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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

**Dennis Hodges**, an individual;  
Plaintiff(s)

v.

**TODD GLORIA**, both in his personal  
capacity and in his official capacity as  
the Mayor of the City of San Diego

Defendant(s)

Case No.:

**VERIFIED COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF AND  
DAMAGES**

1. **DEPRIVATION OF THE  
FREE EXERCISE OF  
RELIGION**
2. **DEPRIVATION OF THE  
FREEDOM OF SPEECH**
3. **FIRST AMENDMENT  
RETALIATION**

**DEMAND FOR JURY TRIAL**

**INTRODUCTION**

1. This is an action for the unlawful discrimination and retaliation against Mr. Dennis Hodges, a devoted Christian pastor and public servant.

2. Mr. Hodges has committed his life to public service, serving in varying capacities, including as Chaplain of the San Diego Police Department and working his way up through the California Department of Corrections, retiring as special agent/captain in 2008.

1           3.       Since 2017, Mr. Hodges has served on the Citizens Advisory Board on  
2 Police/Community Relations (“Advisory Board”), and since 2021, Mr. Hodges has  
3 served as a commissioner on the San Diego County Human Relations Commission  
4 (“Commission”).

5           4.       Despite his years of public service and dedication to the San Diego  
6 community, the Mayor of the City of San Diego, under the influence of several of Mr.  
7 Hodges’ fellow commissioners, retaliated and discriminated against Mr. Hodges for  
8 adhering to his religious beliefs regarding gender identity and transgenderism.

9           5.       Consistent with the Commission’s Rules of Order, Mr. Hodges  
10 respectfully abstained from voting on an agenda item relating to the transgender  
11 community. He did so because the agenda item conflicted with his Christian beliefs  
12 on creation, God’s design for humankind, and human sexuality.

13           6.       As a result of his abstention and his public comments related to his  
14 abstention, several of his fellow commissioners initiated a crusade to have him  
15 removed from the Commission. The commissioners circulated a notice of removal  
16 against Mr. Hodges, convened a special meeting to hold a vote on whether to remove  
17 Mr. Hodges from the Commission, and made public comments condemning Mr.  
18 Hodges.

19           7.       When that failed, they influenced the Mayor to exercise his veto  
20 authority to prohibit the reappointment of Mr. Hodges to the Advisory Board.

21           8.       On August 8, 2023, the Mayor exercised his veto authority and  
22 prohibited Mr. Hodges’ reappointment. The Mayor retaliated against Mr. Hodges for  
23 exercising his First Amendment rights.

24           9.       The Mayor’s actions violate Mr. Hodges First Amendment rights to free  
25 exercise of religion and free speech.

26           10.      Mr. Hodges brings this Complaint to vindicate his constitutional rights  
27 to act in accordance with his sincerely held religious beliefs.

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1 **PARTIES - PLAINTIFF**

2 11. Plaintiff DENNIS HODGES resides in San Diego County, California.

3 **PARTIES - DEFENDANT**

4 12. Defendant TODD GLORIA is the Mayor of the City of San Diego. He  
5 is sued in both his official and personal capacities for prohibiting the Plaintiff's  
6 confirmation of reappointment to the Citizens Advisory Board on Police/Community  
7 Relations.

8 **JURISDICTION AND VENUE**

9 13. This civil rights action raises federal questions under the United States  
10 Constitution, specifically the First and Fourteenth Amendments, and under federal  
11 law, particularly 42 U.S.C. § 1983.

12 14. This Court has subject matter jurisdiction over the federal claims  
13 pursuant to 28 U.S.C. §§ 1331 and 1343.

14 15. This Court has authority to grant the requested declaratory relief under  
15 the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, implemented through  
16 Rule 57 of the Federal Rules of Civil Procedure. This Court is also authorized to grant  
17 injunctive relief and damages under 28 U.S.C. § 1343, pursuant to Rule 65 of the  
18 Federal Rules of Civil Procedure, and reasonable attorney's fees and costs under 42  
19 U.S.C. § 1988.

