

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF CALIFORNIA et al.,

Defendants.

Case No. 2:25-cv-06230-MCS-AGR

**ORDER RE: MOTIONS TO DISMISS
AND MOTIONS FOR SUMMARY
JUDGMENT (ECF NOS. 58–61, 67)**

1 **I. INTRODUCTION**

2 Seeking to enforce the pecking order between federal and state laws, the United
3 States of America brings this action for declaratory and injunctive relief against the
4 State of California and its officers arguing that the federal Egg Products Inspection Act
5 (“EPIA”) preempts California laws and regulations governing the sale and shipment of
6 eggs produced by hens confined in certain conditions. (*See generally* FAC, ECF No.
7 47.) The Court previously authorized a clutch of intervenors to participate in the case.
8 (Order Gr. Mots. to Intervene, ECF No. 56.)

9 Now pending before the Court are five motions: (1) a motion to dismiss by
10 Defendant-Intervenors Center for a Humane Economy and Animal Wellness Action,
11 (CHE Mot., ECF No. 58-1); (2) a motion to dismiss by Defendant-Intervenors Humane
12 World for Animals, Animal Legal Defense Fund, Animal Equality, The Humane
13 League, Farm Sanctuary, Compassion in World Farming, Inc., and Animal Outlook,
14 (HWA Mot., ECF No. 59-1); (3) a motion to dismiss by Defendants the State of
15 California; Gavin C. Newsom, in his official capacity as Governor of California; Karen
16 Ross, in her official capacity as Secretary of the California Department of Food and
17 Agriculture; Erica Pan, in her official capacity as Director of the California Department
18 of Public Health; and Rob Bonta, in his official capacity as Attorney General of
19 California, (CA Mot., ECF No. 60); (4) a motion for summary judgment by Defendant-
20 Intervenor Association of California Egg Farmers, (ACEF Mot., ECF No. 61-1); and
21 (5) a motion for summary judgment by Plaintiff United States of America, (USA Mot.,
22 ECF No. 67-1). The motions are fully briefed. (CHE Reply, ECF No. 70; HWA Reply,
23 ECF No. 72; CA Reply, ECF No. 73; ACEF Reply, ECF No. 71; USA Reply, ECF No.
24 74.) The Court heard oral argument on February 23, 2026. (Mins., ECF No. 75.)

25 For the following reasons, the Court grants the motions to dismiss the complaint
26 based on Plaintiff’s failure to allege facts supporting a cognizable theory of standing.
27 The Court reaches no other issues presented in the motions and grants Plaintiff leave to
28 amend.

1 **II. BACKGROUND**

2 In 1970, Congress passed the EPIA to protect the health and welfare of consumers
3 with respect to eggs and egg products. 21 U.S.C. § 1031. The EPIA provides that, “[f]or
4 eggs which have moved or are moving in interstate or foreign commerce, . . . no State
5 or local jurisdiction may require the use of standards of quality, condition, weight,
6 quantity, or grade which are in addition to or different from the official Federal
7 standards” set forth in the EPIA. *Id.* § 1052(b). The United States contends that
8 California Health and Safety Code sections 25990(b)(3)–(4) and 25996, and 3
9 California Code of Regulations sections 1320.1 and .4, laws and regulations that
10 prohibit the sale of eggs from hens confined under certain “cruel” conditions, run a-
11 fowl of this preemption provision. (*See generally* FAC ¶¶ 27–52, 59, 63, 66.)

12 According to the United States, California’s laws and regulations “ha[ve]
13 contributed to the historic rise in egg prices” and “have diminished the purchasing
14 power and prosperity of the American worker.” (*Id.* ¶¶ 1–2; *see also id.* ¶¶ 5, 8.) The
15 United States asserts that “it is the prerogative of the federal government alone to
16 regulate the quality, inspection, and packaging of eggs,” and that “the Supremacy
17 Clause does not permit California to inflate egg prices by imposing additional standards
18 that regulate the quality of eggs.” (*Id.* ¶¶ 6–7.) On this basis, the federal government
19 seeks a declaration that the California laws and regulations at issue are preempted by
20 the EPIA, and an injunction precluding California from enforcing these laws and
21 regulations. (*Id.*, Prayer for Relief.)

