduct of the Commission meeting.

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**AGENDA**

1. Call to Order
2. Public Open Time
3. Consideration of the Meeting Minutes of December 9, 2025
4. Ad Hoc Subcommittee Reports:
  - Inspector General Hiring
  - Training Curriculum
5. Review and Provide Feedback on the Draft Civilian Oversight Commission Bylaws
6. Consideration of Draft Standard Response and Website Language for Community Complaints
7. Adjourn



**AGENDA**  
**CONDADO DE MARIN**  
**REUNIÓN DE LA COMISIÓN DE SUPERVISIÓN CIVIL**  
Jueves, 22 de enero, 18:00  
Marin Center Showcase Theater  
20 Ave of the Flags, San Rafael, CA 94903

**Únase a la reunión a través de Zoom:**

<https://us06web.zoom.us/j/84011909763?pwd=g7EJ44juQnUL5o8bsMbGuFHDtalbQa.1>

Hay servicios de traducción disponibles bajo petición. Envíe su solicitud por correo electrónico a [commissions@marincounty.gov](mailto:commissions@marincounty.gov) al menos 5 días hábiles antes de la fecha prevista para la reunión.

**Cómo presentar comentarios públicos**

- **Antes de la reunión:** envíe sus comentarios por escrito a [commissions@marincounty.gov](mailto:commissions@marincounty.gov) antes del mediodía del 20 de enero de 2025. Incluya el número del punto del orden del día, su nombre y su dirección. Los comentarios se distribuirán a los comisionados y se incluirán en el registro público.
- **Durante la reunión:** Los miembros del público pueden comentar cualquier punto del orden del día durante la consideración del mismo por parte de la Comisión. El presidente de la Comisión invitará al público a realizar comentarios tras la presentación del personal y antes de las deliberaciones finales de la Comisión. A cada orador se le asignará un tiempo para realizar comentarios según lo establecido por el presidente de la Comisión (generalmente 2 minutos).

**Diálogo respetuoso:** La Comisión de Supervisión Civil del Condado de Marin fomenta un diálogo respetuoso que apoya la libertad de expresión y valora la diversidad de opiniones. Se espera que la Comisión, el personal y los miembros del público sean corteses y se abstengan de cuestionar el carácter o los motivos de otras personas que participan en la reunión. El condado solicita que los oradores no utilicen lenguaje amenazante, profano o abusivo que perturbe, moleste o impida de cualquier otra forma el desarrollo ordenado de la reunión de la Comisión.

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**AGENDA**

1. Apertura de la sesión.
2. Turno abierto al público.
3. Revisión del acta de la reunión del 9 de diciembre de 2025.
4. Informes de los subcomités ad hoc:
  - Contratación del inspector general.
  - Plan de estudios de formación.
5. Revisión y comentarios sobre el borrador de los estatutos de la Comisión de Supervisión Civil.
6. Examen del borrador de la respuesta estándar y del texto del sitio web para las quejas de la comunidad.
7. Levantamiento de la sesión.

**COUNTY OF MARIN  
CIVILIAN OVERSIGHT COMMISSION MEETING  
Draft Action Minutes – Regular Meeting**

Tuesday, December 9, 2025, 6:00 pm

Board of Supervisors Chambers, Room 330 Civic Center, County of Marin

**Commissioners Present:** Fromer, Lee, Gaston, McInerney, McEvoy, Oldham-Robinett, Cieslak-Sandoval.

**Commissioners Absent:** Chan, Echevarria.

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**1. Call to Order.**

Meeting called to order by Chair Fromer at 6:00 pm.

**2. Public Open Time.**

Five members of the public addressed the Commission.

**3. Approval of the Minutes of November 17, 2025.**

Motion to approve the minutes: M/s: McInerney/Fromer. November meeting minutes approved with one abstention from Commissioner Oldham-Robinett. One member of the public addressed the Commissioners.

**4. Consider rescheduling the January 12, 2026, Commission meeting due to room availability constraints.**

Staff informed Commission that the Board Chambers will be under renovation January and February 2026; Showcase Theater recommended as alternative venue. Regular schedule in February and March would not be affected. Staff informed Commission the only alternative dates at Showcase Theater were January 21 or January 22, 2026. Consideration given to Zoom capability and venue size.

Motion to approve to move January 12, 2026, to January 22, 2026, at Showcase Theater: M/s: McEvoy/Lee. Motion unanimously approved. Two members of the public addressed the Commissioners.

**5. Consider a Draft Ordinance Based on the Recommendation to Change the Name of the Civilian Oversight Commission.**

Staff provided background on the topic. In October 2025 the Commission recommended name change—proposed name: "Civilian Oversight Commission Over the Marin County Sheriff's Office."

Staff summarized options for the Commission, which included a) Formal ordinance change, b) Use of informal name via the Commission Bylaws

Motion to adopt an informal name through Bylaws and direct the Community Outreach and Engagement Ad Hoc Subcommittee to develop potential name options and bring a recommendation back to the full Commission.

M/s: McEvoy/Lee: Motion unanimously approved. The Commissioners received public comments from three members of the public.

**6. Ad Hoc Subcommittee Reports:**

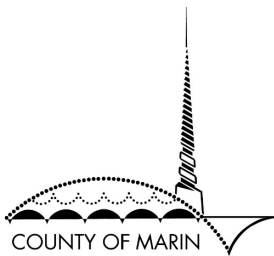
The Commission received reports from members of the following Ad Hoc Subcommittees:

- Inspector General Hiring
- Community Outreach and Engagement
- Training Curriculum
- Bylaws and Code of Conduct

Each report provided updates on their work to date, including progress made since the prior meeting and anticipated next steps. The Commission received public comments on item six from three members of the public.

**7. Adjournment:**

Meeting was adjourned at 7:45 pm.



Derek Johnson  
COUNTY EXECUTIVE

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**AGENDA DATE:** January 22, 2026

**TO:** Civilian Oversight Commission

**FROM:** Linn Walsh, Deputy County Executive

**SUBJECT:** Draft Civilian Oversight Commission Bylaws.

**RECOMMENDATION:** Review and provide feedback on the Draft Civilian Oversight Commission Bylaws.

**SUMMARY:** The Draft Bylaws (Attachment A) were developed by the Commission's Bylaws and Code of Conduct Ad Hoc Subcommittee and are being brought forward for review and input by the full Commission. The draft bylaws establish the Commission's structure, roles, procedures, and governance framework, as required by County ordinance.

**POLICY FRAMEWORK:** This item is guided by Marin County Ordinance No. 3824, Section 2.37.020, which directs the Commission, with the advice, assistance, and support of the Office of the Inspector General, to establish Bylaws and a Code of Conduct for review and approval by the Board of Supervisors.

**DISCUSSION/BACKGROUND:** In October 2025, the Commission formed the Bylaws and Code of Conduct Ad Hoc Subcommittee, comprised of Commissioners Dr. Gina Fromer, Tom McInerney, Winston Chan, and Doug Lee.

The subcommittee determined early in its work to focus first on developing the Bylaws, with the Code of Conduct to follow. The subcommittee began with a template prepared by the Assistant Clerk of the Board and modified it to reflect the specific structure, authorities, and requirements established in the ordinance. Where applicable, language was incorporated directly from the ordinance and is identified with section citations.

The subcommittee met four times between November 2025 and January 2026 to develop the Draft Bylaws. Cameron McElhiney, Executive Director of NACOLE, served as the subject matter expert and provided guidance during this process.

The Draft Bylaws are now being presented to the full Commission for review and feedback. Following Commission discussion, the subcommittee will further refine the draft and begin work on the Code of Conduct, which may address topics such as conflicts of interest, core values, confidentiality, and decorum.

**EQUITY IMPACT SECTION:** Establishing clear and transparent bylaws supports consistent and accountable oversight practices. A well-defined governance framework helps promote public trust and supports equitable engagement with community members.

**CIVILIAN OVERSIGHT COMMISSION  
BYLAWS**

Adopted on \_\_\_\_\_

*Unless otherwise noted, section citations in these Bylaws reference [Marin County Board of Supervisors Ordinance 3824: An Ordinance of The County of Marin, State of California, Establishing the Civilian Oversight Commission and Office of Inspector General for Oversight of the Marin County Sheriff's Office.](#)*

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**ARTICLE I. NAME, AUTHORITY & PURPOSE**

1. **Name.** The official name of the body shall be “Civilian Oversight Commission.” (§ 2.37.010)

For purposes of community outreach and engagement, the Commission may at times utilize the informal name of [informal name].

2. **Authority.** The Civilian Oversight Commission was established as a Board of Supervisors Discretionary Committee to assist in the oversight of the Marin County Sheriff's Office. The COC's assistance in this function is a delegation of such authority held by Board of Supervisors pursuant to Government Code §§ 25303 and 25303.7. (§ 2.37.010)
  3. **Purpose.** The Civilian Oversight Commission's purpose is to initiate, build and maintain a trusting relationship between members of the public and the Sheriff's Office through transparent, respectful, just, and accountable oversight that is rooted in public safety, justice, and accountability. The Civilian Oversight Commission will work in collaboration with the Sheriff's Office and the Office of Inspector General to fulfill this purpose. (§ 1. Findings 9)
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**ARTICLE II. MEMBERSHIP**

1. **Composition.** The Commission shall be composed of nine (9) members that are Marin County residents. The Board of Supervisors shall endeavor to broadly reflect and represent the diversity of residents of the County in their nominations, including varying ethnicities, race, sexual orientation, economic status, age, religion, citizenship status, housing/residence status, and lived experience with the criminal justice system, as well as demonstrated interest in civil rights, immigrant rights, disability rights/mental health, racial equity, social justice, and/or public safety in the county. (§ 2.37.030(2))

2. **Qualifications.** Commissioners should have a demonstrated interest in public service and/or experience serving the community. The Board of Supervisors shall endeavor to appoint at least one (1), but no more than two (2) Commissioner(s) who shall have previous law enforcement experience. The Commissioner(s) with law enforcement experience must also meet the following criteria:
  - a. They have not worked as a sworn law enforcement officer within the last four years, and they have not worked as a sworn law enforcement officer in Marin County within the last eight years.
  - b. They have certified that they have never engaged in serious misconduct (as defined in Penal Code§ 13510.8(b) or subsequent enactment) while serving as a sworn law enforcement officer.
  - c. They have never been employed as sworn law enforcement in the Marin County Sheriff's Office. (§ 2.37.030(3))
3. **Appointment.** Five (5) of the nine (9) Commissioners shall be nominated and appointed by the Board of Supervisors, one for each supervisorial district. Four (4) of the nine (9) Commissioners shall be appointed by the Board of Supervisors at-large. (§ 2.37.030 (4)(a))
4. **Term of Office.** Initially, the Board of Supervisors shall appoint four (4) Commissioners in to serve a three (3) year term, three (3) Commissioners to serve a two (2) year term, and two (2) Commissioners to serve a one (1) year term. Thereafter, all Commissioner terms shall be three (3) years. (§ 2.37.030(6))
5. **Term Limits.** Commissioners may serve a maximum of two (2) consecutive terms. (§ 2.37.030(6))
6. **Vacancies**
  - a. A vacancy of an appointed regular member shall be filled for the remainder of the unexpired term. The Board of Supervisors shall fill any vacancies occurring during the term of the Commission.
  - b. Vacancies shall be filled by appointment for the unexpired term in the same manner as the original appointments.
  - c. A vacancy in regular membership shall be deemed to exist for any applicable cause, including but not limited to, any of the following:
    - i. A Commissioner ceases to reside in Marin County pursuant to §2.37.030.
    - ii. A Commissioner fails to meet the attendance requirement.
    - iii. A Commissioner ceases to discharge the duties of a Commissioner and/or fails to perform assigned responsibilities.

**7. Removal**

- a. The Board of Supervisors, as the appointing authority, is the only body authorized to take formal action to remove a Commissioner.
- b. A recommendation from the Commission to the Board of Supervisors to remove a member shall require a two-thirds vote of a quorum of Commission members at a regular meeting. Any such recommendation shall be made in public session to ensure transparency consistent with the appointment process.

**8. Resignation.** Individuals serving on the Commission may resign their position for any reason by submitting their decision in writing (email or hard copy) to the Office of the County Executive.

**9. Compensation.** Stipends shall be paid to Commissioners in accordance with County policy. (§ 2.37.030(7))

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## ARTICLE III. DUTIES, ATTENDANCE & PARTICIPATION

**1. Duties.** Commissioners are expected to:

- a. Work collaboratively with other Commissioners, the Inspector General and Sheriff's Office to fulfill their duties as detailed in these Bylaws and in Ordinance 3824.
- b. Review meeting agendas and materials in advance to participate meaningfully in discussions and decisions.
- c. Regularly attend and participate in regular and special Commission meetings.
- d. Serve on standing and/or ad hoc subcommittees as appointed.
- e. Comply with all applicable federal, state, and local laws and regulations, with special attention to those detailed in Ordinance 3824.
- f. Adhere to the Commission's adopted Code of Conduct.

**2. Attendance Requirement.** Commissioners are expected to regularly attend regular and special Commission meetings. A member who is unreasonably absent for three consecutive meetings or three months, whichever is greater, may be subject to removal.

**3. Remote Participation.**

In collaboration with the Chair and staff liaison, Commission meetings may allow teleconferencing consistent with the Ralph M. Brown Act (Gov. Code §§ 54950 et seq.).

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## ARTICLE IV. OFFICERS

1. **Officers.** The Board of Supervisors delegates its authority to appoint one Commissioner as Chairperson pursuant to Government Code § 25303.7(a)(2) to the Commission. (§ 2.37.030(5))
    - a. **Roles:** The officers of the Commission shall be the Chair and Vice Chair. The role of Secretary shall be fulfilled by the Staff Liaison, unless unavailable, in which case the Commission may appoint a Secretary to fulfill these duties.
    - b. **Eligibility:** It is recommended that Commissioners have at least one year of experience serving on a Brown Act body to be eligible to serve as Chair.
  2. **Election.** The offices of Chair and Vice Chair shall be elected annually at the Commission's first meeting after August 1.
    - a. **Term limits:** A Commissioner elected as Chair may serve no more than two consecutive years in that role, and a Commissioner elected as Vice Chair may serve no more than two consecutive years in that role.
  3. **Duties.**
    - a. **Chair:** The Chair presides over meetings, represents the Commission, and signs official documents. The Chair performs the duties and functions of the presiding officer while retaining the same rights and responsibilities as other Commissioners to participate in discussions and vote. In collaboration with the Staff Liaison, the Chair sets meeting agendas.
    - b. **Vice-Chair:** The Vice Chair shall assume and perform the duties of the presiding officer in the absence or disability of the Chair, or a vacancy in the office of the Chair. In collaboration with the Chair and Staff Liaison, the Vice Chair advises on meeting agendas.
    - c. **Secretary:** The role of Secretary shall be fulfilled by the Staff Liaison, unless unavailable, in which case the Commission may appoint a Secretary to fulfill these duties. The Secretary is responsible for providing notice of meetings, preparing agendas, and maintaining the official records and files of Commission meetings.
  4. **Vacancies in Office.** A vacancy in any officer position shall be filled by a vote of the Commission. The newly elected officer shall serve for the remainder of the unexpired term and assume full duties upon election.
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## ARTICLE V. MEETINGS

1. **Regular Meetings.**

- a. The Commission shall meet at least once each quarter at a regularly established time and place, unless modified at a prior public meeting or cancelled due to a lack of quorum.
  - b. During its first 12 months, the Commission shall meet monthly. Thereafter, at its first meeting following August 1 each year, the Commission shall determine its meeting frequency, provided that it does not meet less than once per quarter.
  - c. At its first meeting following August 1 each year, the Commission shall establish their meeting schedule for the upcoming year.
  - d. Regular meetings shall be held at the Marin County Civic Center unless another location is selected in collaboration with the Chair and Office of the County Executive. Additional locations entail costs and staff resources, which are administered through the Office of the County Executive.
2. **Special Meetings.** Special meetings may be called by the Chair or majority of members with at least 24 hours' notice, consistent with the Brown Act.
  3. **Brown Act Compliance.** All regular meetings shall be open and public in accordance with the Ralph M. Brown Act; agendas shall be posted at least 72 hours before regular meetings.
  4. **Agenda Order.** At the beginning of a meeting, the Chair may request that the Commission consider reordering items on the posted agenda. The Chair shall state the reason for the requested reordering. Reordering the agenda shall not require separate agenda notice, provided that no new items are added and no agenda items are substantively altered. The Commission may approve a reordering of agenda items by motion, second, and a simple majority vote of the members present.
  5. **Closed Sessions.** The Brown Act allows meeting in closed session only for specific matters as expressly authorized by statute (Government Code § 54962).

The authority for such sessions has been narrowly construed. If a matter is not listed in the Brown Act as an appropriate subject for a closed session, the matter must be discussed in public even if the subject is sensitive, embarrassing or controversial. Discussion of complaints is not recognized by the Brown Act as an allowed closed session.

6. **Public Comment.**
  - a. The Commission shall provide an opportunity for members of the public to address the Commission on items within its jurisdiction.
  - b. Members of the public may comment on any item on the meeting agenda during Commission consideration of the item. The Commission Chair will invite public comment following the staff presentation and prior to final Commission deliberations.

- c. Each speaker will be allotted time for comment as set by the Commission Chair (generally two minutes).
- d. The Chair may limit the amount of time members of the public are allocated for individual comments to less than two minutes per agenda item if the number of commenters wishing to speak would otherwise exceed 30 minutes per agenda item.
- e. A member of the public requiring translation or interpretive services will have double the allotted time.

10. **Minutes.** The Staff Liaison shall ensure minutes are prepared and maintained as public records.

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## ARTICLE VI. QUORUM & VOTING

1. **Quorum.** A majority of the total authorized seats of the Commission shall constitute a quorum for the transaction of business, including vacant seats. The Commission is a nine-member body; therefore, a quorum shall always be five (5) members, even if one or more seats are vacant.
  2. **Action.** Actions require the affirmative vote of a majority of members present.
  3. **Parliamentary Authority.** Meetings shall be conducted in accordance with Robert's Rules of Order, except where inconsistent with law or these Bylaws.
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## ARTICLE VII. SUBCOMMITTEES

1. **Standing Subcommittees.** Standing committees are established by vote of the Commission and subject to the Brown Act.
2. **Ad Hoc Subcommittees.** The Commission may establish ad hoc subcommittees by a majority vote of the Commission at a duly noticed meeting. Ad hoc subcommittees shall be formed for specific, limited purposes and for a defined duration.
  - a. Each ad hoc subcommittee shall consist of fewer than a quorum of the Commission and, as such, shall not be subject to the Brown Act.
  - b. At the time an ad hoc subcommittee is established, the Chair shall clearly state the subcommittee's purpose and anticipated duration, and shall appoint its members.
  - c. The creation of the ad hoc subcommittee, including its purpose, membership, and duration, shall be reflected in the meeting minutes.