20 16. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) because a  
21 substantial part of the events or omissions giving rise to Plaintiff's claims occurred in  
22 this district.

23  
24 **STATEMENT OF FACTS**

25 **A. Mr. Hodges' Background and Public Service Background**

26 17. Mr. Hodges is a native of Chicago, Illinois. He has dedicated his life to  
27 public service, beginning in Chicago, where he worked as a corrections officer from  
28 1976 to 1979.

1           18.    He pursued a degree in criminal justice from Ashford University and  
2 then an Honorary Doctorate Degree from Dyer Times Ministries Bible Training  
3 Center.

4           19.    He moved to California in 1979 and worked his way up through the  
5 California Department of Corrections, retiring as a special agent/captain in 2008.

6           20.    He became a lifetime member of the Kapaa Alpha Psi Fraternity in June  
7 2019 because of his longstanding interest in serving the community.

8           21.    In 2017, the City Council appointed Mr. Hodges to serve on the Advisory  
9 Board because of his past relationship in law enforcement. According to San Diego  
10 Municipal Code Section 26.0801, the purpose of the Advisory Board is to “study,  
11 consult and advise the Mayor, City Council and City Manager on Police/Community  
12 Relations crime prevention efforts.”

13           22.    In his Advisory Board appointment, Mr. Hodges served as a bridge  
14 between law enforcement and the community and sought to build trust between the  
15 public and law enforcement.

16           23.    As an Advisory Board member, Mr. Hodges advised the community on  
17 shooting incidents and fostered police and community relations. Given his prior  
18 experience in law enforcement and his African American heritage, Mr. Hodges  
19 provided valuable insight on police relations and unlawful profiling.

20           24.    Mr. Hodges has served in this capacity since 2017 without incident and  
21 without complaint.

22           25.    On or about March 2021, Joel Anderson, San Diego County Supervisor,  
23 asked Mr. Hodges to join the Commission because he would bring diversity to the  
24 group as an African American.

25           26.    Mr. Hodges agreed to serve, and the Commission subsequently  
26 appointed him.

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1           **B. Mr. Hodges’ Religious Beliefs**

2           27.     In addition to his public service, Mr. Hodges has also dedicated his life  
3 to ministry. His motto is “look up, look within, look ahead, and look around, as you  
4 go to serve the Lord with gladness.”

5           28.     He was appointed Chaplain of the San Diego Police Department in 2001  
6 and joined New Creation Church in 1993, where he served as president of the usher  
7 board.

8           29.     He then served as an associate pastor from 2005 to 2011.

9           30.     In May 2011, Mr. Hodges was directed by God to plant the Church of  
10 Yeshua Ha Mashiach (Jesus the Messiah).

11          31.     As a Christian, Mr. Hodges believes that God defines human sexuality,  
12 and that men and women are created in the image of God. His religion also holds that  
13 God created two sexes: male and female.

14          32.     As a result of his faith, Mr. Hodges also believes that humans are to  
15 embrace their biological and creational differences as men and women.

16          33.     He is unashamed of his Christian beliefs and has vocalized that  
17 transgenderism is a sin just like adultery and fornication.

18          34.     However, Mr. Hodges believes that Christians are to love all people and  
19 treat all people with respect, regardless of sexual orientation.

20           **C. The Commission’s Discriminatory Actions**

21          35.     On November 9, 2021, during Transgender Awareness Month, the  
22 Commission discussed an agenda item to amplify the voices of the San Diego  
23 transgender community.

24          36.     Pursuant to the Commission’s Rules of Order, Mr. Hodges abstained  
25 from voting on the motion because of his sincerely held religious belief that humans  
26 are to embrace their biological and creational differences as men and women.

27          37.     On or around April 2022, the Commission revised their Bylaws and  
28 added a code of conduct which was approved by the Board of Supervisors. Pursuant

1 to the Commission’s Code of Conduct, Commissioners must refrain from  
2 discriminatory and harassing remarks.