22
23 **III. LEGAL STANDARD**

24 The standard governing motions to dismiss raising facial challenges to
25 constitutional standing rules the roost here. Federal Rule of Civil Procedure 12(b)(1)
26 authorizes a party to seek dismissal of an action for lack of standing. *Chandler v. State*
27 *Farm Mut. Auto. Ins. Co.*, 598 F.3d 1115, 1121 (9th Cir. 2010). In the context of a Rule
28

1 12(b)(1) motion, the plaintiff bears the burden of establishing Article III standing to
2 assert the claims. *Id.* at 1122.

3 When a motion to dismiss attacks subject-matter jurisdiction on the face of the
4 complaint, a court must assume the factual allegations in the complaint are true and
5 draw all reasonable inferences in the plaintiff’s favor. *Doe v. Holy See*, 557 F.3d 1066,
6 1073 (9th Cir. 2009). Moreover, the standards set forth in *Bell Atlantic Corp. v.*
7 *Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), apply with
8 equal force to Article III standing challenged on the face of the complaint. *See*
9 *Terenkian v. Republic of Iraq*, 694 F.3d 1122, 1131 (9th Cir. 2012) (applying *Iqbal*). In
10 other words, the complaint must clearly allege each element of standing with “sufficient
11 factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”
12 *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 570); *see Namisnak v. Uber*
13 *Techs., Inc.*, 971 F.3d 1088, 1092 (9th Cir. 2020).

14
15 **IV. DISCUSSION**

16 Three of Defendants and Defendant-Intervenors’ motions challenge Plaintiff’s
17 constitutional standing to maintain this lawsuit. (CA Mot. 11–13; ACEF Mot. 9–10;
18 HWA Mot. 11.)¹ And unlike with the chickens and eggs at issue here, there is no
19 question that an analysis of standing must come first. *See Ruhrgas AG v. Marathon Oil*
20 *Co.*, 526 U.S. 574, 577 (1999) (“[J]urisdiction generally must precede merits in
21 dispositional order[.]”); *Carijano v. Occidental Petrol. Corp.*, 643 F.3d 1216, 1227 (9th
22 Cir. 2011) (“Article III standing is a species of subject matter jurisdiction.”).

23
24
25 _____
26 ¹ Association of California Egg Farmers moves for summary judgment on the standing
27 issue, noting that “the United States has submitted no evidence of any kind showing
28 injury arising from the challenged California laws.” (ACEF Reply 2.) Because the
standing problem here may be an issue of pleading and not of proof, the Court does not
resolve the Association’s motion but has considered its standing arguments.

1 “Under Article III of the Constitution, a plaintiff needs a ‘personal stake’ in the
2 case.” *Biden v. Nebraska*, 600 U.S. 477, 489 (2023) (quoting *TransUnion LLC v.*
3 *Ramirez*, 594 U.S. 413, 423 (2021)). “Standing . . . ‘tends to assure that the legal
4 questions presented to the court will be resolved, not in the rarified atmosphere of a
5 debating society, but in a concrete factual context conducive to a realistic appreciation
6 of the consequences of judicial action.’” *FDA v. All. for Hippocratic Med.*, 602 U.S.
7 367, 379 (2024) (quoting *Valley Forge Christian Coll. v. Ams. United for Separation of*
8 *Church & State, Inc.*, 454 U.S. 464, 472 (1982)). “[F]ederal courts do not issue advisory
9 opinions about the law—even when requested by the President.” *Id.* at 378–79. This
10 principle extends to the federal government at large, which similarly must establish its
11 standing to bring a civil suit in federal court. *United States v. San Jacinto Tin Co.*, 125
12 U.S. 273, 285 (1888). Because the United States “is not the target of the challenged
13 government action,” as it does not allege it is a participant in the egg marketplace to
14 which the subject California laws and regulations apply, the federal government’s
15 ability to bring suit is “‘substantially more difficult to establish.’” *United States v. City*
16 *of Arcata*, 629 F.3d 986, 989 (9th Cir. 2010) (quoting *Lujan v. Defs. of Wildlife*, 504
17 U.S. 555, 562 (1992)).