- d. Unless extended by further action of the Commission, an ad hoc subcommittee shall automatically dissolve upon completion of its assigned task or stated duration.

**3. Roles and Responsibilities – Standing and Ad Hoc**

- a. Subcommittee members will represent the interests of the entire body to the best of their ability.
  - b. Subcommittee members will determine key activities, such as meetings, deadlines, and project completion targets to achieve their assigned initiative.
  - c. Subcommittees will meet as needed and report on their activities at full Commission meetings.
  - d. If desired, members may designate a lead member to facilitate meetings, develop agendas, coordinate subject matter experts, and perform related responsibilities.
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## ARTICLE VIII. TRAINING

1. **Training Requirements.** The Commission shall establish, in collaboration with the Inspector General and Sheriffs Office, a required training curriculum to ensure Commissioners possess necessary expertise to carry out the Commission’s mandates. The Commission shall work with the Inspector General and the Sheriff’s Office to update the training requirements as needed to stay relevant with the changing landscape of law enforcement. Training is to be conducted by experts on the topics...by others knowledgeable about effective practices in civilian oversight of law enforcement. (§ 2.37.040)
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## ARTICLE IX. BYLAW AMENDMENTS

1. **Amendment Procedure.** Amendments may be proposed by any member and shall require an affirmative vote of a majority of the total membership.
  2. **Board Approval.** All amendments shall be reviewed and approved by the Board of Supervisors before becoming effective.
  3. **Review Cycle.** These Bylaws should be reviewed at least once every five years or as directed by the Board of Supervisors.
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## ARTICLE X. CERTIFICATION

Adopted by the Civilian Oversight Commission at a duly noticed meeting on \_\_\_\_\_.

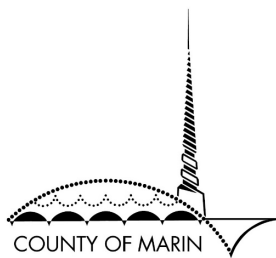
Reviewed by County Counsel and approved by the Marin County Board of Supervisors on \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_ Chair  
\_\_\_\_\_ Vice Chair

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### Appendices

- A. **Ordinance 3824**
- B. **Code of Conduct**



OFFICE OF THE  
COUNTY EXECUTIVE

**AGENDA DATE:** January 22, 2026

**TO:** Civilian Oversight Commission

**FROM:** Linn Walsh, Deputy County Executive

**SUBJECT:** Consideration of Draft Standard Response and Website Language for Community Complaints

Derek Johnson  
COUNTY EXECUTIVE

**RECOMMENDATION:** Review and provide feedback on the proposed draft email response and website language for community complaints (Attachment A). If the Commission determines only minor edits are needed, approve the language for use in Commission correspondence and posting on the County website; otherwise, direct staff to return the draft to the Community Outreach and Engagement Ad Hoc Subcommittee for further refinement.

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**SUMMARY:** This report presents draft response language intended to improve how the Civilian Oversight Commission acknowledges and responds to complaints and concerns received from community members regarding the Marin County Sheriff's Office. The proposed language provides clearer information, a more responsive tone, and transparency regarding the current and future complaint processes while the Office of the Inspector General is being established.

**POLICY FRAMEWORK:** Ordinance No. 3824, Sections 2.37 .020 and 2.37.200 requires the Commission and Inspector General to jointly develop an independent and accessible complaint intake process that provides an additional pathway for submitting complaints regarding the Sheriff's Office, while ensuring that complaints are handled in accordance with state law.

**DISCUSSION/BACKGROUND:** Since its inaugural meeting on August 25, 2025, the Civilian Oversight Commission has received correspondence from community members with concerns and complaints related to the Sheriff's Office. To date, staff responses have been limited to acknowledging receipt and informing individuals that their correspondence would be forwarded to the Commission.

Commissioners expressed a desire to provide more meaningful, transparent, and supportive responses to community members, particularly during the period before the independent complaint intake process required by Ordinance No. 3824 is established. To support this work, the Commission directed the Community Outreach and Engagement Ad Hoc Subcommittee, comprised of Commissioners Lynn Oldham Robinett, Dr. Gina Fromer, Felecia Gaston, and Solange Echeverria, to develop draft response language. Over the course of

four meetings held over approximately three months, the subcommittee discussed the need for response language that:

1. Clearly explains the current status of the complaint process;
2. Distinguishes between complaints about specific incidents or personnel and broader policy or practice concerns;
3. Avoids making commitments about investigations before procedures are finalized;
4. Communicates empathy and acknowledges community concerns; and
5. Strengthens transparency and accountability.

The Ad Hoc Subcommittee consulted with subject matter expert Tina Barr, Director of Training and Education for NACOLE, regarding community engagement and outreach considerations. Draft response language was prepared by staff and reviewed by County Counsel prior to being brought forward for Commissioner consideration.

The draft language explains that an independent complaint intake process is planned for future development and clarifies that, in the interim, complaints involving the Sheriff's Office are submitted through the Sheriff's Office's existing complaint process.

**EQUITY IMPACT SECTION:** The proposed language is intended to promote equitable access to information by providing clear, plain-language explanations of the complaint process and next steps. By using a more responsive and transparent tone, the language is designed to be accessible and understandable for community members

**COMMUNICATIONS & ENGAGEMENT:** If approved, staff will:

1. Begin using the approved language in email correspondence
2. Post the website content on the County website

## EMAIL RESPONSE 1 - Complaints About Sheriff's Office Personnel or Specific Incidents

**Subject:** Thank You for Contacting the Civilian Oversight Commission

**Body:**

We have received your message, and we appreciate you taking the time to reach out and share your concern.

The Civilian Oversight Commission receives correspondence from community members regarding questions, concerns, or complaints related to the Marin County Sheriff's Office. The Commission maintains records of the correspondence it receives as part of its administrative responsibilities.

As established by County ordinance, the Commission, in collaboration with the Office of the Inspector General, is responsible for developing an independent and accessible complaint process that will provide an additional option for submitting complaints related to the Sheriff's Office. The County is currently in the process of hiring an Inspector General, who is anticipated to begin this work following completion of the recruitment process.

At this time, the independent complaint process is still under development. While this work is underway, the formal process currently available to file or follow up on a complaint regarding Sheriff's Office personnel or a specific incident is through the Marin County Sheriff's Office.

To file or follow up on a complaint at this time:

- Contact the Marin County Sheriff's Office to request a complaint form or submit one online: [Marin County Sheriff's Citizen Complaint Process](#)
- Forms are available in English and Spanish and may be submitted by mail or in person.
- After review, the Sheriff's Office will notify you in writing of the outcome of its investigation.

We anticipate the new Inspector General to be appointed in spring of 2026. Once they are in place and the independent complaint process is established, information about how to submit a complaint will be made available on the [Commission's website](#).

We appreciate your patience and understanding while this new process is being developed.

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## EMAIL RESPONSE 2 - Concerns About Sheriff's Office Policies and Practices

**Subject:** Thank You for Contacting the Civilian Oversight Commission

**Body:**

We have received your message, and we appreciate you taking the time to reach out and share your concern.

The Commission receives correspondence from community members regarding policies, procedures, and practices of the Marin County Sheriff's Office. Examples of these topics may include jail operations, federal immigration matters, RIPA data, or the use of specialized equipment.

As outlined in County ordinance, the Commission, in collaboration with the Inspector General once appointed, will develop and carry out a process to actively and continually monitor and make recommendations regarding the Sheriff's Office's compliance with applicable policies. This work is currently being planned, and the County anticipates appointing the Inspector General in spring 2026.

Once the process is in place, community members will be able to submit policy-related concerns directly for consideration as part of the Commission's monitoring and reporting work. When the process becomes active, it will be shared publicly on the [Commission's website](#).

The Commission appreciates your patience and understanding as this new oversight framework is developed.

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## WEBSITE TEXT

### **Civilian Oversight Commission – Complaints**

The Civilian Oversight Commission receives inquiries and comments from community members regarding the Marin County Sheriff's Office. The information below explains how to share your concerns, depending on the type of issue.

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#### **1. Complaints About Sheriff's Office Personnel or Specific Incidents**

If your concern involves a specific interaction with a deputy or other Sheriff's Office employee, or if you have questions about how a prior complaint was handled, the formal process currently available is through the Sheriff's Office.

**To file or follow up on a complaint:**

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- Visit the [Marin County Sheriff's Citizen Complaint Process](#) webpage.
- Request a complaint form or submit one online.
- Forms are available in English and Spanish and may be submitted by mail or in person.
- After review, the Sheriff's Office will notify you in writing of the outcome of its investigation.

As established by County ordinance, the Civilian Oversight Commission, in collaboration with the Office of the Inspector General, once appointed, will develop an independent and accessible complaint process that will provide an additional option for submitting complaints related to the Sheriff's Office. This process is currently under development and will be shared publicly on this website once it is established. Thank you for your patience.

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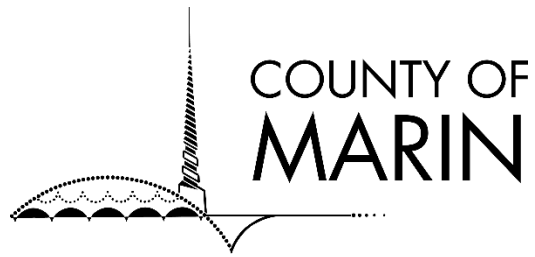
## **2. Concerns About Sheriff's Office Policies and Practices**

If your concern relates to a policy, procedure, or practice of the Marin County Sheriff's Office, such as jail operations, federal immigration matters, RIPA data, or the use of specialized equipment, the Commission has a distinct role.

As outlined in County ordinance, the Commission, in collaboration with the Inspector General once appointed, will develop and carry out a process to actively and continually monitor and make recommendations regarding the Sheriff's Office's compliance with applicable policies, procedures, training, practices, and governing laws.

This work is currently being planned, and the County anticipates appointing the Inspector General in spring 2026. Information about this process will be shared publicly on the Commission's website when it becomes available. Thank you for your patience.

---



**COUNTY OF MARIN**

**CIVILIAN OVERSIGHT  
COMMISSION**

**Community Correspondence  
December 2025 - January 2026**

From

Robbie Powelson

[Robbiepowelson@gmail.com](mailto:Robbiepowelson@gmail.com)

415-847-7500

VIA ELECTRONIC MAIL

**Marin County Sheriffs Office**

**Sheriff**

Jamie Scardina

[j\\_scardina@marinsheriff.org](mailto:j_scardina@marinsheriff.org)

**Marin County Sheriffs Civilian Oversight Commission**

Linn Walsh

[linn.walsh@marincounty.gov](mailto:linn.walsh@marincounty.gov)

**Marin County Sheriffs Complaint Form Intake**

[h\\_rock@marinsheriff.org](mailto:h_rock@marinsheriff.org)

DECEMBER 7 2025

**Complaint RE: Lack Off Accountability Of Marin County Sheriffs Department Officers  
Against Residents Of Binford Road**

Mr. Scardina, Mr. Washington, and MCSCOC,

I request the Marin County Sheriffs Office and Marin County Sheriffs Civilian Oversight Commission initiate an investigation of Officer Michael Thompson's conduct on Binford Road.

First, Mr. Thompson violating the County of Marin's public policy of abstaining from enforcing California Vehicle Code "CVC" 22651(K) and CVC 22651(O) against Sean Derning [See Notice Exhibit A] who has lived on Binford Road for the past three year. Thompson's action violates the policies promulgated by County Supervisor Eric Lucan that he presented in an issue of the Pacific Sun last year. <https://pacificsun.com/binford-road-vehicle-encampment-in-posh-marin-county/>

I know personally that Mr. Derning has lived on Binford Road, like dozens of other people, on Binford for years in his motorhome and like most motorhomes, the registration is expired. There is no explanation on the notice why, out of dozens of other vehicles similiarly situated Mr. Derning is being singled out.

Second, I am told by Mr. Derning that Thompson is doing this because it is his opinion that Mr. Derning's site is not clean enough. If so, Thompson's action is an abuse of discretion because Mr. Derning's site is cleaner than several other domiciles on Binford Road. Mr. Derning's possessions are neither in the roadway, nor going into the estuary – most of it is

tucked between a fence and his vehicle – like everyone else on Binford Road. See **Exhibit C, Sean Darning’s home. Compare to Exhibit D – other vehicles on Binford Road.**

Third, I am complaining that the County of Marin and Marin County Sheriffs Office has given seemingly unlimited discretion to Deputy Thompson to put people’s lives in jeopardy. This is the middle of winter. Mr. Darning is suffering from a serious infection and has open sores on his head. His only place he can stay warm and sheltered from the cold is his motorhome. Thompson has not provided him alternative shelter, nor could he because Homeward Bound is unlikely to give Darning a bed because of his open sores. Deputy Thompson’s actions may kill Mr. Darning given his current, dire medical circumstances.

### **Thompson Contradicts Supervisor Lucan By Enforcing CVC 22651(K) and CVC 22651(O) On Binford Road**

This was almost two years ago, District 5 Supervisor Eric Lucan publicly announced in the *Pacific Sun* the County’s position that “We do not want to rip people from their housing, and we’re not enforcing a 72-hour parking rule. “It took four to five years for Binford Road to grow like this. It’s going to take time to find better options for each of these individuals.” <https://pacificsun.com/binford-road-vehicle-encampment-in-posh-marin-county/> .

In spite of that – and the fact that under the Encampment Resolution Fund Grant from the State to the County, I have witnessed that there are dozens of vehicles with expired registration and that have been parked for years on Binford.

Nevertheless, when Deputy Thompson decides to – based on non-public criteria that is unappealable – he enforces the 72 hour rule and registration.

### **Thompson Behavior Part of Pattern Of Conduct That Was Restrained By A Federal Judge Last Year**

Last year in *Fleming v. Marin County Sheriffs Department et al (3:24-cv-03859-RS)* a federal judge issued a restraining order when the only openly gay man sued Deputy Thompson to stop the towing of his home. The plaintiff in that case alleged that Deputy Thompson had exhibited animosity towards the LGBTQ community and singled them out for eviction. Another witness stated Thompson had interrogated her on the plaintiffs sexuality as well in the time leading up to the eviction. They also alleged that Deputy Thompson did not provide any alternative shelter or assistance that would mitigate the foreseeable danger of being destitute on the street without a hardsided shelter. Thompson seemingly expected this man to cross the train tracks and sleep under the highway. The judge restrained Thompson and issued a restraining order. Without admitting wrong doing, the County rescinded the threatened tow and the Plaintiff continues to live on Binford. There was never an explanation why he was singled out.

Now, Deputy Thompson again has selectively – out of the dozens of residents on Binford Road – selected another person he dislikes for removal. This time it is Sean Darning – who is

one of the few people to have sued Thompson for the summary destruction of property on Binford Road and for disability discrimination in the case of *Silveria v Marin County Sheriffs Department 3:24-cv-03181-AMO*. In that case, this person put Thompson on notice that he suffers from disabilities that make it difficult for him to keep his living area clean (even though he has always kept everything out of the roadway).

The use of expired registration and 72 hours park prohibitions – which are not enforced on the road generally for people like Sean who has lived there for years – is cruel, callous, unlawful. It makes Thompson judge, jury, and demolisher of peoples homes.

### **Mr. Darning's Home Is Not A Public Health Hazard**

I personally witnessed Sean's site the other day. It is about as clean as any other of the motorhomes on Binford Road. It is also substantially cleaner than in the past when I have seen it. While it might be a little messy around the dwelling, it is nothing that is blocking any roadway or posing a public health hazard to his neighbors. Sean is not disposing dangerous chemicals. Rather, its just a little messy.

Officer Thompson's conduct is in inconsistent – in the Pacific Sun article that profiled him he expressed sympathy for people suffering from hoarding disorders. "There are a lot of hoarders everywhere," Thompson said. "We just don't see them." *Id.*

However, while expressing that behind public limelight Officer Thompson is behaving inconsistently and in a way that threatens the health and welfare of your constituents. And to be fair, this may not all be Officer Thompsons fault – the County of Marin has told him to regulate the road without providing any guardrails, procedures, or due process for residents who are powerless against Officer Thompson's unchecked discretion.

Whatever the reason Deputy Thompson may assert caused him to post the notice does not change how inappropriate it is for him to use vehicle codes that the County is not applying on Binford. It misconstrues Mr. Darning's and those like him as irresponsible driver, rather than the truth – that the County has a program that provides them services and a place to live in vehicular homes. To simply permit an officer discretion to destroy someone's home and extirpate them from a county program without due process is an insult to tax payers who have invested in the success of this program. It is also an affront to the rule of law and basic principles of due process in the United States. It put a pallor of terror across all people living on Binford Road that their homes can be destroyed during the middle of winter without any recourse available to them. Thompson methodology, even if he believes it to be reasonable, is barbaric and responsible parties must intervene.