3 38. The Commission revised the Bylaws in light of Mr. Hodges’ comments.  
4 They hoped to rely on the Bylaws to prevent Mr. Hodges from expressing his beliefs  
5 on transgenderism.

6 39. On May 31, 2022, the Commission, spearheaded by Commission Chair  
7 Ellen Nash, circulated a notice of removal of Mr. Hodges to all Commissioners.

8 40. Ms. Nash claimed, in her letter, that Mr. Hodges violated the  
9 Commission’s Code of Conduct and Bylaws by saying “discriminatory and harassing  
10 remarks” towards members of the LGBTQ community.

11 41. The effort to remove Mr. Hodges was premised on a disingenuous  
12 narrative that his actions and statements were “discriminatory” and “hateful” towards  
13 the transgender community.

14 42. The Commission claims Mr. Hodges has consistently expressed  
15 discriminatory comments against the LGBTQ community.

16 43. Merriam-Webster’s definition of discrimination is “a prejudicial  
17 outlook, action, or treatment” of someone or a group of people.

18 44. These characterizations do not describe Mr. Hodges. He is a life-long  
19 Christian who is unabashed about his love and dedication to Jesus Christ and the  
20 teachings of the Bible.

21 45. Mr. Hodges has never treated a member of the LGBTQ community with  
22 disrespect or hate, nor has he vocalized that the LGBTQ community is unworthy of  
23 love or respect because of their sexual orientation or identification.

24 46. Mr. Hodges did not, and has not, discriminated against the transgender  
25 community. He simply refused to endorse an agenda that is antithetical to his  
26 Christian beliefs.

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1           47. As Commissioner, Mr. Hodges serves his constituents with humility and  
2 extends love to all individuals, regardless of gender, religion, sexual orientation, or  
3 ethnicity, consistent with his Christian faith.

4           48. The Commission’s efforts to remove Mr. Hodges represents a crusade to  
5 cancel a man for holding traditional, religious beliefs regarding the biological nature  
6 of a man and woman.

7           49. On June 9, 2022, the Commission held a special meeting to remove Mr.  
8 Hodges from the Commission.

9           50. At the June 2022 special meeting, a majority of the Commissioners  
10 refused to remove Mr. Hodges.

11           51. At a board meeting in June 2023, Commissioner Nicole Murray  
12 expressed to the Commissioners that Mr. Hodges should not be on the Commission  
13 because of his remarks on the LGBTQ community.

14           52. In July 2023, the San Diego Union Tribune (“Tribune”) wrote an  
15 editorial encouraging the removal of Mr. Hodges from the Commission.

16           53. The Tribune editorial was influenced by Commissioners Nash and  
17 Murray.

18           **D. The Mayor’s Veto of Mr. Hodges’ Reappointment**

19           54. On August 8, 2023, Mayor Tod Gloria used his veto authority, pursuant  
20 to Charter of the City of San Diego Section 280, to veto the reappointment of Mr.  
21 Hodges to the Advisory Board because of his comments regarding the transgender  
22 community.

23           55. In his memorandum vetoing Mr. Hodges’ reappointment, Mayor Gloria  
24 explained that because Mr. Hodges “has made repeated concerning public comments  
25 about LGBTQ people – specifically, the transgender community,” he could not  
26 “support [Mr. Hodge’s] reappointment to a Board tasked with promoting a positive  
27 relationship between the Police Department and the community it serves.”  
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1            56.    The Mayor’s veto of Mr. Hodges’ reappointment to the Advisory Board  
2 was not based on Mr. Hodges’ credentials (or lack thereof). Indeed, Mr. Hodges has  
3 a lengthy background in not only public service, but law enforcement. He is well-  
4 suited to serve on the Advisory Board.

5            57.    The Mayor based his decision to exercise his veto authority against Mr.  
6 Hodges solely based on his beliefs on human creation and transgenderism – issues  
7 that are unrelated to his role on the Advisory Board.

8            58.    The Mayor did not give Mr. Hodges a warning prior to prohibiting his  
9 reappointment to the Advisory Board.