18 “[T]he irreducible constitutional minimum of standing contains three elements’:
19 injury in fact, causation, and redressability.” *Diamond Alt. Energy, LLC v. EPA*, 606
20 U.S. 100, 111 (2025) (quoting *Lujan*, 504 U.S. at 560). The United States fails to plead
21 facts toward any of the elements. In its briefs, the federal government asserts that it “is
22 suffering an ongoing injury to its sovereignty because the Sales Ban and Labeling
23 Requirements violate the EPIA and are expressly preempted.” (USA Mot. 9.)
24 Questioned at the hearing about where the United States articulated its sovereign injury
25 theory in the complaint, counsel merely pointed to allegations that the EPIA preempts
26 the California laws and regulations at issue. (FAC ¶¶ 59, 63, 66.) Not only are these
27 allegations undisguised legal conclusions in search of substantiating facts, but they also
28 raise no inferences about the sovereign injury asserted in Plaintiff’s briefing, depriving

1 Defendants and Defendant-Intervenors of adequate notice of the federal government’s
2 standing theory. *See* Fed. R. Civ. P. 8(a)(1). As an illustrative contrast, Plaintiff offers
3 numerous allegations that the subject laws and regulations harm working-class
4 Americans by effectively inflating egg prices, (FAC ¶¶ 1–2, 5, 8),² but nowhere in the
5 complaint does Plaintiff provide any facts raising an inference that California’s laws
6 and regulations diminish the sovereignty of the federal government.

7 Plaintiff comes closest to articulating its sovereign injury theory in alleging that
8 Congress exercised its authority under the Supremacy Clause to enact a preemption
9 provision in the EPIA, and that California nonetheless maintains allegedly preempted
10 laws and regulations. (*Id.* ¶ 7.) But Plaintiff presents no binding authority holding that
11 the mere *existence* of a preempted state law creates a sovereign injury to the federal
12 government.³ Instead, the Supreme Court has “long recognized that state laws that
13 conflict with federal law are without effect.” *Altria Grp., Inc. v. Good*, 555 U.S. 70, 76
14 (2008) (internal quotation marks omitted). From this principle flows the proposition
15 that, if Plaintiff’s preemption theory is correct, the existence of California’s laws and
16 regulations governing egg sales and distribution in and of themselves do not harm

17
18 ² This, of course, does not satisfy the injury-in-fact requirement. *Carney v. Adams*, 592
19 U.S. 53, 59 (2020) (“[A] plaintiff cannot establish standing by asserting an abstract
20 general interest common to all members of the public, no matter how sincere or deeply
21 committed a plaintiff is to vindicating that general interest on behalf of the public.”
(internal quotation marks and citations omitted)).

22 ³ To be sure, there are any number of state laws currently on the books that conflict with
23 the United States Constitution and federal law as interpreted by the Supreme Court.
24 *Compare, e.g.*, D.C. Code § 22-4506(a) (authorizing police chief to issue a concealed-
25 carry license “if it appears that the applicant has good reason to fear injury to his or her
26 person or property or has any other proper reason for carrying a pistol”), *with N.Y. State
27 Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 15, 71 (2022) (deeming unconstitutional New
28 York’s proper-cause requirement for concealed-carry license, of which the District of
Columbia’s requirement is an analogue), *and* Tex. Fam. Code Ann. § 2.001(b) (“A
[marriage] license may not be issued for the marriage of persons of the same sex.”),
with Obergefell v. Hodges, 576 U.S. 644, 681 (2015) (“[S]ame-sex couples may
exercise the fundamental right to marry in all States.”).

1 Plaintiff because they are illusory. Perhaps California’s *enforcement* of the subject laws
2 and regulations could give rise to an injury in fact by impeding the operations or
3 functions of the federal government, but Plaintiff neither pleads nor presents such a
4 theory. *See United States v. Sineneng-Smith*, 590 U.S. 371, 375 (2020) (“[W]e rely on
5 the parties to frame the issues for decision and assign to courts the role of neutral arbiter
6 of matters the parties present.” (internal quotation marks omitted)); *cf., e.g., United*
7 *States v. King County*, 122 F.4th 740, 751 (9th Cir. 2024) (finding the United States
8 demonstrated injury in fact where there was a “substantial risk that the County will
9 formally prohibit Boeing Field [fixed base operators] from servicing [Immigration and
10 Customs Enforcement] charter flights”); *United States v. Mattson*, 600 F.2d 1295,
11 1298–99 (9th Cir. 1979) (observing that “there has been no assertion of a property
12 interest, interference with national security or a burden on interstate commerce” in
13 concluding the United States had not demonstrated standing).