CC  
Marin County Sherrifs Oversight Commission

**Sara McEvoy**, District 1 Representative  
**Tom McInerney**, District 2 Representative  
**Felecia Gaston**, District 3 Representative  
**Lynn Oldham Robinett**, District 4 Representative  
**Dr. Gina Fromer**, District 5 Representative  
**Doug Lee**, At-Large Representative  
**Linda Cieslak Sandoval**, At-Large Representative  
**Solange Echeverria**, At-Large Representative  
**Winston Chan**, At-Large Representative

Exhibit A

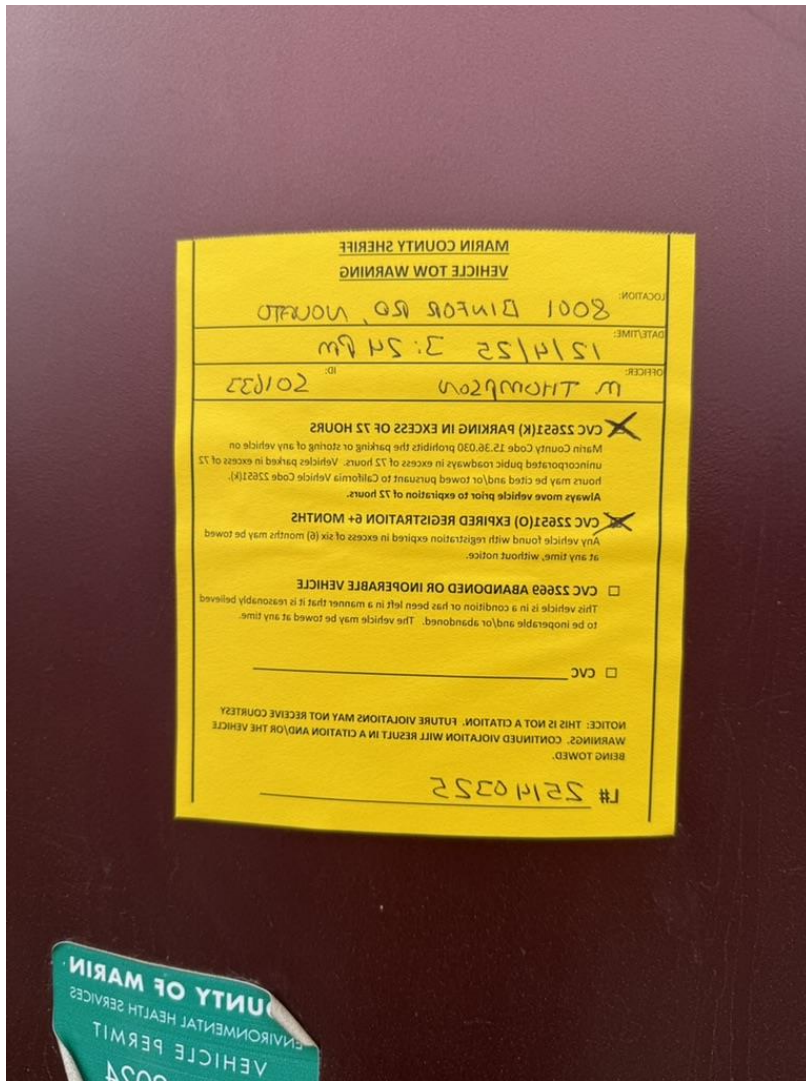


Exhibit B





## Exhibit C









Robbie Powelson  
[Robbiepowelson@gmail.com](mailto:Robbiepowelson@gmail.com)

VIA EMAIL

December 14 2025

Jacy Dardine,  
Jacy.Dardine@marincounty.gov

Andrea O'Malley  
[Andrea.OMalley@marincounty.gov](mailto:Andrea.OMalley@marincounty.gov)

Julia Barnes  
[Julia.Barnes@MarinCounty.gov](mailto:Julia.Barnes@MarinCounty.gov)

Michael Thompson  
[M\\_Thompson@marinsheriff.org](mailto:M_Thompson@marinsheriff.org)

**RE: Renewing Disability Accommodation & Interactive Process For Sean Dering**

As you are aware, Mr. Sean Dering has formally designated me as his companion and support person for purposes of engaging in the County's disability accommodation process. In that capacity, we are proposing that we promptly schedule a meeting to engage in the ADA interactive process and identify accommodations that reasonably balance Mr. Dering's disabilities with the County's operational concerns.

To allow this process to occur, we ask that the County rescind the tow as it did with Joseph Fleming in 2024. There, Thompson has issued a notice under 22651(o) & (k), and voluntarily retracted that tow notice after Mr. Fleming requested it. See *Fleming v Marin County Sheriffs Department* 3:24-cv-03859-RS ECF 13, 8-1. Here, Mr. Dering is requesting the same thing – and in good faith so we can resolve this dispute and work towards our shared interests of keeping Binford Road clean, safe, and Mr. Dering on a pathway to housing.

Mr. Dering shares the County's stated interest in maintaining a clean and orderly living environment. Since at least 2024, he has been proactive in seeking assistance, requesting disability accommodations, and cooperating with the County's monthly cleanup efforts. As reflected in the photographs submitted with Julia Barnes's declaration, Mr. Dering has consistently worked directly with cleanup crews and has made substantial and visible progress over time. A comparison of his living area from Exhibit A to the most recent photographs in Exhibits N–P demonstrates marked improvement. It is undisputed that his property is not obstructing the roadway and is located between the fence line and his motorhome.

Given this undisputed progress, the remaining dispute appears to stem primarily from miscommunication rather than noncompliance. A central point of confusion has been the County's definition of "storage." Like other residents along Binford Road, Mr. Dering necessarily moves items in and out of his motorhome while cleaning, organizing, or working. This often requires temporarily placing items on the ground to access property stored underneath. This practice is common along the road and reflects ordinary living activity—not permanent outdoor storage. Mr. Dering does not understand why he is being singled out for enforcement under these circumstances.

This breakdown in communication can be traced to June 2024. On June 8, 2024, Mr. Dering expressly requested that I be designated as his support person for purposes of the disability accommodation process, including assistance with triaging property to storage. On June 11, 2024, Andrea O'Malley informed me that she would not communicate with me and would communicate only with Mr. Dering. While Ms. O'Malley later engaged hoarding specialists to assist Mr. Dering—an effort that has clearly contributed to the improved conditions—the County's refusal to communicate with Mr. Dering's designated companion has materially impaired the interactive process.

Mr. Dering has repeatedly explained that he suffers from PTSD, anxiety, and related mental health conditions that impair his ability to receive, retain, process, and communicate information—particularly in high-stress interactions with government officials. Allowing a designated support person to assist him is a reasonable and necessary accommodation. I am willing to continue assisting in that role. In addition, Mr. Dering's case manager, Jennifer Mallow, and his treating nurse, Megan Brizzolara, have both indicated their willingness to participate in a collaborative meeting with the County to resolve these issues in a manner that protects the health and safety of all involved.

On December 8, 2025, Mr. Dering formally submitted a renewed request for disability accommodations seeking rescission of the tow notice placed on his non-operative motorhome, which has been his sole shelter for the past three years. The motorhome is essential to managing multiple disabilities, including a serious staphylococcal infection currently causing visible bleeding cysts, fever, and exhaustion, as well as PTSD, anxiety, depression, hoarding disorder, and permanent nerve damage from a prior staphylococcal infection to his hand.

This request is part of a long-standing series of accommodation requests made by Mr. Dering—and by me on his behalf—since 2024. Despite this, the County has effectively refused to engage in a meaningful interactive process by excluding Mr. Dering's designated companion and communicating with him exclusively, despite clear notice of his disabilities.

The applicable law is clear. Under **28 C.F.R. § 35.130(b)(7)(i)**, a public entity must make reasonable modifications to policies and practices when necessary to avoid disability discrimination unless it can demonstrate a fundamental alteration. Under **28 C.F.R. § 35.164**, the burden of proving such an alteration rests with the public entity and must be supported by a written determination made by the head of the agency or designee after considering all available resources. Further, **28 C.F.R. § 35.160(a)(1)** requires public entities to ensure that

communications with individuals with disabilities—and their companions—are as effective as communications with others.

Here, the County has neither issued a written determination explaining why rescinding the tow notice, clarifying standards, or providing written guidance would constitute a fundamental alteration, nor proposed an alternative accommodation that would ensure equal access. Instead, the County has continued to proceed without engaging Mr. Darning's designated companion, despite express notice and legal entitlement to such assistance.

We believe this matter is resolvable. However, resolution requires the County's willingness to engage in good-faith communication with Mr. Darning and his designated companions. Accordingly, we request an expedited meeting that includes County representatives, Mr. Darning, myself, his case manager, and his nurse to identify reasonable accommodations and avoid further harm.

Finally, the timing of this enforcement is particularly troubling. It is the holiday season. Forecasts from the National Oceanic and Atmospheric Administration project rain throughout the coming week. Evicting Mr. Darning from his only shelter—after three years—while he is suffering from a serious staphylococcal infection, and without providing any alternative shelter, would be medically dangerous and would shock the conscience. Taxpayers have invested substantial resources into Binford Road with the stated goal of helping residents stabilize and move toward housing. Making Mr. Darning destitute at this stage undermines that investment and serves no legitimate public purpose.

The County should rescind the tow notice and engage immediately in the ADA interactive process with Mr. Darning and his designated companions to reach a lawful and humane resolution.

I hope we can work this out promptly.

Truly yours,

**/s/Robbie Powelson**

CC Marin Board of Supervisors  
CC Marin Sheriff Civilian Oversight Commission

**From:** [Robbie .Powelson](#)  
**To:** [Rock, Heather](#); [Linn Walsh](#); [Scardina, Jamie](#)  
**Cc:** [Jason Sarris](#); [Gary Naja-Riese](#); [Sara McEvoy](#)  
**Subject:** Complaint RE: Lack Off Accountability Of Marin County Sheriffs Department Officers Against Residents Of Binford Road  
**Date:** Sunday, December 7, 2025 6:06:45 PM  
**Attachments:** [251207 Complaint MCSO Writing Dear MCSO Oversight Committee.pdf](#)

---

You don't often get email from robbiewelson@gmail.com. [Learn why this is important](#)

Please see attached complaint directed towards the MCSO and Deputy Thompson.

G

**FILED**

**DEC 8 2025**

**CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

1 **PRO SE**  
Sean Derning  
2 1135 Porter Street Unit B  
Vallejo CA 94590  
3 628-285-7205

4  
5 **UNITED STATES COURT**  
6 **DISTRICT OF NORTHERN CALIFORNIA**

7 **SEAN DERNING**

8 **Plaintiff,**

9 **vs.**

10 **MARIN COUNTY SHERIFFS DEPARTMENT,  
COUNTY OF MARIN, MICHAEL THOMPSON**

11 **Defendant**

Case No :  
**CV25-10498**

**CRB**

**EX-PARTE APPLICATION FOR TRO TO STOP  
IMMINENT SEIZURE OF PLAINTIFFS HOME**

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CASE - 10498

CRB

W. VIRGINIA DISTRICT OF COURTS  
CLERK OF DISTRICT COURT

FILED

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1 Motion In A Nutshell

2 Plaintiff Sean Dering currently is suffering from a life threatening staphollocus type in infection on his  
3 head – he has several cysts on his head that are an inch in diameter and with punctules that ooze, blood, and sebum.  
4 **Brizzolara ¶4-8 Ex A, Dering ¶4¶5 Powelson ¶10.** He suffers from splitting headaches, numbness in his hands  
5 and legs, and is in a state of anxiety and distress *id* ¶4. To make matters worse – Mr. Dering’s only shelter could at  
6 any moment be seized by the Marin County Sheriffs Office who is aware of his medical vulnerability, and is aware  
7 no other shelter is available to Mr. Dering. **Mallow ¶4-7.** The Marin County Shelter is also aware that we are in an  
8 extremely cold period of winter, and that Mr. Dering will be exposed to this cold with the protection of his shelter,  
9 bed, and blankets he currently uses to survive the winter. **Brizzolara¶6¶12 Ex B**

10 Dering’s only home where he is weathering freezing winter temperatures is his non-operative motorhome  
11 on Binford Road, where he has lived for the past three years where he is able to sleep and stay warm *id*¶3 ¶10.

12 He lives with dozens of others similarly situated – he is in a program paid for by the County of Marin that  
13 provides services to people living in vehicles on Binford Road that include case management, sewage pump out. He  
14 has an environmental permit issued by the County of Marin that entitles him to pump out of his RV. **Mallow ¶10**  
15 **Powelson ¶6 Sarris.**

16 On December 4<sup>th</sup>, a notice was plaed on Mr. Dering’s vehicle stating it will be towed. The deputy who  
17 posted it said the tow would happen on Wednesday, but the notice indicates that the tow can come at any time. **Decl**  
18 **Dering ¶12 Ex A.** No other alternative shelter is available to Mr. Dering nor offered by Thompson, nor any  
19 written reason other then the vehicle codes which Mr. Dering and dozens of others have been exempted from for  
20 years. He is the only one to be towed on the road *id*.

21 Instead, verbally Michael Thompson told Dering that this was because he didn’t think Mr. Dering’s  
22 home was clean enough – even though Mr. Dering’s home is actually clean. His possessions do not block the  
23 roadway or go into the abutting waterway. **See Pictures of Site, Decl Powelson Exhibit B.** In fact, there are  
24 multiple other motorhomes that have more detritus on them than Mr. Dering’s who are not getting towed. **Compare**  
25 **Pictures of Site, Decl Powelson Exhibit C.**

1 Not only that, the reason he is getting towed doesn't makes sense because there are 31 other similar  
2 motorhomes. 28 of them have been parked for years with registration that is greater than 6 months out of  
3 registration. **Mallow ¶10 Powelson ¶6.**

4 This action is like to kill or seriously injure Mr. Darning according to a nurse who has visited him and has  
5 treated his infection. **Decl Brizzolara**

6 Importantly here, Mr. Darning is not just some guy parked on the road in an expired motorhome. He has  
7 lived there for three years as an intended beneficiary and active program participant of the Encampment Resolution  
8 Fund "ERF". **Darning ¶2-4 ¶8-11. Sarris ¶2-15 Mallow ¶2-12 Powelson ¶1-10.** He has worked cooperatively with  
9 the County of Marin's case managers, mental health hoarding specialists, and has made progress keeping his home  
10 clean and unobstructive while he works towards permanent housing **Darning ¶9-14.** There are 28 other motor  
11 homes on Binford Road that have been parked for 72 hours with registration expired longer than 6 months. **Mallow**  
12 **¶10 Powelson ¶6.** Darning a permit to be in his current location issued by the County of Marin which is  
13 prominently displayed on the back of his motorhome which entitles him a pump out service of the septic system of  
14 his motorhome. **Darning ¶7.** In the past when the County had issues with Mr. Darnings possessions around his  
15 home, they twice brought out a mental health hoard specialist to help strategize to reduce clutter id ¶10. Darning has  
16 made great progress getting his site clean ¶11, and it pictures of his site that his domicile is cleaner than other  
17 motorhomes on Binford Road that are not being towed. **Powelson ¶7 Ex B, Ex C.** Mr. Darning has asked for a  
18 disability accommodation requesting the tow be rescinded, that the County bringing out mental health specialists to  
19 help make a plan to keep his site clean and to provide clear advisement of the standards of how to keep his site  
20 **Darning ¶14.**

21 These are all reasonable disability accommodations. First, rescinding the tow is not a fundamental  
22 alteration because the program of enforcing vehicle code on Binford is circumscribed by the ERF Program. There  
23 are 28 other motorhomes with expired registration and have been parked longer than 72 hours. **Mallow**  
24 **¶10 Powelson ¶6** Furthermore, bringing out the hoarding specialists is not a fundamental alteration, because the  
25 County has already twice brought those specialists and have made progress with Mr. Darning **Darning ¶¶9-11.**  
26 Finally, providing written standards so Mr. Darning can follow and understand the rules is common sense, since Mr.  
27 Darnings site is cleaner than others and he reasonably believed he was following the rules **Darning ¶12 Powelson**  
28 **¶7 Ex B Ex C.**

EX-PARTE APPLICATION FOR TRO TO STOP IMMINENT SEIZURE OF PLAINTIFFS HOME - 4

1 Besides his numerous requests for accommodation, Mr. Dering further put both Deputy Thompson, the  
2 County of Marin, and Marin County Sheriffs Office (MCSO) on notice about his disabilities and request for  
3 accomodations for disabilities under *Silveria et al v. Marin County Sheriffs Department* 3:24-cv-03181-AMO. [See  
4 *Silveria*, ECF 1, Declaration of Sean Dering]. In that case, Dering requested a disability accommodation for  
5 slightly more space

6 Astoundingly, inspite of his years of presence On December 4, 2025 Deputy Thompson posted a notice on  
7 Plaintiff Sean Dering motor home that stated MARIN COUNTY SHERIFF VEHICILE TOW WARNING  
8 threatening Plaintiff that he would be summarily towed. Officer Thompson served the notice, saw that Mr. Dering  
9 was in medical distress – with inch large sores exuding pus from his head – and still decided to threaten Mr. Dering  
10 with the deprivation of his only home where he has lived for the past three years.

#### 11 12 13 STANDARD OF REVIEW

14  
15 “A temporary restraining order is an extraordinary and temporary “fix” that the court may  
16 issue without notice to the adverse party if, in an affidavit or verified complaint, the movant  
17 “clearly show[s] that immediate and irreparable injury, loss, or damage will result to the movant  
18 before the adverse party can be heard in opposition.” Fed. R. Civ. P. 65(b)(1)(A).” Quoting from  
19 *Sacramento Homeless Union et al v City of Sacramento et al* 2:22-cv-01095-TLN-KJN Dkt. No.  
20 39 (August 3rd, 2023, Order GRANTING TRO).

21  
22 Under Federal Rule of Civil Procedure 65, the Court has the authority to issue a  
23 preliminary injunction. A party seeking such preliminary relief must meet one of two variants of  
24 the same standard. The traditional *Winter* standard requires the movant to show that (1) it “is  
25 likely to succeed on the merits;” (2) it “is likely to suffer irreparable harm in the absence of  
26 preliminary relief;” (3) “the balance of equities tips in [its] favor;” and (4) “an injunction is in the  
27 public interest.” *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Under the  
28 EX-PARTE APPLICATION FOR TRO TO STOP IMMINENT SEIZURE OF PLAINTIFFS HOME - 5

1 “sliding scale” variant of the same standard, “if a plaintiff can only show that there are ‘serious  
2 questions going to the merits’—a lesser showing than likelihood of success on the merits—then a  
3 preliminary injunction may still issue if the ‘balance of hardships tips *sharply* in the plaintiff’s  
4 favor,’ and the other two *Winter* factors are satisfied.” *All. for the Wild Rockies v. Peña*, 865 F.3d  
5 1211, 1217 (9th Cir. 2017)

7 Defendants Have Been Noticed and Served Of This Motion Under FRCP 65(b)

8 Defendants were notified of this motion for restraining order on July 29 2025, the same  
9 day that the Town posted the notices to vacate [See Decl Darning ¶14]. The Board of  
10 Supervisors Clerk has also provided a copy of this lawsuit and motion. See Proof Of Service

12 SERIOUS QUESTIONS GOING TO THE MERITS

13 Serious Questions Going To State Created Danger Doctrine Because Plaintiff  
14 Likely To Die Or Be Injured Due To Seizure of His Only Shelter In Winter During Acute  
15 Medical Event Without Access To Alternative Shelter

17 The Ninth Circuit recognizes a substantive due process violation under the  
18 Fourteenth Amendment where a state actor “affirmatively place[s] an individual in danger by  
19 acting with deliberate indifference to [a] known or obvious danger in subjecting the plaintiff to  
20 it.” *Kennedy v. City of Ridgefield*, 439 F.3d 1055, 1062 (9th Cir. 2006).

