

United States District Court  
Northern District of California

1 made a strong showing that COVID-19 vaccines have been routinely offered and made readily  
 2 available. Dkt. 61 at 4-5; Dkt. 61-1 Bronson Decl. ¶ 3. The City also presented evidence that at  
 3 least some information has been provided as well. Dkt. 61 at 4-5 (“HHP continues to offer  
 4 residents information about COVID-19 vaccines as well as opportunities to be vaccinated.”).  
 5 Plaintiffs offer only argument to the contrary. Dkt. 62 at 5 (“[N]either the City nor the County of  
 6 Santa Cruz have made any concerted effort to address dangerous misconceptions regarding  
 7 COVID-19 vaccinations.”). The Court finds that the City’s efforts to inform the residents of the  
 8 availability of the vaccine not only at the site but at other near-by locations in the City, has, along  
 9 with the broad, general downward trend of COVID-19 among vaccinated populations,  
 10 significantly ameliorated the state created danger that is the underpinning of the preliminary  
 11 injunction.

12 Plaintiffs also urge deference to the recently updated Centers for Disease Control and  
 13 Prevention’s (“CDC”) guidelines regarding infection prevention strategies for persons  
 14 experiencing homelessness. Dkt. 62 at 2-4; Dkt. 62 Declaration of Mayra B. Pastore, PhD  
 15 (“Pastore Decl.”) Ex. A. To be sure, the CDC continues to provide helpful guidance regarding not  
 16 only COVID-19 but long-term strategies for this population. Dkt. 62 at 4; Dkt. 62 Pastore Decl.  
 17 Ex. A. However, the CDC guidelines, which do not address the guidelines’ impact on the larger  
 18 community wherein unsheltered persons are located, are but one factor in evaluating whether the  
 19 preliminary injunction should remain in place. Moreover, the guidelines’ long-term strategies are  
 20 beyond the scope of the Complaint and the preliminary injunction in front of this Court.

21 Finally, Plaintiffs argue that the advent of the Delta variant of the COVID-19 virus and its  
 22 well-documented high rate of transmissibility mitigate against dissolution of the injunction. Dkt.  
 23 62 at 3. While the Court recognizes the concern that this variant presents, as does any form of  
 24 COVID-19, the City’s demonstrated efforts to ensure the accessibility of the vaccine to the  
 25 residents in the Benchlands again obviates any state created danger.

26 With the general receding of the COVID-19 crises and the availability of COVID-19  
 27 vaccines among the homeless population in the Benchlands, the Court finds that there no longer is  
 28 the state created danger that the Court previously found arising out of the City’s eviction order