10           59.    On information and belief, the Mayor formed his opinions of Mr. Hodges  
11 from comments made by Commissioners Murray and Nash, and these commissioners  
12 influenced the Mayor’s decision.

13           60.    The Mayor did not remove, or otherwise retaliate against, other members  
14 on the Advisory Board who hold or held differing opinions than Mr. Hodges.

15    **FIRST CAUSE OF ACTION**  
16    **Violation of the Free Exercise Clause of the**  
17    **First Amendment to the United States Constitution**  
18    **(42 U.S.C. § 1983)**

19           61.    Mr. Hodges re-alleges and incorporates by reference, as though fully set  
20 forth herein, paragraphs 1 through 60 of this Complaint.

21           62.    The First Amendment’s Free Exercise Clause provides that “Congress  
22 shall make no law respecting an establishment of religion or prohibiting the free  
23 exercise thereof.”

24           63.    The First Amendment guarantees Mr. Hodges’ right to freely exercise  
25 his religion.

26           64.    The Plaintiff holds sincerely held religious beliefs that humans are made  
27 in the image of God and God created only two sexes.

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1           65.    The Defendant’s exercise of his veto authority against Mr. Hodges for  
2 adhering to his religious beliefs imposed a substantial burden on the Plaintiff’s free  
3 exercise of religion.

4           66.    The Defendant’s exercise of his veto authority against Mr. Hodges  
5 violates his right to free exercise of religion because it discriminates against Mr.  
6 Hodges for holding traditional viewpoints on human biology and sexuality.

7           67.    The Defendant’s exercise of his veto authority against Mr. Hodges is not  
8 neutral and generally applicable.

9           68.    The Defendant has exercised his veto authority in a discriminatory  
10 manner. For instance, the Defendant has not exercised his veto authority against other  
11 commissioners who express differing political and social views in support of  
12 transgenderism.

13           69.    The Defendant’s exercise of his veto authority against Mr. Hodges is not  
14 narrowly tailored to meet any compelling government interest.

15           70.    The Defendant does not have a compelling interest that justified his  
16 discrimination against and/or imposition of a substantial burden on Mr. Hodges.

17           71.    The Defendant has no compelling interest in prohibiting the  
18 reappointment of an eligible and experienced commissioner.

19           72.    As a direct and proximate result of Defendant’s violation of the First  
20 Amendment, the Plaintiff has suffered, and will suffer, irreparable harm, including  
21 the loss of his fundamental constitutional rights, entitling him to declaratory and  
22 injunctive relief.

23           73.    Additionally, the Plaintiff is entitled to nominal damages, compensatory  
24 damages against the Defendant in an amount to be proven at trial, and attorneys’ fees  
25 under 42 U.S.C. § 1988.

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1 **SECOND CAUSE OF ACTION**

2 **Violation of the Free Speech Clause of the**

3 **First Amendment to the United States Constitution**

4 **(42 U.S.C. § 1983)**

5 74. Mr. Hodges re-alleges and incorporates by reference, as though fully set  
6 forth herein, paragraphs 1 through 73 of this Complaint.

7 75. Mr. Hodges’ religious expression is fully protected under the First  
8 Amendment, which prohibits the government from “abridging the freedom of  
9 speech.” This prohibition applies to state and local governments through the  
10 Fourteenth Amendment.

11 76. The Defendant’s exercise of his veto authority against Mr. Hodges  
12 attempts to regulate Mr. Hodges’ speech, including his religious speech, based on its  
13 communicative content, which is a content-based restriction and is presumptively  
14 unconstitutional.

15 77. Specifically, the Defendant has exercised his veto authority because of  
16 Mr. Hodges’ religious viewpoints.

17 78. The Defendant has also engaged in unconstitutional viewpoint  
18 discrimination against Mr. Hodges, as the Defendant singled out Mr. Hodges’  
19 viewpoints regarding transgenderism and human sexuality.

20 79. The Defendant’s exercise of his veto authority is not narrowly tailored  
21 to meet any compelling government interest.