21 District courts have found that anti-camping ordinances that target the homeless can be  
22 enjoined. Most recently in *Alfred v. City of Vallejo*, No. 2:24-cv-03317-DC-SCR, at 5 (E.D. Cal.  
23 Feb. 7, 2025) a district court granted an injunction halting an encampment abatement when it  
24 was clear that the women had no where to go and would be placed at an increased risk of harm.  
25 The City of Vallejo’s appealed that preliminary injunction, and their appeal was dismissed by the  
26 Ninth Circuit. See *Alfred v. City of Vallejo*, No. 25-1658 (9th Cir. Oct. 15, 2025)

1 The case in point is very similar the *Alfred* decision for at least main reasons. (1) Dangers  
2 of elemental exposure during winter (2) Acute medical decompensation, in Mr. Derning’s case a  
3 life threatening staphylococci type infection.

4  
5 Motion In A Nutshell

6 Plaintiff Sean Derning currently is suffering from a life threatening staphollocus type in infection on his  
7 head – he has several cysts on his head that are an inch in diameter and with punctules that ooze, blood, and sebum.  
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21 posted it said the tow would happen on Wednesday, but the notice indicates that the tow can come at any time. **Decl**  
22 **Derning ¶12 Ex A.** No other alternative shelter is available to Mr. Derning nor offered by Thompson, nor any  
23 written reason other then the vehicle codes which Mr. Derning and dozens of others have been exempted from for  
24 years. He is the only one to be towed on the road *id*.

25 Instead, verbally Michael Thompson told Derning that this was because he didn’t think Mr. Derning’s  
26 home was clean enough – even though Mr. Derning’s home is actually clean. His possessions do not block the  
27 roadway or go into the abutting waterway. **See Pictures of Site, Decl Powelson Exhibit B.** In fact, there are

1 multiple other motorhomes that have more detritus on them than Mr. Dernings who are not getting towed. **Compare**  
2 **Pictures of Site, Decl Powelson Exhibit C.**

3 Not only that, the reason he is getting towed doesn't makes sense because there are 31 other similar  
4 motorhomes. 28 of them have been parked for years with registration that is greater than 6 months out of  
5 registration. **Mallow ¶10 Powelson ¶6.**

6 This action is like to kill or seriously injure Mr. Darning according to a nurse who has visited him and has  
7 treated his infection. **Decl Brizzolara**

8  
9 **Plaintiff Is Likely To Die Because of Acute Medical Decompensation Because**  
10 **The Eviction Will Deprive Him Of His Ability To Follow Medical Treatment**  
11

12  
13 Plaintiff has presented evidence asserting she is “at an increased risk of physical injury  
14 and medical decompensation” if her shelter is removed without an alternative. (Id. at 2.) Due to  
15 Plaintiff’s alleged disabilities, which impact her ability to perform daily activities, she will not be  
16 able to carry necessary survival gear. “*Alfred* . This is the case here as stated above – Mr.  
17 Darning is suffering from a life threatening infection. Punctules from the staphollocycus type  
18 infection oozes pus, and his infection is open and obvious. **Darning, Brizzolara**, Forcing him to  
19 live outside, without his box spring mattress, blankets, and shelter will obviously cause acute  
20 medical decompensation for someone who clearly needs rest and medical treatment. **Darning,**  
21 **Brizzolara**, However the stress and necessity to move is impairing his ability to seek treatment.  
22 **Darning, Brizzolara.**  
23  
24  
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1 Plaintiff Likely To Prevail on The ADA Because His Motorhome is Part  
2 Comprehensive Program And His Accommodations Are Reasonable and Within That  
3 Programs Scope  
4

5 Title II of the ADA provides that “no qualified individual with a disability shall,  
6 by reason of such disability, be excluded from participation in or be denied the benefits of the  
7 services, programs, or activities of a public entity, or be subjected to discrimination by any such  
8 entity.” 42 U.S.C. § 12132. Its implementing regulations require state agencies to “make  
9 reasonable modifications in policies, practices, or procedures when the modifications are  
10 necessary to avoid discrimination on the basis of disability, unless the public entity can  
11 demonstrate that making the modifications would fundamentally alter the nature of the service,  
12 program, or activity.” 28 C.F.R. § 35.130(b)(7)(i).  
13

14  
15 Importantly here, Mr. Darning is not just some guy parked on the road in an  
16 expired motorhome. He has lived there for three years as an intended beneficiary and active  
17 program participant of the Encampment Resolution Fund “ERF”. **Darning ¶2-4 ¶8-11. Sarris**  
18 **¶2-15 Mallow ¶2-12 Powelson ¶1-10.** He has worked cooperatively with the County of Marin’s  
19 case managers, mental health hoarding specialists, and has made progress keeping his home  
20 clean and unobstructive while he works towards permanent housing **Darning ¶9-14.** There are  
21 28 other motor homes on Binford Road that have been parked for 72 hours with registration  
22 expired longer than 6 months. **Mallow ¶10 Powelson ¶6.** Darning a permit to be in his current  
23 location issued by the County of Marin which is prominently displayed on the back of his  
24 motorhome which entitles him a pump out service of the septic system of his motorhome.  
25  
26 **Darning ¶7.** In the past when the County had issues with Mr. Darnings possessions around his  
27 home, they twice brought out a mental health hoard specialist to help strategize to reduce clutter  
28

1 id ¶10. Derning has made great progress getting his site clean ¶11, and it pictures of his site that  
2 his domicile is cleaner than other motorhomes on Binford Road that are not being towed.

3 **Powelson ¶7 Ex B, Ex C.** Mr. Derning has asked for a disability accommodation requesting the  
4 tow be rescinded, that the County bringing out mental health specialists to help make a plan to  
5 keep his site clean and to provide clear advisement of the standards of how to keep his site  
6 **Derning ¶14.**

7  
8 These are all reasonable disability accommodations. First, rescinding the tow is not a  
9 fundamental alteration because the program of enforcing vehicle code on Binford is  
10 circumscribed by the ERF Program. There are 28 other motorhomes with expired registration  
11 and have been parked longer than 72 hours. **Mallow ¶10 Powelson ¶6** Furthermore, bringing out  
12 the hoarding specialists is not a fundamental alteration, because the County has already twice  
13 brought those specialists and have made progress with Mr. Derning **Derning ¶¶9-11.** Finally,  
14 providing written standards so Mr. Derning can follow and understand the rules is common  
15 sense, since Mr. Dernings site is cleaner than others and he reasonably believed he was following  
16 the rules **Derning ¶12 Powelson ¶7 Ex B Ex C.**

17  
18  
19  
20 Plaintiff Meets Criteria For Irreparable Harm Because High Likelihood of Injury  
21 and Death

22  
23  
24 Irreparable harm is traditionally defined as harm for which there is no adequate legal  
25 remedy, such as an award of damages. *Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1068  
26 (9th Cir. 2014). The harm must be likely to occur not merely possible. *Winter*, 555 U.S. at 22.  
27 The Ninth Circuit has held that "an alleged constitutional infringement will often alone constitute

1 irreparable harm." *Associated Gen. Contractors of Cal., Inc. v. Coalition for Econ. Equity*, 950  
2 F.2d 1401, 1412 (9th Cir. 1991). *Al Otro Lado, Inc. v. Mayorkas*, 619 F. Supp. 3d 1029, 1041  
3 (S.D. Cal. 2022) (“[T]he threat of physical danger and harm absent injunctive relief qualifies as  
4 irreparable.”).

5  
6 This standard of irreparable harm was found in *Alfred v Vallejo* where the court applied a  
7 standard of irreparable harm “Plaintiff alleges serious risk of harm if Defendant City removes her  
8 shelter because she has no alternative place to stay and cannot carry survival gear due to her  
9 disabilities. (omitted) These harms include, but are not limited to, an increased risk of exposure  
10 to the elements, especially during the winter season, aggravation of her disabilities which limit  
11 mobility, risk of physical injury, exposure to sexual violence, and “a credible fear [from]  
12 previously [being] victimized.” See Boyd, 2023 WL 6960368, at \*13 (finding plaintiffs made a  
13 showing of irreparable harm where they faced psychological harm from isolation, exacerbated  
14 drug use, enhanced risk of drug overdose, and exposure to sexual and domestic violence from the  
15 “imposition of isolated camping by unhoused persons as prescribed by [a] [o]rdinance”).  
16  
17  
18

19 Balance of Equities and Public Interest Tip Sharply In Plaintiffs Favor Because  
20 He, And Dozen’s Others Like Him, Have Lived on Binford Road For Many Years Because of  
21 the County’s Programs and Policies Encouraging Them To Be There.  
22

23  
24 “The purpose of preliminary injunctive relief is to preserve the status quo if the balance  
25 of equities so heavily favors the moving party that justice requires the court to intervene to  
26 secure the positions until the merits of the action are ultimately determined.” *Heflebower v. U.S.*  
27 *Bank Nat. Ass’n*, No. 1:13-cv-1121-LJO-MJS, 2013 WL 3864214, at \*18 (E.D. Cal. July 23,  
28

1 2013) (citing *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981)). “A court balancing the  
2 equities will look to possible harm that could befall either party.” *Jeremiah*, 2018 WL 1367541,  
3 \*5 (citing *CytoSport, Inc. v. Vital Pharm., Inc.*, 617 F. Supp. 2d 1051, 1081 (E.D. Cal. 2009)  
4 aff’d, 348 F. App’x 288 (9th Cir. 2009)).” *Quoting from Alfred v Vallejo* . “The court finds that  
5 at this juncture, Defendant City has not shown there are weighty public safety, health, and  
6 welfare concerns that expeditious removal of Plaintiff’s shelter will serve.” *Id*

7  
8 In the first instance, Plaintiffs motorhome is one of dozens with expired registration on  
9 Binford Road. **Derning, Powelson, Mallow, Brizzolara, Sarris**,. The County has a  
10 comprehensive of housing that reserves the ability of people to live in their vehicles to those who  
11 have lived there since the start of the ERF grant – Which Mr. Derning is. **Derning, Sarris**.  
12 County Supervisor Eric Lucan, the County of Marin, and high ranking officials has promoted  
13 Binford Road’s approach to stabilizing people in their vehicles while they move into housing as  
14 model for how to get people housed.  
15  
16

## 17 18 CONCLUSION

19  
20 For three years, Mr. Derning has lived safely in the only shelter he has: a non-operational  
21 motorhome on Binford Road, supported by the County’s own ERF program. He is now in the  
22 middle of a medical crisis, with a life-threatening infection, open wounds, neurological  
23 symptoms, and freezing temperatures outside. Removing his motorhome will not simply  
24 inconvenience him—it will almost certainly cause catastrophic medical deterioration, and it may  
25 kill him. No alternative shelter has been offered. No safety plan exists. There is no dispute that  
26 he cannot survive outside without the heat, bed, and protection his motorhome provides.  
27  
28

1           The equities, the public interest, and the risk of irreversible injury all point in the same  
2 direction. The Court should grant the temporary restraining order and enjoin Defendants from  
3 towing or otherwise removing Plaintiff's home pending further proceedings.  
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1  
2 **Verification**

3 Under Federal Rule of Civil Procedure 11, by signing below, I Sean Darning the Plaintiff  
4 in this case, certify to the best of my knowledge, information, and belief that this complaint: (1)  
5 is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or  
6 needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous  
7 argument for extending, modifying, or reversing existing law; (3) the factual contentions have  
8 evidentiary support or, if specifically so identified, will likely have evidentiary support after a  
9 reasonable opportunity for further investigation or discovery; (4) that I am responsible for all  
10 aspects of prosecuting this case because I am unrepresented by an attorney and proceeding pro  
11 se, and (5) I know I can receive limited legal advice on this case from an attorney about this case  
12 by contacting the Federal Pro Bono Project at the Justice and Diversity Center of the Bar  
13 Association of San Francisco by contacting them at (415) 782-8982 or [fedpro@sfbbar.org](mailto:fedpro@sfbbar.org).  
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22 **/s/Sean Darning**

23 **December 7 2025**  
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1 **PRO SE**  
Sean Derning  
2 1135 Porter Street Unit B  
Vallejo CA 94590  
3 628-285-7205

4 **UNITED STATES COURT**  
5 **DISTRICT OF NORTHERN CALIFORNIA**

6 SEAN DERNING

7 Plaintiff,

8 vs.

9 MARIN COUNTY SHERIFFS DEPARTMENT,  
COUNTY OF MARIN, MICHAEL THOMPSON

10 Defendant

Case No.:

**DECLARATION OF SEAN DERNING IN  
SUPPORT OF TRO AND PI**

11  
12 1. I Sean Derning do declare I have personal knowledge of all facts in this  
13 declaration and if called to testify could and would do so competently.

14 2. I have been a licensed contractor since 2007 focusing on doing remodels. I came  
15 to Binford Road around Spring of 2022 after a traumatic period in my life and medical issues. I  
16 live on Binford Road since then.

17 3. I have lived here for the past three years in my motorhome that holds all of my  
18 worldly belongings, such as food, medication, blankets. I have a locking door and hard sided  
19 walls that helps me sleep at night knowing intruders cannot easily break into my home. I also  
20 have neighbors nearby that protect me and provide me water, food, and other things when I am  
21 in need.

22 4. I am currently very physically ill, I have an infection on my head that is causing  
23 large cysts puss to exude from them. I feel exhausted, tired, and it is difficult for me to keep  
24 focus and keep things in order. I feel feverish. I feel like I am reaching my breaking point. I think  
25 this has been increased by the fact that weather has been extremely cold, reach freezing  
26  
27  
28

1 temperatures, and the constant cold has put me in a state of exhaustion while I deal with the  
2 infection.

3 5. About two years ago I suffered a staph infection to my left hand that developed  
4 into an infection that has made me lose sensation in my left hand and has decreased my ability to  
5 pick things up and keep my area clean. I believe my current head cysts are also staph infections  
6 because once you get infected with staph, it can survive for a long time and repopulate.  
7

8 6. I suffer from Post Traumatic Stress Disorder and have anxiety attacks that  
9 interfere with my ability to keep my home on Binford clean because trying to clean, get rid of  
10 possessions, or other activities can trigger my anxiety attacks.  
11

12 7. I have an environmental permit on my motorhome that was issued by the County  
13 of Marin that entitles me to pump out service.

14 8. For years I have worked cooperatively with Deputy Thompson on keeping my  
15 area clean, and in fact, my site has much fewer possessions then it did this time last year after the  
16 County came, seized, and destroyed most of my possessions were outside of my trailer. Since  
17 then, I have never accumulated more than I had at that time and I do my best to keep it clean.  
18

19 9. In 2024, I sued the Deputy Thompson for not responded to my disability  
20 accommodation under the Americans With Disability Act in the case *Silveria v Marin County*  
21 *Sherrifs Office*.  
22

23 10. Since then Thompson told me he would work with me. The County of Marin,  
24 with Andrea O'Malley, brought out a mental health specialist in hoarding twice came to my site  
25 to help manage my property and make siure the property is OK with them. Although they did not  
26 do much, but we have made the site have fewer and fewer possessions since we started.  
27  
28

1 11. My domicile is much cleaner than it was in the past, and none of my property.  
2 Officer Thompson told me I could not store things outside my vehicle. But I do not store things  
3 outside of my bus really, I place things there temporarily while I am working. I keep my area  
4 cleaner than many others further down the road. None of my property goes into the water or in  
5 the roadway. It is much cleaner then it was in the past.  
6

7 12. On December 4<sup>th</sup> 2025 Deputy Thompson posted a notice against my trailer  
8 attached in **Exhibit A**. While the notice doesn't have a date for towing my vehicle, Officer  
9 Thompson told me verbally that he would be towing me on Wednesday.  
10

11 13. He said that the reason he was taking my motorhome was because it was his  
12 opinion that I did not keep my area clean enough. But I thought I was complying with the site  
13 cleaning because I have kept it much cleaner and have much fewers than I have had in the past.  
14 None of my possessions fall into the roadway or go into the estuary and I am careful to keep  
15 them within  
16

17 14. On December 8<sup>th</sup>, I emailed County Counsel Brian Washington at  
18 [Bwashington@marincounty.gov](mailto:Bwashington@marincounty.gov) notifying him of this motion for TRO. I also asked for a  
19 disability accommodation requesting the tow be rescinded, that the County bringing out mental  
20 health specialists to help make a plan to keep my site clean and to provide written advisement of  
21 the standards I am expected to follow,  
22

23 15. If my home is taken, I think I am going to die. I am going to freeze to death. I  
24 cannot go to the hospital because of all the stress that this causing and I have to get ready for the  
25 eviction. I am immune compromised from my infection. I feel feverish, anxious, exhausted. I am  
26 in extreme pain. On top of that I have to get ready for the eviction on Wednesday and can't do  
27 anything else.  
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I swear the foregoing under penalty of perjury.

**/s/ Sean Derning**



Dec 7 2025

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Exhibit A

DECLARATION OF SEAN DERNING IN SUPPORT OF TRO AND PI - 5

**MARIN COUNTY SHERIFF  
VEHICLE TOW WARNING**

LOCATION: 8001 BINFORD RD, NOVATO

DATE/TIME: 12/4/25 3:24 PM

OFFICER: M THOMPSON ID: 501633

**CVC 22651(K) PARKING IN EXCESS OF 72 HOURS**

Marin County Code 15.36.030 prohibits the parking or storing of any vehicle on unincorporated public roadways in excess of 72 hours. Vehicles parked in excess of 72 hours may be cited and/or towed pursuant to California Vehicle Code 22651(k). Always move vehicle prior to expiration of 72 hours.

**CVC 22651(O) EXPIRED REGISTRATION 6+ MONTHS**

Any vehicle found with registration expired in excess of six (6) months may be towed at any time, without notice.

**CVC 22669 ABANDONED OR INOPERABLE VEHICLE**

This vehicle is in a condition or has been left in a manner that it is reasonably believed to be inoperable and/or abandoned. The vehicle may be towed at any time.

CVC \_\_\_\_\_

NOTICE: THIS IS NOT A CITATION. FUTURE VIOLATIONS MAY NOT RECEIVE COURTESY WARNINGS. CONTINUED VIOLATION WILL RESULT IN A CITATION AND/OR THE VEHICLE BEING TOWED.

L# 25140325



1 **PRO SE**  
Sean Derning  
2 1135 Porter Street Unit B  
Vallejo CA 94590  
3 628-285-7205

4  
5 **UNITED STATES COURT**  
6 **DISTRICT OF NORTHERN CALIFORNIA**

7 SEAN DERNING

8 Plaintiff,

9 vs.

10 MARIN COUNTY SHERIFFS DEPARTMENT,  
COUNTY OF MARIN, MICHAEL THOMPSON

11 Defendant

Case No.:

DECLARATION OF REGISTERED NURSE MEGAN  
BRIZZOLARA IN SUPPORT OF TRO AND PI

12  
13  
14 1. I Megan Brizzolara, have personal knowledge of what is in this declaration and if  
15 called to testify could and would do so competently.