14 In any event, Plaintiff’s understanding that California “violate[d]” the EPIA and
15 the Supremacy Clause by enacting and promulgating the subject laws and regulations,
16 (FAC ¶¶ 59, 63, 66), “is a mistake,” *Murphy v. Nat’l Collegiate Athletic Ass’n*, 584 U.S.
17 453, 478 (2018). The Supreme Court teaches that preemption provisions like 21 U.S.C.
18 § 1052(b) “might appear to operate directly on the States” based on their phrasing, but
19 they instead should be read to “confer[] on private entities . . . a federal right to engage
20 in certain conduct subject only to certain (federal) constraints.” *Id.* at 478–79
21 (construing a preemption provision of the Airline Deregulation Act of 1978 that
22 provided that “no State . . . shall enact or enforce any law . . . relating to rates, routes,
23 or services of any [covered] air carrier” (alteration in original) (internal quotation marks
24 omitted)). This is because preemption principles derived from the Supremacy Clause
25 “provide[] a rule of decision,” not “an independent grant of legislative power to
26 Congress.” *Id.* at 477 (internal quotation marks omitted). “[S]ince the Constitution
27 confers upon Congress the power to regulate individuals, not States, the [preemption]
28 provision at issue must be best read as one that regulates private actors.” *Id.* (internal

1 quotation marks and citation omitted). Thus, authorities providing that the United States
2 may assert an “injury to its sovereignty arising from violation of its laws,” *Vt. Agency*
3 *of Nat. Res. v. United States ex rel. Stevens*, 529 U.S. 765, 771 (2000), are inapposite,
4 as, under *Murphy*, the preemption provision the United States invokes is neither directed
5 to nor violable by any State, and the Supremacy Clause does not itself conjure a
6 substantive right that Congress or the United States may vindicate through suit. *See*
7 *Mattson*, 600 F.2d at 1300 (“[T]hese [standing] requirements cannot be evaded by an
8 assertion of nonstatutory authority.”).⁴

9 Rejecting Plaintiff’s sovereign injury theory aligns with sound jurisprudence.
10 Suppose the United States suffered a constitutional injury any time federal law preempts
11 state law. Should the United States be permitted—or perhaps even *required*—to
12 participate in a civil suit between private parties every time a defendant moves to
13 dismiss a claim based on federal preemption? *See* Fed. Rs. Civ. P. 19(a), 24(a)–(b).
14 Surely the limited resources of the United States Attorney’s Office would be better
15 expended prosecuting violations of federal criminal laws and protecting federal civil
16

17 ⁴ At oral argument and in its reply brief, counsel compared the sovereign injury theory
18 Plaintiff advances here to the sovereign injury that undergirds any federal criminal
19 prosecution. (*See* USA Reply 2); *see also* *Vt. Agency of Nat Res.*, 529 U.S. at 771
20 (noting in dicta that “the injury to [the United States]’ sovereignty arising from violation
21 of its laws . . . suffices to support a criminal lawsuit by the Government”). The United
22 States’ standing to prosecute criminal cases hardly provides a persuasive analogy, as
23 legal scholars long have puzzled over the application of standing doctrine to criminal
24 cases. *See, e.g.*, F. Andrew Hessick & Sarah A. Benecky, *Standing and Criminal Law*,
25 49 *BYU L. Rev.* 961, 976 (2024) (“The Court has never seriously grappled with how
26 the United States satisfies Article III’s concrete and particularized injury requirement
27 when it brings a criminal prosecution. . . . [I]t is difficult to see how violations of
28 sovereignty are sufficiently concrete to support standing.”); Edward A. Hartnett, *The*
Standing of the United States: How Criminal Prosecutions Show that Standing Doctrine
Is Looking for Answers in All the Wrong Places, 97 *Mich. L. Rev.* 2239, 2248 (1999)
 (“[I]f current standing doctrine is correct, then the vast majority of federal criminal
prosecutions are not ‘cases’ or ‘controversies’ and the United States lacks standing to
initiate them.”).