22 80. The Defendant has no legitimate, let alone compelling interest, in  
23 requiring the Plaintiff to adhere to the Defendant’s own ideological beliefs on a  
24 controversial matter of public debate because a policy “aim[ed] at the suppression’  
25 of views” is flatly prohibited. *Iancu v. Brunetti*, 139 S. Ct. 2294, 2302 (2019). This  
26 “lie[s] beyond the government’s power,” even when the goal is “[a]s compelling as  
27 the interest in preventing discriminatory conduct.” *Green v. Miss United States of*  
28 *Am., LLC*, 52 F.4th 773, 784, 792 (9th Cir. 2022).

1           81. The Defendant has no compelling reason to prohibit the reappointment  
2 of an eligible and experienced commissioner.

3           82. As a direct and proximate result of the Defendant's violation of the First  
4 Amendment, the Plaintiff has suffered, and will suffer, irreparable harm, including  
5 the loss of his fundamental constitutional rights, entitling him to declaratory and  
6 injunctive relief.

7           83. Additionally, the Plaintiff is entitled to nominal damages, compensatory  
8 damages against the Defendant in an amount to be proven at trial, and attorneys' fees  
9 under 42 U.S.C. § 1988.

10                                 **THIRD CAUSE OF ACTION**  
11                                 **First Amendment Retaliation**  
12                                 **(42 U.S.C. § 1983)**

13           84. Mr. Hodges re-alleges and incorporates by reference, as though fully set  
14 forth herein, paragraphs 1 through 83 of this Complaint.

15           85. This cause of action is brought pursuant to 42 U.S.C. § 1983 and the First  
16 and Fourteenth Amendments to the United State Constitution.

17           86. Clearly established law bars the government from retaliating against  
18 Americans for exercising their constitutional rights and from taking actions designed  
19 to deter people from exercising their constitutional rights.

20           87. Mr. Hodges was engaged in protected speech when he was expressing  
21 his religious beliefs regarding gender identity and the biological differences between  
22 men and women.

23           88. The Defendant retaliated against Mr. Hodges by exercising his veto  
24 authority to prevent the reappointment of Mr. Hodges to the Advisory Board. The  
25 Defendant's decision to exercise his veto authority was based on nothing other than  
26 Mr. Hodges' protected speech.

27           89. As a direct and proximate result of Defendant's violation of the First  
28 Amendment, Plaintiff has suffered, and will suffer, irreparable harm, including the

1 loss of his fundamental constitutional rights, entitling him to declaratory and  
2 injunctive relief.

3 90. Additionally, the Plaintiff is entitled to nominal damages, compensatory  
4 damages in an amount to be proven at trial, and attorneys' fees under 42 U.S.C. §  
5 1988.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Mr. Hodges prays for relief against the Defendant as follows:

- 8 1. Nominal damages for violation of his civil rights;
- 9 2. Damages for the Plaintiff in an amount to be proven at trial;
- 10 3. A declaratory judgment that the Plaintiff violated the First Amendment;
- 11 4. Temporary, preliminary, and permanent injunctive relief reinstating the  
12 Plaintiff's position on the Citizens Advisory Board on  
13 Police/Community Relations;
- 14 5. For costs, attorneys' fees and interest, as allowed by law; and
- 15 6. For such other relief the Court determines is proper.

16 **DEMAND FOR JURY TRIAL**

17 Mr. Hodges hereby demands trial by jury.

18  
19 DATED: November 7, 2023

ADVOCATES FOR FAITH & FREEDOM

20  
21 By: /s/ Julianne Fleischer  
Julianne Fleischer

22 Attorney for **Plaintiff**  
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1 **VERIFICATION**

2  
3 I have read the foregoing **VERIFIED COMPLAINT FOR DAMAGES** and  
4 know its contents.

5 I am a party to this action. The matters stated in the foregoing document are  
6 true of my own knowledge except as to those matters which are stated on information  
7 and belief, and as to those matters, I believe them to be true.

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

10 Executed on 11/6/2023, at San Diego, California.

11  
12   
Dennis Hodges (Nov 6, 2023 15:34 PST)

13 Dennis Hodges