16 2. I am a Registered Nurse (RN) License #390567 with the State of California. I  
17 have been a nurse 44 years and received my Associate of Science in Nursing from the  
18 University of the State of New York in 1985. I have spent decades providing physical and  
19 psychiatric medical care in the public sector to people with very low incomes – including  
20 people experiencing homelessness such as Mr. Derning.

21  
22 4. Based on my assessment training and decades of clinical experience treating unhoused  
23 individuals; my familiarity with the medical, psychiatric, and public-health research  
24 literature on homelessness; and my direct observation of the health consequences of  
25 exposure, lack of shelter, and deprivation of basic survival materials among unhoused  
26 patients. I have drawn the conclusion that the planned seizure of his home by the Marin  
27

1 County Sheriffs Department will likely cause him serious bodily injury and death due to  
2 several particular dangers he will face because of that action.

3 3. I have assessed Mr. Darning and met with him on December 7, 2025 at his home on  
4 Binford Road. Based on my evaluation, I believe Mr. Darning is suffering from a very  
5 serious, potentially life threatening staphylococcus infection that has formed into  
6 sebaceous cysts on his scalp. Attached in **Exhibit A** are pictures of Mr. Darning  
7 sebaceous cysts. I treated him with anti-septic wipes on his wounds, which were  
8 rupturing sebum, pus, and blood.  
9

10 5. The reason I believe this is staphylococcus is because Mr. Darning reports a history of  
11 staphylococcus type infections in the past that caused nerve damage to one of his hands.  
12 It is common for people with staph infection be reinfected with staph because the bacteria  
13 can linger on the person even after symptoms in the past have abated.  
14

15 5. First, Mr. Darning currently suffers from a very serious, life-threatening infection that  
16 is currently causing huge sebaceous cysts on his. I have observed that these four cysts ar  
17 each about an inch in diameter, and rupture sebum and puss from center punctules. These  
18 cysts are caused by an underlying infection, that may include Staphholocyucs type  
19 infections or Methicillin-resistant Staphylococcus aureus "MRSA" - which are highly  
20 contagious and difficult to control bacterial infections that can cause irreparable injury  
21 and death. Based on their size and inflammation, these appear to be infected.  
22

23 6. Mr. Darning reports symptoms such as extreme headaches and pain that interfere with  
24 his ability to think, as well as numbness in his legs and arms. These symptoms are  
25 consistent with the size and severity of the current cysts, because they are large enough to  
26 compress nerves.  
27  
28

1 7. Based on the seriousness of his infection may underly to other serious medical  
2 conditions. Importantly, Mr. Darning's immune system is certainly compromised at this  
3 time as it contends with this infection. During this time, it is medically imperative that he  
4 gets lot of rest, stays warm and sleeps in an environment that has a bed and blankets as he  
5 has has in his motorhome, stays in a location where he does not spread the infection, and  
6 seek medical attention.  
7

8 8. While I have provided Mr. Darning with anti-biotic ointment I have also made plans  
9 with him to go to the hospital to get treatment on his cysts.  
10

11 5. If the Marin County Sheriffs Office deprives Mr. Darning's motorhome on  
12 Wednesday, that cause him serious injury and death because he will forced to live outside  
13 without his shelter, bedding, and other protections from the elements provided by his  
14 motorhome. Currently because it is an unusually cold winter, he is at particular risk, and  
15 it will risk the cysts becoming infected which could cause him to die.  
16

17 6. Attached in Exhibit B is a copy of the current weather forecast, which shows that  
18 temperatures be between 60-45 degrees with patchy fog. This temperature is only 13  
19 degrees above freezing. But over constant exposure to those low temperatures without the  
20 ability to get warm with have compounding effect on his cardiovascular and immune  
21 system – which are already compromised by his staph infection.  
22

23 12. Mr. Darning describing needing sleeping bags, mattress, and tent to protect his self  
24 from the cold. Based on my training and experience, I would describe these items as  
25 "survival gear" which he needs to stay warm which is necessary for biological survival.  
26 Persistent cold causes hypothermia- which disproportionately impacts the homeless  
27 people in California for obvious reasons. Besides acute hypothermia, persistent cold can  
28

1 cause cold related injury and medical complications caused by persistent low body  
2 temperatures in the body – which can result in cardio-vascular impairment that can cause  
3 physical injury (such as chill blains, trench foot), or complex injury when the cold’s  
4 impairment of the cardio-vascular system impairs pre-existing medical conditions.  
5

6 Staying warm at night is necessary to be able to sleep – another biological imperative.

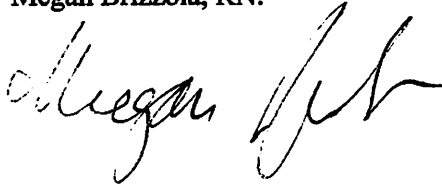
7 14. Mr. Darning mattresses is essential. His ability to sleep and stay warm is essential for  
8 his fight the infection to survive. Methods for raising the body off the ground during  
9 sleep, are necessary for Plaintiffs survival because they reduce loss of heat during  
10 sleeping. This is because sleeping directly on the ground is like sleeping on a heat sink  
11 that sucks warmth from the body – the ground has lots of mass and its much colder than  
12 the human body meaning heat moves continuously from the body into the ground. In my  
13 profession, we maintain a widely accepted standard for the living environment whose all  
14 patients have raised beds that are lifted above the floor. All facilities have four walls and  
15 no one lives in tents. They are provided with mattresses. This is a minimum standard. In  
16 fact, having a patient sleep on the floor would be considered cruel and unusual and would  
17 result in the facility facing civil and criminal sanctions.  
18

19  
20 15. Similarly, bedding and sleeping bags are medically necessary to keep the body warm  
21 at night. This motorhome is medically necessary because it provides shelter, stop rain  
22 and wind, to water and low temperatures to a minimum. . When people get wet, they can  
23 contract hypothermia because rain and dew is much colder than the human body, and  
24 increase loss of heat. Persistent low body temperature caused by being wet and cold can  
25 result in cardiovascular damage  
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I swear the foregoing under penalty of perjury

/s/ Megan Brizzola, RN.



December 7 2025

Exhibit A

1 Exhibit A

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DECLARATION OF REGISTERED NURSE MEGAN BRIZZOLARA IN SUPPORT OF TRO AND PI - 6



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Exhibit B


DECLARATION OF REGISTERED NURSE MEGAN BRIZZOLARA IN SUPPORT OF TRO AND PI - 7



## Prolonged Atmospheric River Will Impact the Northwest Early this Week

A weather system in the Pacific Northwest will produce rain throughout the day, before a potent atmospheric river produces a prolonged round of heavy rainfall, widespread urban and river flooding, and high elevation snow to the region Monday through Wednesday. Showers and thunderstorms may produce isolated damaging winds, a brief tornado, and locally heavy rainfall across parts of Florida today. [Read More >](#)

**Current conditions at**  
**Novato / Gness Field (KDVO)**  
 Lat: 38.14178°N Lon: 122.55463°W Elev: 3.0ft.



Overcast  
**46°F**  
 8°C

Humidity 93%  
 Wind Speed S 5 MPH  
 Barometer 30.29 in (1025.74 mb)  
 Dewpoint 45°F (7°C)  
 Visibility 9.00 mi  
 Wind Chill 44°F (7°C)  
 Last update 07 Dec 05:35 PM PST

**Extended Forecast for Novato CA**

Tonight	Monday	Monday Night	Tuesday	Tuesday Night	Wednesday	Wednesday Night	Thursday	Thursday Night
Low: 42 °F	High: 59 °F	Low: 45 °F	High: 62 °F	Low: 45 °F	High: 65 °F	Low: 46 °F	High: 65 °F	Low: 45 °F
Patchy Dense Fog	Areas Dense Fog then Sunny	Fog	Fog then Mostly Sunny	Patchy Fog	Areas Fog then Sunny	Patchy Fog	Areas Fog then Sunny	Patchy Fog

**Detailed Forecast**

**Tonight**  
 Patchy dense fog after 7pm. Otherwise, increasing clouds, with a low around 42. Calm wind.

**Monday**  
 Areas of dense fog before 11am. Otherwise, mostly cloudy, then gradually becoming sunny, with a high near 59. Calm wind.

**Monday Night**  
 Widespread fog, mainly after 5am. Otherwise, partly cloudy, with a low around 45. Calm wind.

**Tuesday**  
 Widespread fog, mainly before 7am. Otherwise, mostly cloudy, then gradually becoming sunny, with a high near 62. Light north wind.

**Tuesday Night**  
 Patchy fog after 9pm. Otherwise, partly cloudy, with a low around 45. Calm wind.

**Wednesday**  
 Areas of fog before 11am. Otherwise, mostly sunny, with a high near 65.

**Wednesday Night**  
 Patchy fog after 9pm. Otherwise, mostly clear, with a low around 46.

**Thursday**  
 Areas of fog before 10am. Otherwise, mostly sunny, with a high near 65.

**Thursday Night**  
 Patchy fog after 11pm. Otherwise, mostly clear, with a low around 45.

**Friday**  
 Areas of fog before 9am. Otherwise, mostly sunny, with a high near 64.


**Friday Night**  
 Patchy fog. Otherwise, mostly clear, with a low around 44.

**Saturday**  
 Areas of fog. Otherwise, mostly sunny, with a high near 64.

**Saturday Night**  
 Patchy fog. Otherwise, partly cloudy, with a low around 45.

**Sunday**  
 Areas of fog. Otherwise, partly sunny, with a high near 62.

Basemap Options  
   
 Click map to change the forecast location



Forecast Area [Disclaimer](#) Tiles ©[ESRI](#)

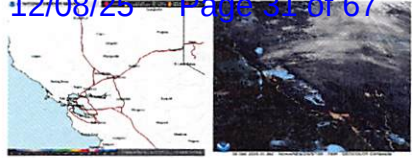
**ABOUT THIS FORECAST**

**Point Forecast:**  
 Novato CA  
 38.11°N 122.56°W (Elev. 141 ft)

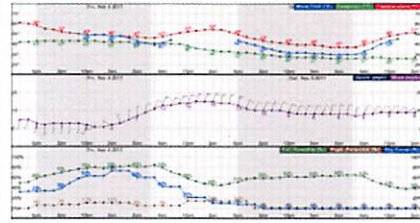
[Forecast Discussion](#)

**Additional Resources**

**Radar & Satellite Image**



### Hourly Weather Forecast



**PRO SE**  
Sean Derning  
1135 Porter Street Unit B  
Vallejo CA 94590  
628-285-7205

**UNITED STATES COURT  
DISTRICT OF NORTHERN CALIFORNIA**

SEAN DERNING

Plaintiff,

vs.

MARIN COUNTY SHERIFFS DEPARTMENT,  
COUNTY OF MARIN, MICHAEL THOMPSON

Defendant

Case No.:

**DECLARATION OF JENNIFER MALLOW IN  
SUPPORT OF TRO AND PI**

1. I, Jennifer Mallow, declare under penalty of perjury that the following statements are true and correct based on my personal knowledge. If called to testify, I could and would do so competently.
2. I am a peer and housing case manager and co-founder of Marin Property Resource Community Collective (MPRCC). Our organization provides wrap-around services to individuals experiencing homelessness in Marin County, particularly in the areas of Binford Road, Hamilton Marsh, and Camp Compassion in Novato. In my role, I work directly with unhoused individuals to help them access permanent housing and retain that housing once placed.
3. I have been working with Sean Derning for approximately one year, assisting him with accessing services and housing support. Recently, our organization significantly increased services on Binford Road after the County's prior contractor, Downtown Streets Team, ceased operations.

1 This resulted in the loss of multiple case managers assigned to that area, placing extreme strain  
2 on our remaining staff and resources.

3 4. The eviction of Mr. Darning will severely destabilize him. He suffers from anxiety and PTSD and  
4 frequently loses essential items such as his phone. The only reliable way I can locate him is by  
5 physically going to his motorhome, where he is typically found. If his motorhome is towed, he  
6 will have nowhere to go. Individuals are only permitted to remain on Binford Road if they have a  
7 vehicle; those living in tents there are routinely evicted.

8 5. Mr. Darning also cannot relocate into the incorporated areas of Novato, as the City strictly  
9 prohibits camping. The only exceptions are Camp Compassion and Hamilton Marsh, where the  
10 Chief of Police issued a memorandum instructing officers not to enforce anti-camping  
11 ordinances against pre-existing campers only. Because Mr. Darning would not qualify as a pre-  
12 existing camper at those locations, he would not be permitted to relocate there or anywhere  
13 else within Novato.

14 6. It is also extremely unlikely that Mr. Darning could access emergency shelter. There is only one  
15 available shelter for unsheltered individuals—Jonathan’s Place, operated by Homeward Bound.  
16 Successful participants may later move to New Beginnings Center. My clients routinely wait  
17 months for a bed. Only one or two beds open each week, with dozens of people on the waitlist.  
18

19 7. Furthermore, I do not believe Homeward Bound would currently accept Mr. Darning due to  
20 what appears to be a staph infection on his head, with multiple open, oozing sores. Staph  
21 infections are contagious in close living environments. Homeward Bound generally does not  
22 admit individuals with serious communicable medical conditions due to shared bedding and  
23 close quarters. I also have a medically vulnerable client who is denied shelter solely due to  
24  
25  
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28

1           incontinence. Based on this, it is highly unlikely Mr. Derning would be accepted in his current  
2           medical condition.

3           8. This situation is frightening for the entire community. Mr. Derning is a kind individual who is  
4           already under extreme physical and emotional stress. Taking his RV in the middle of winter  
5           would place his life at serious risk.

6           9. I am also deeply troubled that Mr. Derning appears to have been singled out for 72-hour  
7           notices. I have worked on Binford Road for years. Nearly every motorhome there—dozens of  
8           them—has been parked well over 72 hours, many for years. New vehicles are not allowed in.

9           10. On the evening of December 6, 2025, , Danny and I conducted a detailed count of vehicles on  
10           Binford Road. We documented the following:

11                   A: 19 unregistered passenger vehicles, most displaying old green or yellow registration  
12                   tags that are more than six months out of date.

13                   B: 11 legally registered passenger vehicles

14                   C: 13 vehicles with no visible registration tags.

15                   D: 29 unregistered RVs or camper vehicles that are clearly being lived in Only 3  
16                   registered RVs, motorhomes, buses et cetera total

17           11. Based on this count, the overwhelming majority of vehicles on Binford Road are unregistered  
18           and in the same or worse condition than Mr. Derning's vehicle. Of the other 32 similar buses  
19           and motorhomes like, there are only three with current registration. Despite this, Mr. Derning  
20           appears to be the only individual targeted for towing.

21           12. Additionally, none of Mr. Derning's belongings are located in or near the roadway, and they do  
22           not obstruct traffic or create any safety hazard. There is therefore no legitimate cause for  
23           towing based on roadway obstruction or public safety. Indeed Mr. Derrin's campsite is appears  
24           no more or less clean than the other motorhomes on the road.

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13. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Jennifer Mallow

Co-Founder, MPRCC

415-879-7940

jennmprcc@gmail.com

Executed on: December 8, 2035

Location: Novato, Ca

1 Sean Derning  
40 Bellam Blvd Unit 2013,  
2 San Rafael CA 94912  
415-216-8939  
3 415-320-3869

4  
5 UNITED STATES COURT  
6 DISTRICT OF NORTHERN CALIFORNIA

7 SEAN DERNING

8 Plaintiff,

9 vs.

10 MARIN COUNTY SHERIFFS DEPARTMENT,  
COUNTY OF MARIN, MICHAEL THOMPSON

11 Defendant

Case No.:

DECLARATION OF JASON SARRIS IN SUPPORT  
OF TRO AND PI

- 14 1. I, Jason Sarris, declare as follows:
- 15 2. I am over eighteen (18) years of age and competent to testify to the matters set forth  
16 herein. I make this declaration based on my personal knowledge, and if called upon to  
17 testify, I could and would testify truthfully to the facts stated.
- 18 3. I am a member of the Marin County Homeless Policy Steering Committee and the Marin  
19 County Lived Experience Advisory Board. In these roles, I possess direct knowledge of  
20 Marin County homelessness policy, county-administered programs, and communications  
21 between county staff, policymakers, and service providers regarding unsheltered  
22 residents.
- 23 4. Through my official roles and direct engagement with county officials and service  
24 providers, I have specific knowledge regarding the safe parking and vehicle habitation  
25 program located on Binford Road in unincorporated Novato, California. Binford Road is  
26

1 situated on county-owned property and has been the subject of county-led  
2 homelessness response efforts.

3 5. In or around mid-2023, Marin County was awarded approximately \$1.6 million in State of  
4 California Encampment Resolution Funding ("ERF"), specifically designated for the  
5 Binford Road encampment near Novato. This funding was intended to provide services,  
6 interim shelter solutions, and pathways to permanent housing for individuals and families  
7 living in vehicles at that location.

8  
9 6. The Binford Road funding was awarded as part of California's Encampment Resolution  
10 Funding program, including ERF Round 2, a statewide initiative designed to resolve  
11 larger encampments through housing-focused, service-rich interventions rather than  
12 displacement.

13 7. Based on my knowledge, the ERF funding was allocated to serve approximately 90  
14 individuals residing in vehicles at the Binford Road location and was used for, among  
15 other purposes: Outreach and engagement, Case management services;  
16 Environmental health and safety measures, including restrooms and trash services;  
17 Vehicle removal assistance when voluntary and tied to housing outcomes; and  
18 Connection to interim and permanent housing resources.

19  
20 8. Marin County supplemented this \$1.6 million state grant with additional county resources  
21 to implement a comprehensive response focused on housing stabilization rather than  
22 enforcement-driven displacement.

23 9. County efforts related to the Binford Road site expanded in late 2023 and into 2024 and  
24 2025, including the pursuit and receipt of additional ERF funding. In or around late 2024,  
25 Marin County secured further state funding, including an additional ERF-3-R award of  
26 approximately \$3.7 million, to enhance case management, interim shelter capacity, and  
27

1 housing access for Binford Road residents and other unsheltered individuals throughout  
2 Marin County.

3 10. Throughout the implementation of these programs, county officials and county staff  
4 consistently communicated, both publicly and in policy contexts known to me, that  
5 residents living in vehicles at Binford Road would not be subjected to enforcement  
6 actions typically associated with vehicle habitation, including:

7  
8 11. Issuance of a seventy-two (72) hour notice to vacate under county ordinance; and  
9 Vehicle enforcement actions based solely on lack of current registration. These  
10 assurances were integral to the county's housing-focused strategy and were relied upon  
11 to maintain trust, stability, and continued engagement between vehicle residents and  
12 county-funded service providers.