1 rights than, say, weighing in on whether federal law preempts state law false advertising
2 claims concerning toothpaste packaging. *E.g.*, *Cross v. Haleon US, Inc.*, No. 2:24-cv-
3 09325-MCS-PVC, 2025 U.S. Dist. LEXIS 138175, at *4–8 (C.D. Cal. July 11, 2025)
4 (Scarsi, J.). Further, suppose the executive or the decisionmakers at the Department of
5 Justice simply do not like a state law because it is in tension with their policies. Without
6 requiring the United States to show some redressable injury, the federal government
7 might initiate a campaign of preemption suits under the aegis of its sovereignty to bring
8 state laws in line with its own political agenda. The potential for abuse of the federal
9 courts for political purposes is manifest. Standing doctrine provides a valuable
10 safeguard. *See All. for Hippocratic Med.*, 602 U.S. at 380 (“By limiting who can sue,
11 the standing requirement implements the Framers’ concept of the proper—and properly
12 limited—role of the courts in a democratic society. . . . And the standing requirement
13 means that the federal courts may never need to decide some contested legal questions:
14 Our system of government leaves many crucial decisions to the political processes,
15 where democratic debate can occur and a wide variety of interests and views can be
16 weighed.” (internal quotation marks omitted)).

17 Plaintiff has not pleaded facts showing it has standing to maintain this lawsuit,
18 and the theory of standing it asserts in its briefing is incognizable. The motions to
19 dismiss are granted insofar as the movants assert Plaintiff fails to allege facts
20 demonstrating its constitutional standing. Because this is a threshold defect that alone
21 demands dismissal of the first amended complaint, the Court does not reach any other
22 issue presented in the motions. Although Plaintiff put all its eggs in the sovereign-injury
23 theory of standing, other standing theories may be articulable on repleading. Given the
24 Ninth Circuit policy of granting leave to amend “with extreme liberality,” *Jensen v.*
25 *Brown*, 131 F.4th 677, 701 (9th Cir. 2025) (internal quotation marks omitted), the Court
26 grants Plaintiff leave to amend.

27 ///

1 **V. CONCLUSION**

2 The Court dismisses the complaint for want of standing. Plaintiff may file a
3 further amended complaint within 14 days of entry of this Order provided that it can do
4 so in accordance with Federal Rule of Civil Procedure 11(b) and this Order. Plaintiff’s
5 amended complaint must be accompanied by a redline version tracking all changes.
6 (Initial Standing Order § 10(a), ECF No. 13.) Leave to add new parties or claims must
7 be sought by a separate, properly noticed motion. Failure to file a timely amended
8 complaint—or a notice that Plaintiff stands by the dismissed complaint and consents to
9 entry of an appealable judgment—will result in dismissal for lack of prosecution
10 without further warning.

11 The Court suspends Defendants and Defendant-Intervenors’ obligation to
12 respond to any amended complaint. Instead, within 14 days of the filing of an amended
13 complaint, the parties shall confer and file a joint statement (1) indicating whether
14 Defendants or Defendant-Intervenors intend to challenge the amended complaint on the
15 basis of standing or any ground not presented in the motions previously filed and (2) if
16 so, proposing a schedule for motion practice—and discovery, if appropriate.

17 ///

1 The parties thoroughly briefed the issues that the Court did not reach in this
2 Order, and the parties suggested at the hearing that they do not need merits discovery.
3 In the interest of conserving party and court resources, absent a further order of the
4 Court upon a stipulation or motion by the parties, the Court will not take further briefing
5 on those issues. Should Defendants and Defendant-Intervenors elect not to challenge
6 the amended complaint on the basis of standing or a new ground, or should the Court
7 reject such challenges to the amended complaint, the Court will administratively reopen
8 the motions addressed in this Order and evaluate the parties' positions presented therein.

9
10 **IT IS SO ORDERED.**



11
12 Dated: March 18, 2026

13 MARK C. SCARSI
14 UNITED STATES DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28