13 12. In addition, based on my participation in Homeless Policy Steering Committee meetings and my review of  
14 county presentations, Marin County's enforcement posture at Binford Road was not informal or implied,  
15 but expressly stated as County policy. Specifically, by county staff in policy meetings and public county  
16 presentations that the County would not enforce the seventy-two (72) hour vehicle notice requirement at  
17 Binford Road and would not enforce vehicle violations based on lack of current registration at that location.  
18 Consistent with these representations, Marin County Supervisor Eric Lucan publicly stated: "We do not  
19 want to rip people from their housing, and we're not enforcing a 72-hour parking rule," as reported in the  
20 Pacific Sun article entitled "'Posh' Marin and its homeless residents capture attention from  
21 tabloids." [https://pacificsun.com/binford-road-vehicle-encampment-in-posh-marin-](https://pacificsun.com/binford-road-vehicle-encampment-in-posh-marin-county/)  
22 [county/](https://pacificsun.com/binford-road-vehicle-encampment-in-posh-marin-county/)

23  
24 13. These statements reflect a deliberate and articulated County policy decision intended to  
25 prevent displacement, ensure continuity of services, and align local practices with the  
26 housing-focused objectives of the State Encampment Resolution Funding program.  
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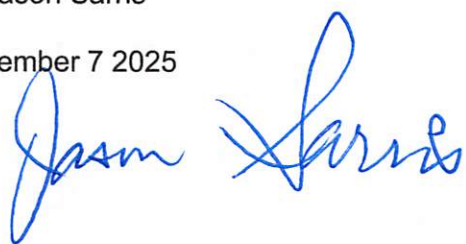
14. To my knowledge, the protection from enforcement described above was a deliberate policy decision made by the County to ensure continuity of services, prevent displacement, and comply with the objectives of state ERF funding, which emphasizes resolution through housing rather than punitive measures

15. Any sudden or unannounced enforcement actions contrary to these established policies would undermine the County's stated approach, disrupt ongoing housing placements, and cause immediate and irreparable harm to vehicle residents who relied on these assurances in remaining at the Binford Road location while engaging in county-supported services.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Jason Sarris

December 7 2025



**PRO SE**  
Sean Derning  
1135 Porter Street Unit B  
Vallejo CA 94590  
628-285-7205

**UNITED STATES COURT  
DISTRICT OF NORTHERN CALIFORNIA**

SEAN DERNING

Plaintiff,

vs.

MARIN COUNTY SHERIFFS DEPARTMENT,  
COUNTY OF MARIN, MICHAEL THOMPSON

Defendant

Case No.:

**DECLARATION OF ROBBIE POWELSON IN  
SUPPORT OF TRO AND PI**

1. I am over the age of 18, and I make this declaration based on my own personal knowledge. If called as a witness, I could and would testify competently to the facts stated herein.
2. I have been familiar with the Binford Road community for several years and visit the area frequently as part of my advocacy work. I know Sean Derning personally and have observed his living area many times over the past several years, including on December 6 and December 7, 2025
3. I have filed a formal complaint against the Marin County Sheriffs Office and the Marin County Sheriffs Civilian Oversight Commission on December 7<sup>th</sup> which is attached to this declaration. The letter in that express my true and correct observation.
4. As I detail there, I have observed Deputy Thompson has a history of violating publicly stated rules of the County of Marin in selectively enforcing CVC 22651(K) and 22651(O), and the current situation is repetition of *Fleming v Marin County Sheriffs*

1            *Department 3:24-cv-03859-RS*. Where Thompson inexplicably decided to evict a the  
2            only openly gay man on Binford Road. The County rescinded that notice after being  
3            restrained by Judge Seeborg without explanation.  
4

- 5            5. The current situation is similarly inexplicable. First, as I lay out in my complaint below,  
6            the notice has no nexus to the verbal reason given by Thompson for eviction – namely  
7            lack of cleanliness. That justification is unreasonable, because as of now Mr. Darning’s  
8            domicile is cleaner than many other vehicular homes.  
9
- 10           6. Additionally, I have counted 31 motorhomes on Binford Road – and only saw three with  
11           registration that was not six months or more out of date. I have observed that of the  
12           motorhomes have been parked longer than 72 hours for months and years.  
13
- 14           7. There is no reason to single out Mr. Darning. As is shown in Exhibit B, Mr. Darnings site  
15           is clean and his property is not intruding into the street or waterway. It is cleaner than  
16           those sites in Exhibit C  
17
- 18           8. Over the past several years, I have witnessed Mr. Darning struggle with hoarding issues  
19           that he has progressively improved. Last year, he had much more possessions then he  
20           does now. He has expressed to me that he has been proactive with the County of Marin  
21           on reducing his clutter and it shows. His site is looking great.  
22
- 23           9. Nothing at Mr. Darning’s site constitutes a public health hazard. I have never seen  
24           chemicals, hazardous waste, food waste, or anything that would attract vermin or create  
25           unsanitary conditions. The area is simply a bit lived-in, similar to many other long-term  
26           sites. As I stated in my complaint letter, calling the site “not clean enough” is not  
27           supported by any obvious objective standard.  
28

1 10. I am extremely concerned that this eviction will kill Mr. Dering because the constant  
2 cold of the winter months, and the fact there is no alternative shelter. His staph infection  
3 on his head appears extremely serious – while I was talking to him I saw one of his cysts  
4 rupture out blood and pus. He seems extremely stressed out and I don't know think it will  
5 be realistic expectation for him to survive losing his only home during winter.  
6

7  
8  
9 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
10 and correct.



11  
12 /s/ Robbie Powelson

13 December 7, 2025  
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# MARIN COUNTY SHERIFF'S OFFICE

1600 Los Gamos Drive, Suite 200  
San Rafael, CA 94903  
415-473-7233

## CITIZEN COMPLAINT REPORT

Email Form to [h\\_rock@marinsheriff.org](mailto:h_rock@marinsheriff.org)

### REPORTING PARTY

Name Robbie Powelson  
Home Address 926 Grant Ave #101 Novato CA  
Cell Phone 415-847-7500 Home Phone \_\_\_\_\_  
Email Address robbiepowelson@gmail.com

Date/Time of Incident December 4 2025 Location Binford Road

### WITNESS(ES)

NAME Sean Derning ADDRESS (available on request) PHONE NUMBER \_\_\_\_\_  
NAME Joseph Fleming ADDRESS (available on request) PHONE NUMBER \_\_\_\_\_  
NAME Jamie O'Hara ADDRESS (available on request) PHONE NUMBER \_\_\_\_\_

### **NAME OR DESCRIPTION OF SHERIFF'S EMPLOYEE WHO IS THE SUBJECT OF COMPLAINT**

Michael Thompson and Policies Of Marin County Sheriffs Office, County of Marin

You have the right to make a complaint against a Deputy Sheriff for any improper police conduct. California law requires this agency to have a procedure to investigate citizen complaints. You have a right to a written description of this procedure. This agency may find after investigation that there is not enough evidence to warrant action on your complaint; even if that is the case, you have the right to make the complaint and have it investigated if you believe a deputy or Sheriff's employee behaved improperly. Citizen complaints and any reports or findings relating to complaints, must be retained by this agency for at least five years.

I have read and understand the above statement.

Signature of reporting party: Robbie Powelson Date/Time: 12/07/2025

### **RECEIVING DEPUTY/EMPLOYEE**

SIGNATURE \_\_\_\_\_ BADGE NO. \_\_\_\_\_ DATE/TIME \_\_\_\_\_



**NARRATIVE (Describe Misconduct)**

See Attached Letter

CLEAR

PRINT



From

Robbie Powelson  
[Robbiepowelson@gmail.com](mailto:Robbiepowelson@gmail.com)  
415-847-7500

VIA ELECTRONIC MAIL

**Marin County Sheriffs Office**  
**Sheriff**  
Jamie Scardina  
[j\\_scardina@marinsheriff.org](mailto:j_scardina@marinsheriff.org)

**Marin County Sheriffs Civilian Oversight Commission**  
Linn Walsh  
[linn.walsh@marincounty.gov](mailto:linn.walsh@marincounty.gov)

**Marin County Sheriffs Complaint Form Intake**  
[h\\_rock@marinsheriff.org](mailto:h_rock@marinsheriff.org)

DECEMBER 7 2025

**Complaint RE: Lack Off Accountability Of Marin County Sheriffs Department Officers  
Against Residents Of Binford Road**

Mr. Scardina, Mr. Washington, and MCSCOC,

I request the Marin County Sheriffs Office and Marin County Sheriffs Civilian Oversight Commission initiate an investigation of Officer Michael Thompson's conduct on Binford Road.

First, Mr. Thompson violating the County of Marin's public policy of abstaining from enforcing California Vehicle Code "CVC" 22651(K) and CVC 22651(O) against Sean Dering [See Notice Exhibit A] who has lived on Binford Road for the past three year. Thompson's action violates the policies promulgated by County Supervisor Eric Lucan that he presented in an issue of the Pacific Sun last year. <https://pacificsun.com/binford-road-vehicle-encampment-in-posh-marin-county/>

I know personally that Mr. Dering has lived on Binford Road, like dozens of other people, on Binford for years in his motorhome and like most motorhomes, the registration is expired. There is no explanation on the notice why, out of dozens of other vehicles similiarly situated Mr. Dering is being singled out.

Second, I am told by Mr. Dering that Thompson is doing this because it is his opinion that Mr. Dering's site is not clean enough. If so, Thompson's action is an abuse of discretion because Mr. Dering's site is cleaner than several other domiciles on Binford Road. Mr. Dering's possessions are neither in the roadway, nor going into the estuary – most of it is

The Commission has reviewed the evidence and the testimony of the witnesses. It has also reviewed the transcript of the hearing and the exhibits. The Commission has concluded that the evidence is sufficient to establish that the respondent is guilty of the charges.

The Commission has also reviewed the testimony of the witnesses and the exhibits. It has concluded that the evidence is sufficient to establish that the respondent is guilty of the charges.

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tucked between a fence and his vehicle – like everyone else on Binford Road. See **Exhibit C, Sean Derning’s home. Compare to Exhibit D – other vehicles on Binford Road.**

Third, I am complaining that the County of Marin and Marin County Sheriffs Office has given seemingly unlimited discretion to Deputy Thompson to put people’s lives in jeopardy. This is the middle of winter. Mr. Derning is suffering from a serious infection and has open sores on his head. His only place he can stay warm and sheltered from the cold is his motorhome. Thompson has not provided him alternative shelter, nor could he because Homeward Bound is unlikely to give Derning a bed because of his open sores. Deputy Thompson’s actions may kill Mr. Derning given his current, dire medical circumstances.

### **Thompson Contradicts Supervisor Lucan By Enforcing CVC 22651(K) and CVC 22651(O) On Binford Road**

This was almost two years ago, District 5 Supervisor Eric Lucan publicly announced in the *Pacific Sun* the County’s position that “We do not want to rip people from their housing, and we’re not enforcing a 72-hour parking rule. “It took four to five years for Binford Road to grow like this. It’s going to take time to find better options for each of these individuals.”  
<https://pacificsun.com/binford-road-vehicle-encampment-in-posh-marin-county/> .

In spite of that – and the fact that under the Encampment Resolution Fund Grant from the State to the County, I have witnessed that there are dozens of vehicles with expired registration and that have been parked for years on Binford.

Nevertheless, when Deputy Thompson decides to – based on non-public criteria that is unappealable – he enforces the 72 hour rule and registration.

### **Thompson Behavior Part of Pattern Of Conduct That Was Restrained By A Federal Judge Last Year**

Last year in *Fleming v. Marin County Sheriffs Department et al (3:24-cv-03859-RS)* a federal judge issued a restraining order when the only openly gay man sued Deputy Thompson to stop the towing of his home. The plaintiff in that case alleged that Deputy Thompson had exhibited animosity towards the LGBTQ community and singled them out for eviction. Another witness stated Thompson had interrogated her on the plaintiffs sexuality as well in the time leading up to the eviction. They also alleged that Deputy Thompson did not provide any alternative shelter or assistance that would mitigate the foreseeable danger of being destitute on the street without a hardsided shelter. Thompson seemingly expected this man to cross the train tracks and sleep under the highway. The judge restrained Thompson and issued a restraining order. Without admitting wrong doing, the County rescinded the threatened tow and the Plaintiff continues to live on Binford. There was never an explanation why he was singled out.

Now, Deputy Thompson again has selectively – out of the dozens of residents on Binford Road – selected another person he dislikes for removal. This time it is Sean Derning – who is

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one of the few people to have sued Thompson for the summary destruction of property on Binford Road and for disability discrimination in the case of *Silveria v Marin County Sheriffs Department 3:24-cv-03181-AMO*. In that case, this person put Thompson on notice that he suffers from disabilities that make it difficult for him to keep his living area clean (even though he has always kept everything out of the roadway).

The use of expired registration and 72 hours park prohibitions – which are not enforced on the road generally for people like Sean who has lived there for years – is cruel, callous, unlawful. It makes Thompson judge, jury, and demolisher of peoples homes.

### **Mr. Darning's Home Is Not A Public Health Hazard**

I personally witnessed Sean's site the other day. It is about as clean as any other of the motorhomes on Binford Road. It is also substantially cleaner than in the past when I have seen it. While it might be a little messy around the dwelling, it is nothing that is blocking any roadway or posing a public health hazard to his neighbors. Sean is not disposing dangerous chemicals. Rather, its just a little messy.

Officer Thompson's conduct is in inconsistent – in the Pacific Sun article that profiled him he expressed sympathy for people suffering from hoarding disorders. "There are a lot of hoarders everywhere," Thompson said. "We just don't see them." *Id.*

However, while expressing that behind public limelight Officer Thompson is behaving inconsistently and in a way that threatens the health and welfare of your constituents. And to be fair, this may not all be Officer Thompsons fault – the County of Marin has told him to regulate the road without providing any guardrails, procedures, or due process for residents who are powerless against Officer Thompson's unchecked discretion.

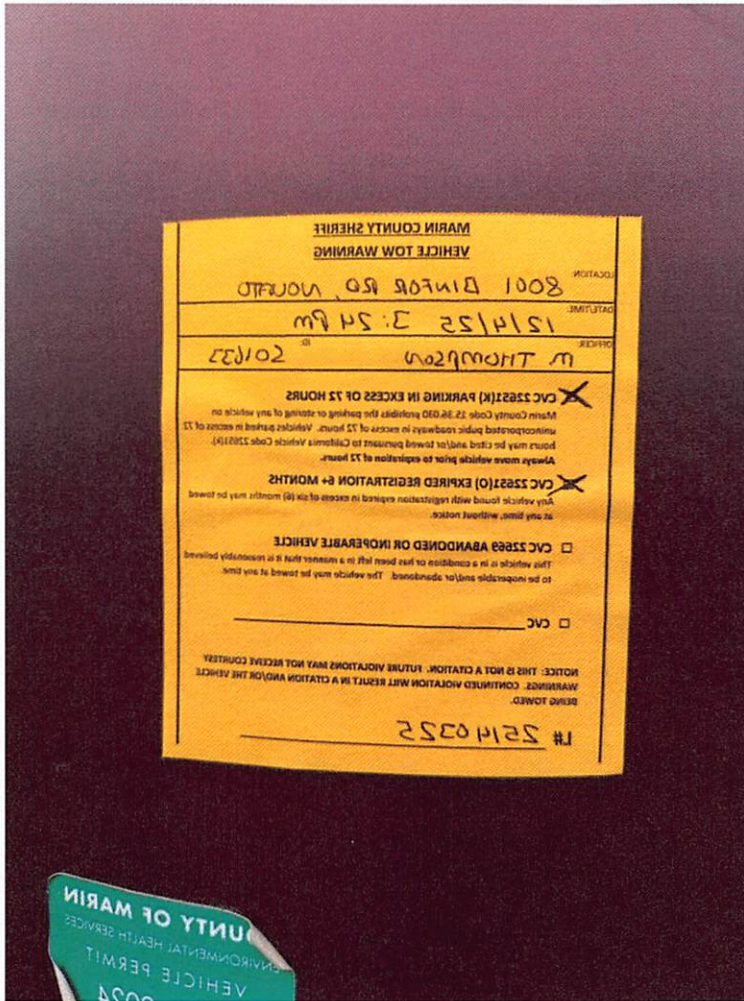
Whatever the reason Deputy Thompson may assert caused him to post the notice does not change how inappropriate it is for him to use vehicle codes that the County is not applying on Binford. It misconstrues Mr. Darning's and those like him as irresponsible driver, rather than the truth – that the County has a program that provides them services and a place to live in vehicular homes. To simply permit an officer discretion to destroy someone's home and extirpate them from a county program without due process is an insult to tax payers who have invested in the success of this program. It is also an affront to the rule of law and basic principles of due process in the United States. It put a pallor of terror across all people living on Binford Road that their homes can be destroyed during the middle of winter without any recourse available to them. Thompson methodology, even if he believes it to be reasonable, is barbaric and responsible parties must intervene.

CC  
Marin County Sherrifs Oversight Commission

**Sara McEvoy**, District 1 Representative  
**Tom McInerney**, District 2 Representative  
**Felecia Gaston**, District 3 Representative  
**Lynn Oldham Robinett**, District 4 Representative  
**Dr. Gina Fromer**, District 5 Representative  
**Doug Lee**, At-Large Representative  
**Linda Cieslak Sandoval**, At-Large Representative  
**Solange Echeverria**, At-Large Representative  
**Winston Chan**, At-Large Representative

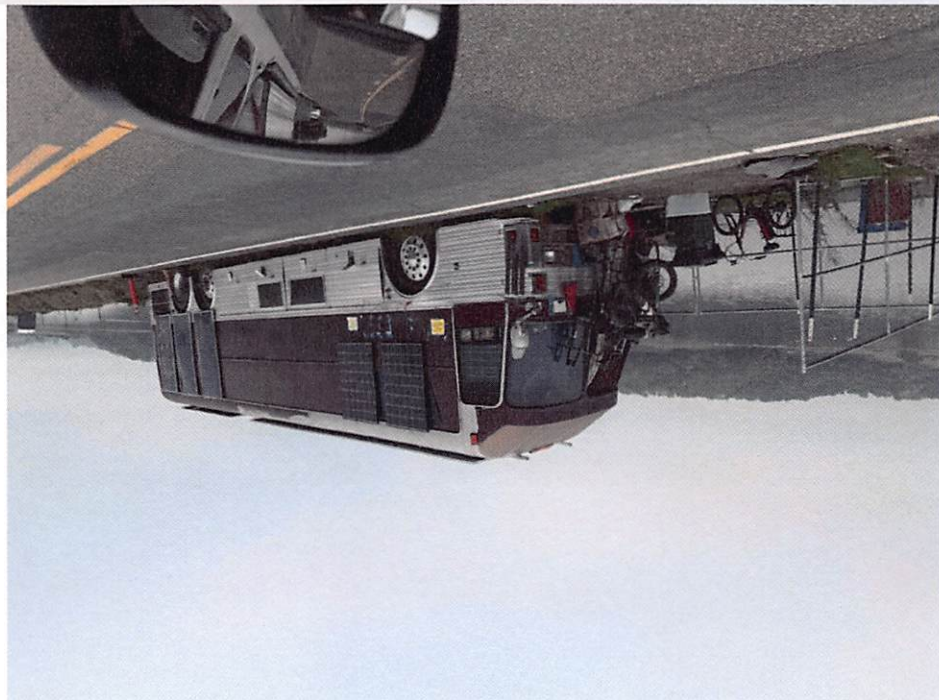


Exhibit A





**Exhibit B**



















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**PROOF OF SERVICE**

**Sean Dering v. Marin County Sheriffs Department et al.**

**I JASON SARRIS, am over 18 years old and not a party to this action. On December 8<sup>th</sup>, around 9am, I personally served a copy of Plaintiff's Complaint, Ex-Parte Motion For Temporary Restraining Order, and their attached declarations to defendants at**

**County of Marin**

**Board Clerk**

**3501 Civic Center Drive, Board of Supervisors Chamber, San Rafael CA 94903**

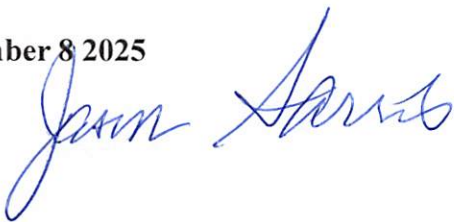
**Marin County Sheriffs Office**

**Sheriff Front Office Clerk**

**200 Los Gamos Drive San Rafael CA 94903**

  
**/s/ Jason Sarris**

**December 8 2025**



*[Handwritten signature]*

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0

**FILED**

DEC 8 2025

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

(5)

IFP  
NP

**PRO SE**  
Sean Derning  
1135 Porter Street Unit B  
Vallejo CA 94590  
628-285-7205

UNITED STATES COURT  
DISTRICT OF NORTHERN CALIFORNIA

SEAN DERNING

Plaintiff,

vs.

MARIN COUNTY SHERIFFS DEPARTMENT,  
COUNTY OF MARIN, MICHAEL THOMPSON

Defendant

Case No.:

**CV25-10498**

**CRB**

COMPLAINT FOR VIOLATION OF 42 USC §1983

**Case In A Nutshell**

1. Plaintiff Sean Derning is a resident of Binford Road and part and an intended beneficiary of a state grant called the Encampment Resolution Fund "ERF".
2. As a beneficiary and program participant of the ERF grant, Mr. Derning has lived the past three years in non-operative motor home by the side of Binford Road where he has worked cooperatively with the County of Marin's case managers. He also has a permit to be in his current location issued by the County of Marin which is prominently displayed on the back of his motorhome which entitles him a pump out service of the septic system of his motorhome. The County also provides bathrooms and case management services to Mr. Derning through this program.
3. Since 2024, Mr. Derning has been asking for disability accomodations for his anxiety, PTSD, a staphollocus infections which has impaired his hand, and is currently causing him great pain on his head where he has large, one inch diameter sores that are exuding pus. Mr. Derning is dealing with this during an extremely cold weather event where the temperature has regularly dipped below freezing. He is surviing through hthis primarily through motorhome that his only shelter.

CASE • 10498 CRB

COMMISSION DISTRICT OF CANTON  
OF THE DISTRICT COURT

DEC 8 2025

FILED

- 1 4. Besides his numerous requests for accommodation, Mr. Dering further put both Deputy Thompson, the  
 2 County of Marin, and Marin County Sheriffs Office (MCSO) on notice about his disabilities and request for  
 3 accomodations for disabilities under Silveria et al v. Marin County Sheriffs Department 3:24-cv-03181-  
 4 AMO. [See *Silveria*, ECF 1, Declaration of Sean Dering]. In that case, Dering requested a disability  
 5 accommodation for slightly more space
- 6 5. Astoundingly, inspite of his years of presence On December 4, 2025 Deputy Thompson posted a notice on  
 7 Plaintiff Sean Dering motor home that stated MARIN COUNTY SHERIFF VEHICILE TOW WARNING  
 8 threatening Plaintiff that he would be summarily towed. Officer Thompson served the notice, saw that Mr.  
 9 Dering was in medical distress – with inch large sores exuding pus from his head – and still decided to  
 10 threaten Mr. Dering with the deprivation of his only home where he has lived for the past three years.

11 **PARTIES**

12 **Plaintiff Sean Dering**

13 1135 Porter Street Unit B  
 14 Vallejo CA 94590 628-285-7205

15 **Defendant Marin County Sheriffs Department**

16 1600 Los Gamos Dr #200, San Rafael, CA 94903

17 **Defendant Sheriff Deputy Michael Thompson**

18 1600 Los Gamos Dr #200, San Rafael, CA 94903 County of Marin

19 **Defendant County of Marin**

20 3501 Civic Center Drive, San Rafael CA 94903

21 **JURISDICTION AND VENUE**

- 22 6. This court has original federal question jurisdiction under 42 USC § 1983 and the Americans With  
 23 Disability Act. Because the complaint and all defendants primarily reside in Marin County it should be  
 24 assigned to the SF/O division of this court.  
 25

26 **STATEMENT OF FACTS**

- 1
- 2 7. Binford Road is the largest community of people unhoused people in the County of Marin. During COVID-
- 3 19 Binford became a hub of people who had lost their housing and were sheltering in place in their vehicles
- 4 or tents.
- 5 8. Starting in 2022, the County of Marin and Marin County Sheriffs Department adopted a policy of directing
- 6 all people living in motorhomes within unincorporated Marin County to move to Binford Road. The plan
- 7 was that by coalescing vehicle dwelling people into a single location, they would be easier to manage.
- 8 Importantly, the County of Marin would be able to use the large-scale encampment to leverage state
- 9 funding through Encampment Resolution Fund Grants “ERF Grants”. ERF grants were most available for
- 10 government jurisdictions with large concentrated encampments.
- 11 9. The County of Marin ultimately obtained millions of dollars in ERF grant funding and executed an
- 12 agreement with the State of California for that purpose<sup>12</sup>
- 13 10. ERF funds demanded the County of Marin to “feature data-informed, innovative service delivery models
- 14 and cross systems collaborations that support individuals experiencing homelessness in encampments
- 15 towards a meaningful path to safe and stable housing through non-punitive, low-barrier, person- centered,
- 16 Housing First approaches. These projects must comply with the principles of Housing First as defined in
- 17 Welfare and Institutions Code Section 8255, must serve a specific encampment site, and be designed to
- 18 achieve sustainable outcomes for both recipients of services and the encampment site to be resolved.”
- 19 11. Using this money, the County of Marin, working with the Marin County Sheriffs Department, set up a
- 20 series of programs on Binford.
- 21 A. The County installed porta potties up and down the road.
- 22 B. The County started a pump out service to pump out people’s personal toilets and greywater on
- 23 Binford Road.
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<sup>1</sup> <https://www.marinij.com/2023/08/25/marin-county-unveils-plan-to-clear-novato-road-camp/>

<sup>2</sup> <https://www.marinij.com/2024/04/27/marin-awarded-18m-to-assist-homeless-campers/>

1 C. The County contracted with Downtown Streets Team "DST", a non-profit homelessness  
2 service provider, to provide outreach and case management to residents.

3 D. The County created an environmental permit program that allows RVs to obtain a pump out  
4 service.

5 E. The County of Marin's fire department brought out fire extinguishers

6 F. The County of Marin began erecting fences and dirt berms on the shoulder of the road to  
7 prevent new people from moving onto the road.

8  
9 12. The stated goal of the County is to clear Binford Road by 2026 by getting everyone into housing. While  
10 Mr. Dering has lived on Binford Road for the past three years in his motorhome.

11 13. The RV is a godsend because it has a locking door, a roof, and is a safe place to stay out of inclement  
12 weather and to store food, water, clothes, work supplies, documents, and other survival necessities. It is a  
13 place to sleep safe and sound. Mr. Dering has a good relationship with his DST outreach Mia Murphy  
14 who he is working on getting housing with and Jenniffer Mallow of the Marin Peer Resource Community  
15 Collective that provides housing related services to him. Twice a month, the County of Marin's contractor  
16 comes and pumps out Plaintiff's motorhome.

17 1. "[S]ome form of hearing is required before an individual is finally deprived of a property [ or liberty]  
18 interest." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). (Holding that beneficiaries of government  
19 welfare programs are entitled to due process for termination of benefits). "Parties whose rights are to be  
20 affected are entitled to be heard." This right is a "basic aspect of the duty of government to follow a fair  
21 process of decision making when it acts to deprive a person of his possessions. The purpose of this  
22 requirement is not only to ensure abstract fair play to the individual. Its purpose, more particularly, is to  
23 protect his use and possession of property from arbitrary encroachment .... " *Fuentes v. Shevin*, 407 U.S. 67,  
24 80-81 (1972).

25 2. Currently, there are around 60 people living in motorhomes on Binford Road – including Dering. All  
26 Motorhomes allowed to be here must have an environmental permit issued on their vehicle.

27 3. Dering has an environmental permit that allows him to be on Binford like everyone else, and receive  
28 pump out services. Dering has a liberty interest in his permit, the benefit of the ERF grant, which have

1 allowed him and dozens of others to live on the side of Binford Road since 2022.

2 4. On December 4 2025, Thompson issued a notice that terminated Darning's liberty interest in the  
3 environmental permit, and the pump out service. Thompson was aware Darning's motorhome is not  
4 operative because he seized its fuel tank in the past. He was told by Darning the motorhome cannot  
5 currently drive.

6 5. Thompson's notice violated equal protection, because he was aware that Darning has an environmental  
7 permit and relies on the notice California Vehicle Code "CVC" 22651(k) and CVC 22651(O). Thompson is  
8 aware the under County and MCSO policy, these codes are not enforced on Binford Road against people  
9 with environmental permits, and that 95% of motorhomes on Binford Road have been parked where they  
10 are located for several years, and have registration that have been expired longer than 6 months.

11 6. Accordingly, Thompson was aware that he was aware the by towing the vehicle, he would deprive Darning  
12 of his motorhome, and deprive him of his liberty interest in the environmental permit program that he relies  
13 on by applying a law generally not applicable to people Darning's position, and that this would require  
14 some kind of hearing before terminating his liberty interest in the ERF grant.

15  
16 **SECOND CAUSE OF ACTION – VIOLATION 42 USC § 1983 STATE CREATED DANGER DOCTRINE**  
17 **(Against Michael Thompson).**

18 7. Plaintiff reincorporates the preceding paragraphs as if full set forth herein.

19 8. Thompson is also aware that Darning cannot move his motorhome, because he personally  
20 supervised the seizure of Darning fuel tank while Darning had been repairing his bus.

21 Darning has asked for this back so he can fix his motor home and has told Thompson he  
22 cannot move the motorhome with out. Thompson has not cooperated in assisting Darning  
23 make the motorhome able to move.

24 9. Thompson is also aware that Darning's motorhome does not pose and environmental hazard  
25 greater than any of the other people allowed to live on Binford Road, or nearby businesses.

26 Thompson regularly sees Darning's possessions do not spill into the road way or the nearby  
27  
28

1 estuary, because most of his possessions are neutralized by a chainlink fence or kept far back  
2 from the road.

3 10. On December 4<sup>th</sup>, 2025 Michael Thompson issued a notice against Sean Dering threatening  
4 to tow Mr. Dering's only home under his authority through MCSO. Thompson told Dering  
5 that he would tow his home on Wednesday.  
6

7 11. Mr. Thompson is aware the Mr. Dering had lived in the motorhome for the past four years  
8 and has interacted with Dering on a weekly basis during that time.

9 12. Mr. Thompson is aware Mr. Dering is a beneficiary of the ERF Grant, because Dering has  
10 a County of Marin issued parking permit for his vehicle that is prominently displayed on his  
11 motorhome, that under the County's program, entitles him to live on Binford Road like  
12 dozens of other people living there, and two bi-weekly pump outs of his motorhomes septic  
13 from the County of Marin.  
14

15 13. When Thompson issued the notice, Thompson could see Dering had several inch large  
16 stapholoccycus type infections on his head large sores protruding from his head that had pus  
17 exuding from them and that Dering appeared to be woozy and ill. Thompson was aware that  
18 Dering had no other place to live, and that because of his sores, Dering would not be  
19 allowed to enter the only homeless shelter available possibly available to him at Johnathans  
20 Place.  
21

22 14. Thompson was aware the Dering was in a medically vulnerable position and would be made  
23 destitute by his action, likely causing Dering to die from exposure and complications to his  
24 infection caused by him being subject to freezing tempatures at night sleeping outside that  
25 depriving him of his motorhome would cause.  
26

27 15. Thompson is also aware that by depriving Dering of his motorhome, he will deprive him of  
28 his only place he keeps his blankets.

1 16. Thompson was also aware that depriving Darning of his motorhome during the winter, while  
2 Darning is experiencing an acute staphollocycus infection on his head and cannot access any  
3 homeless shelter, would be particularly dangerous and deadly, and this act would cause  
4 Darning to experience substantially greater physical harm than he would otherwise face if he  
5 maintained possession of the motorhome to sleep in and store the necessities of life.  
6

7 17. Thompson was deliberately indifferent to these foreseeable dangers, because he was aware  
8 that Darning has no where else to move to, cannot access alternative shelter because of his  
9 infection. Thompson has made no effort to mitigate any possible danger that Darning will  
10 face as a result of taking his motorhome.  
11

12 18. Thompson was also aware that Darning's primary medical care provider are the street  
13 medical teams that come to Binford Road. Thompson was aware that if Darning is removed  
14 from Binford, it will be difficult or impossible for Darning to access those medical services  
15 because he will have to walk miles.

16 19. Plaintiff will lose his only shelter. The place where he sleeps at night, keeps bedding, stays  
17 warm, and can lock the door at night to ward of intruders. If he loses his trailer, he will forced  
18 to live in a tent next to the road, and could get hit by oncoming traffic. People will be able to  
19 enter his tent, which does not have a lock, to attack him or steal his property.  
20

21  
22  
23 **SECOND CAUSE OF ACTION – Violation of Title II of the Americans With Disability Act (Against Michael  
24 Thompson)**

25 20. Plaintiff Sean Darning is a person with disabilities, including PTSD, anxiety, and a  
26 chronic and sometimes severe staph infection. These conditions make it difficult for him  
27 to think clearly, stay organized, and carry out basic daily tasks. When his infection flares  
28

1 up, he experiences open sores, pain, headaches, weakness, and numbness. These  
2 symptoms make it impossible for him to safely live outside without shelter, and they  
3 interfere with his ability to seek medical care.  
4

5 21. For years, Plaintiff has asked the County of Marin for disability-related accommodations  
6 so he can continue to live safely on Binford Road, where the County administers the  
7 Encampment Resolution Fund (ERF) program. That program includes supportive  
8 services, coordinated cleanups, and a long-standing practice of not towing or displacing  
9 residents with expired vehicle registration. This forbearance is part of the County's  
10 approach and allows residents—including those with disabilities—to remain in their  
11 vehicles, which function as their homes.  
12

13 22. Since 2024, Plaintiff has been engaged in an ongoing disability interactive process with  
14 the County. Together, Plaintiff and County staff developed a plan to help him manage his  
15 disabilities and keep his site clean. Plaintiff worked hard to reduce the number of  
16 belongings at his site and made significant progress. The County brought in hoarding  
17 specialists on two occasions to help him, and County cleanups became more regular.  
18 Plaintiff's site remained cleaner than many others on Binford Road and did not spill into  
19 the roadway or estuary.  
20

21 23. Despite this history, on December 4, 2025—while Plaintiff was visibly ill and  
22 experiencing an acute medical crisis—Deputy Thompson issued him a tow notice. At the  
23 time, Plaintiff had open sores on his head, was in obvious distress, and was struggling to  
24 understand instructions because of the combined impact of his infection, PTSD, and  
25 anxiety.  
26  
27  
28

1 24. Plaintiff immediately asked for accommodations. He asked the County to pause the tow  
2 threat, to clearly explain what standards he needed to meet, and to continue the  
3 collaborative process that had been working for over a year. These requests were  
4 reasonable and necessary for him to participate in the County's ERF program on equal  
5 terms with others.  
6

7 25. The County denied these requests. It refused to modify its approach, even though the  
8 requested accommodations would not have fundamentally changed the program. The  
9 County continues to allow dozens of other residents on Binford Road to remain in  
10 unregistered vehicles in the same locations they have occupied for years. Plaintiff simply  
11 asked for the same treatment and the support needed to account for his disabilities.  
12

13 26. By denying Plaintiff's accommodation requests and moving forward with towing his only  
14 shelter during a medical crisis, the County has excluded him from the benefits of the ERF  
15 program and subjected him to discrimination because of his disabilities. Without his  
16 motorhome, Plaintiff cannot remain warm, cannot rest, cannot carry the equipment he  
17 needs to survive the winter, and cannot follow medical treatment for a serious infection.  
18 The stress and threat of displacement have already interfered with his ability to seek care.  
19

20 27. The County's actions violate Title II of the Americans with Disabilities Act because it  
21 failed to provide reasonable accommodations, denied Plaintiff meaningful access to its  
22 programs and services, and treated him differently because of his disabilities.  
23  
24

25 **THIRD CAUSE OF ACTION Monell Claim ( County of Marin, Marin County Sheriffs Department**

26 30. Plaintiff realleges the preceding paragraphs as if fully set forth herein.  
27  
28

1 31. Based on information and belief, all of casuse of action above have been ratified by the Count of Marin  
2 and Marin County Sheriffs Dep artment because they have adopted a custom where Deputy Michael  
3 Thompson has been given absolute authority to seize the homes of people living and abrogate benefits of  
4 the ERF grant, discriminate against people with disabilities, and place unhoused people into grave  
5 foreseeable dangers with deliberate indifference.

6 32. Both the Couny of Marin and Marin County Sheriffs Department ratified this custom in the case *Fleming v*  
7 *Marin County Sheriffs Department*, 3:24-cv-03859-RS where the final policy makers of the County and  
8 MCSO directed County Counsel to defend the absolute power of Deputy Thompson that had been  
9 restrained by Judge Seeborg.

10 33. And since the *Fleming* case, the County and MCSO has doubled down in enabling the absolute authority of  
11 Deputy Thompson to act as judge, jury, and executioner for the tenancy of people living on Binford Road  
12 without supervision or due process.

13 **Prayer For Relief**

14 A. Plaintiff prays this court issue a TRO, Preliminary Injunction, and Permanent Injunction from enjoining  
15 Defendants from seizing Plaintiffs home and property.

16  
17 B. For declaratory relief.

18  
19 C. For attorneys fees and costs  
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Verification

Under Federal Rule of Civil Procedure 11, by signing below, I Sean Darning the Plaintiff in this case, certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; (4) that I am responsible for all aspects of prosecuting this case because I am unrepresented by an attorney and proceeding pro se, and (5) I know I can receive limited legal advice on this case from an attorney about this case by contacting the Federal Pro Bono Project at the Justice and Diversity Center of the Bar Association of San Francisco by contacting them at (415) 782-8982 or [fedpro@sfbar.org](mailto:fedpro@sfbar.org).



/s/Sean Darning  
December 6 2025

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SEAN DERNING,  
Plaintiff,

v.

MARIN COUNTY SHERIFF'S  
DEPARTMENT, et al.,  
Defendants.

Case No. 25-cv-10498-RFL


**ORDER SETTING STATUS  
CONFERENCE**

Re: Dkt. No. 3

A status conference concerning Plaintiff's TRO Application (Dkt. No. 3) is set for **Tuesday, December 9, 2025, at 3:30 p.m.**, via Zoom. Zoom access is available at the following link: <https://cand.uscourts.gov/judges/rfl/lin-rita-f>. At the status conference, the parties should be prepared to discuss the timing of Defendants' response to the TRO Application, whether Defendants will voluntarily agree to maintain the status quo for a short period of time to permit consideration of Plaintiff's request on an adequate record and with sufficient briefing, and Defendants' position on converting the TRO to a preliminary injunction motion to heard on a longer timeline while maintaining the current status quo. The Clerk shall provide a courtesy copy of the Complaint, TRO Application, and this Order to Defendants' counsel via email.

**IT IS SO ORDERED.**

Dated: December 8, 2025

  
RITA F. LIN  
United States District Judge

**From:** [Robbie .Powelson](#)  
**To:** [Linn Walsh](#); [Sara McEvoy](#)  
**Subject:** Fwd: Complaint RE: Lack Off Accountability Of Marin County Sheriffs Department Officers Against Residents Of Binford Road  
**Date:** Monday, December 8, 2025 11:42:53 AM  
**Attachments:** [251207 Complaint MCSO Writing Dear MCSO Oversight Committee 2.pdf](#)

---

You don't often get email from [robbiepowelson@gmail.com](mailto:robbiepowelson@gmail.com). [Learn why this is important](#)

Linn Walsh - would you please forward the attached complaint to the Marin Sheriff Civilian Oversight Commission and enter into public comment for the meeting tomorrow.

----- Forwarded message -----

**From:** **Robbie .Powelson** <[robbiepowelson@gmail.com](mailto:robbiepowelson@gmail.com)>  
**Date:** Sun, Dec 7, 2025 at 6:07 PM  
**Subject:** Fwd: Complaint RE: Lack Off Accountability Of Marin County Sheriffs Department Officers Against Residents Of Binford Road  
**To:** <[h\\_rock@marinsheriff.org](mailto:h_rock@marinsheriff.org)>

Attached is the complaint with formal complaint cover page.

----- Forwarded message -----

**From:** **Robbie .Powelson** <[robbiepowelson@gmail.com](mailto:robbiepowelson@gmail.com)>  
**Date:** Sun, Dec 7, 2025 at 6:05 PM  
**Subject:** Complaint RE: Lack Off Accountability Of Marin County Sheriffs Department Officers Against Residents Of Binford Road  
**To:** <[h\\_rock@marinsheriff.org](mailto:h_rock@marinsheriff.org)>, <[linn.walsh@marincounty.gov](mailto:linn.walsh@marincounty.gov)>, <[j\\_scardina@marinsheriff.org](mailto:j_scardina@marinsheriff.org)>  
**Cc:** Jason Sarris <[spacin101@gmail.com](mailto:spacin101@gmail.com)>, Naja-Riese, Gary <[gnajariese@marincounty.org](mailto:gnajariese@marincounty.org)>, Sara McEvoy <[skmh3949@gmail.com](mailto:skmh3949@gmail.com)>

Please see attached complaint directed towards the MCSO and Deputy Thompson.

**From:** [Robbie .Powelson](#)  
**To:** [Sara McEvoy](#); [Linn Walsh](#)  
**Subject:** Fwd: Renewing Disability Accommodation & Interactive Process For Sean Derning on Binford Road  
**Date:** Sunday, December 14, 2025 8:41:01 PM  
**Attachments:** [251215 ADA Letter Sean Derning.pdf](#)

---

Linn please provide this letter to the entire Civilian Oversight Commission to supplement my complaint.

I have also not heard back any confirmation from you that you have forwarded any documents I've sent you to to any commission member. The only members email address I have is Ms. McEvoy. Please share these documents and let me know when you do, or whether you get a response from County Counsel.

----- Forwarded message -----

**From:** **Robbie .Powelson** <[robbiepowelson@gmail.com](mailto:robbiepowelson@gmail.com)>  
**Date:** Sun, Dec 14, 2025 at 5:02 PM  
**Subject:** RE: Renewing Disability Accommodation & Interactive Process For Sean Derning on Binford Road  
**To:** Jacy Dardine <[Jacy.Dardine@marincounty.gov](mailto:Jacy.Dardine@marincounty.gov)>, O'Malley, Andrea <[Andrea.OMalley@marincounty.gov](mailto:Andrea.OMalley@marincounty.gov)>, <[Julia.Barnes@marincounty.gov](mailto:Julia.Barnes@marincounty.gov)>, <[M\\_Thompson@marinsheriff.org](mailto:M_Thompson@marinsheriff.org)>, <[BOS@marincounty.org](mailto:BOS@marincounty.org)>

See attached.

**From:** [Robbie .Powelson](#)  
**To:** [Linn Walsh](#)  
**Subject:** Public Records Act Request and Petition  
**Date:** Thursday, December 11, 2025 10:02:57 AM

---

Ms. Walsh - please let me know if you forwarded those documents I sent to you on Monday and & Tuesday to the commission. The inability to communicate before the meeting greatly diminished my ability to petition the committee. I have two requests following up from the meeting:

First, I will be obtaining the email addresses of the Commission members so that I may communicate with them directly in the future and avoid the mishap we had on Tuesday. Therefore, Pursuant to the California Public Records Act, I am requesting all original email messages — including full metadata — that you sent, received, or were copied (cc or bcc) on, involving any Commissioner of the Marin Sheriff Civilian Oversight Commission between November 1, 2025 and December 11, 2025. These records must include the commissioners email addresses unredacted.

Second, pending that I would like you send the following petition that is directed towards the Commission, to all of the commissioners, as soon as possible:

[https://admin.actionnetwork.org/petitions/petition-to-stop-the-life-threatening-eviction-of-sean-derning-from-his-motorhome-on-binford-road/manage#tab\\_delivery](https://admin.actionnetwork.org/petitions/petition-to-stop-the-life-threatening-eviction-of-sean-derning-from-his-motorhome-on-binford-road/manage#tab_delivery)

Truly yours,  
Robbie

**From:** [Robbie .Powelson](#)  
**To:** [Linn Walsh](#)  
**Cc:** [Sara McEvoy](#)  
**Subject:** Re: Complaint RE: Lack Off Accountability Of Marin County Sheriffs Department Officers Against Residents Of Binford Road  
**Date:** Monday, December 8, 2025 1:14:47 PM  
**Attachments:** [image001.png](#)  
[Derninq v MCSO Stamped Complaint.pdf](#)  
[Derninq v MCSO Motion For TRO.pdf](#)

---

You don't often get email from robbiewalsh@gmail.com. [Learn why this is important](#)

Thank you. Please also enter the below documents into the record as well.

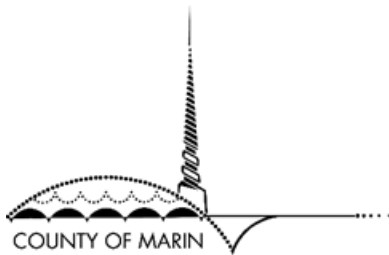
On Mon, Dec 8, 2025 at 12:19 PM Linn Walsh <[Linn.Walsh@marincounty.gov](mailto:Linn.Walsh@marincounty.gov)> wrote:

Hi Robbie,

Thank you for reaching out. I am checking with County Counsel on your communication and next steps. Thank you for your patience. I will be in touch when I hear back from them.

Sincerely,

Linn Walsh



**Linn Walsh** (she/her)

Deputy County Executive

County of Marin  
Office of the County Executive  
3501 Civic Center Drive, Suite 325  
San Rafael CA 94903

Office: (415) 473-2408  
Mobile: (415) 521-8822  
Email: [linn.walsh@marincounty.gov](mailto:linn.walsh@marincounty.gov)

---

**From:** Robbie .Powelson <[robbiepowelson@gmail.com](mailto:robbiepowelson@gmail.com)>

**Sent:** Monday, December 8, 2025 11:42 AM

**To:** Linn Walsh <[Linn.Walsh@MarinCounty.gov](mailto:Linn.Walsh@MarinCounty.gov)>; Sara McEvoy <[skmh3949@gmail.com](mailto:skmh3949@gmail.com)>

**Subject:** Fwd: Complaint RE: Lack Off Accountability Of Marin County Sheriffs Department Officers Against Residents Of Binford Road

You don't often get email from [robbiepowelson@gmail.com](mailto:robbiepowelson@gmail.com). [Learn why this is important](#)

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**From:** **Robbie .Powelson** <[robbiepowelson@gmail.com](mailto:robbiepowelson@gmail.com)>

**Date:** Sun, Dec 7, 2025 at 6:07 PM

**Subject:** Fwd: Complaint RE: Lack Off Accountability Of Marin County Sheriffs Department Officers Against Residents Of Binford Road

**To:** <[h\\_rock@marinsheriff.org](mailto:h_rock@marinsheriff.org)>

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**Cc:** Jason Sarris <[spacin101@gmail.com](mailto:spacin101@gmail.com)>, Naja-Riese, Gary

<[gnajariese@marincounty.org](mailto:gnajariese@marincounty.org)>, Sara McEvoy <[skmh3949@gmail.com](mailto:skmh3949@gmail.com)>

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**To:** [Linn Walsh](#)  
**Cc:** [Sara McEvoy](#)  
**Subject:** Re: Complaint RE: Lack Off Accountability Of Marin County Sheriffs Department Officers Against Residents Of Binford Road  
**Date:** Tuesday, December 9, 2025 8:20:18 AM  
**Attachments:** [image001.png](#)  
[Derninq v Marin County Sheriffs Department candce-25-10498 0009.0.pdf](#)

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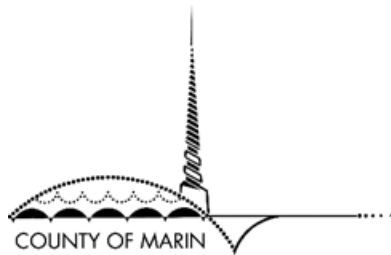
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Sincerely,

Linn Walsh



**Linn Walsh** (she/her)

Deputy County Executive

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**Subject:** Re: Complaint RE: Lack Off Accountability Of Marin County Sheriffs Department Officers Against Residents Of Binford Road  
**Date:** Tuesday, December 9, 2025 8:32:31 AM  
**Attachments:** [image001.png](#)

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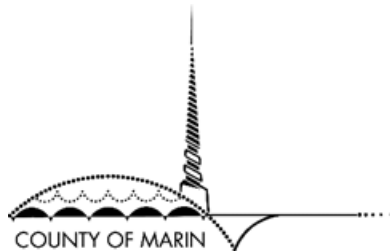
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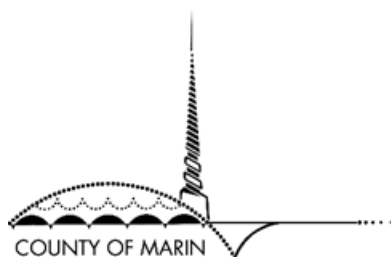
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**From:** [Robbie .Powelson](#)  
**To:** [Linn Walsh](#)  
**Cc:** [Sara McEvoy](#)  
**Subject:** Re: Complaint RE: Lack Off Accountability Of Marin County Sheriffs Department Officers Against Residents Of Binford Road  
**Date:** Tuesday, December 9, 2025 4:47:53 PM  
**Attachments:** [image001.png](#)

---

Have you sent the documents to the commission?

I'd like you to also enter in this petition to record, which is direct towards the commission requesting an emergency meeting on the issue raised in the complaint.

[https://actionnetwork.org/petitions/petition-to-stop-the-life-threatening-eviction-of-sean-derning-from-his-motorhome-on-binford-road?source=direct\\_link&](https://actionnetwork.org/petitions/petition-to-stop-the-life-threatening-eviction-of-sean-derning-from-his-motorhome-on-binford-road?source=direct_link&)

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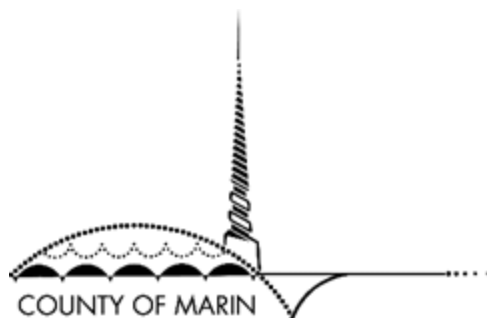
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Sincerely,

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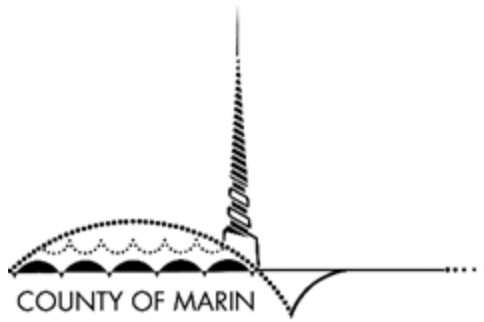
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**Date:** Saturday, January 17, 2026 5:12:09 PM  
**Attachments:** [image001.png](#)

---

Linn - all of the documents I have sent you need to be put into public comment and/or forward to the COC members for this meeting for the COC. This includes the documents I have messaged you in other email chains.

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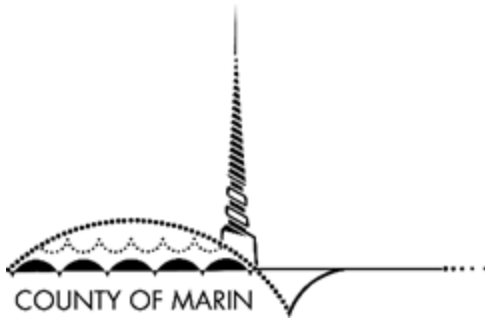
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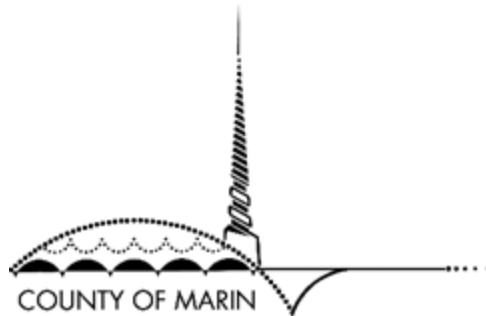
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**From:** [No-Reply](#)  
**To:** [Civilian Oversight Commission](#)  
**Subject:** Re: Petition to Commission to Investigate Sheriff Policies on Binford [SENT FROM A PUBLIC FORM]  
**Date:** Saturday, December 20, 2025 12:06:10 PM

---

### Contact Us

Email To: [coc@marincounty.gov](mailto:coc@marincounty.gov)

Hosted Page: <https://www.marincounty.gov/departments/executive/civilian-oversight-commission>

To: Civilian Oversight Commission

From: Robbie Powelson

Sender's Email Address: [robbiepowelson@gmail.com](mailto:robbiepowelson@gmail.com)

Subject: Petition to Commission to Investigate Sheriff Policies on Binford

Message: See attached petition:  
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2025-12-20 12:02PM -0800

IP: 2600:1010:b097:5989:e1b2:da30:d1c2:cf2

**From:** [Robbie .Powelson](#)  
**To:** [Linn Walsh](#)  
**Subject:** Re: Public Records Act Request and Petition  
**Date:** Thursday, December 11, 2025 10:06:09 AM

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I apologize, the proper link for the petition directed towards the Commission is here:  
[https://actionnetwork.org/petitions/petition-to-stop-the-life-threatening-eviction-of-sean-derning-from-his-motorhome-on-binford-road?source=direct\\_link&](https://actionnetwork.org/petitions/petition-to-stop-the-life-threatening-eviction-of-sean-derning-from-his-motorhome-on-binford-road?source=direct_link&)

On Thu, Dec 11, 2025 at 10:02 AM Robbie .Powelson <[robbiepowelson@gmail.com](mailto:robbiepowelson@gmail.com)> wrote:

Ms. Walsh - please let me know if you forwarded those documents I sent to you on Monday and Tuesday to the commission. The inability to communicate before the meeting greatly diminished my ability to petition the committee. I have two requests following up from the meeting:

First, I will be obtaining the email addresses of the Commission members so that I may communicate with them directly in the future and avoid the mishap we had on Tuesday. Therefore, Pursuant to the California Public Records Act, I am requesting all original email messages — including full metadata — that you sent, received, or were copied (cc or bcc) on, involving any Commissioner of the Marin Sheriff Civilian Oversight Commission between November 1, 2025 and December 11, 2025. These records must include the commissioners email addresses unredacted.

Second, pending that I would like you send the following petition that is directed towards the Commission, to all of the commissioners, as soon as possible:

[https://admin.actionnetwork.org/petitions/petition-to-stop-the-life-threatening-eviction-of-sean-derning-from-his-motorhome-on-binford-road/manage#tab\\_delivery](https://admin.actionnetwork.org/petitions/petition-to-stop-the-life-threatening-eviction-of-sean-derning-from-his-motorhome-on-binford-road/manage#tab_delivery)

Truly yours,  
Robbie