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4 SAN DIEGO SUPERIOR COURT

5 JURISDICTION

6 PLAINTIFF'S NAME,

7 Patrick James Smotherman Wright,

8 vs.

9 DEFENDANT'S NAME,

10 Eric Sklar, California Fish and Game Commission\*

11 \*\*Case No.: [Pending Assignment] \*\*

Case No.: pending

VERIFIED COMPLAINT FOR WRIT OF MANDATE  
AND DECLARATORY RELIEF

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**PETITION FOR WRIT OF MANDATE**

**I. INTRODUCTION**

Petitioner challenges the arbitrary classification of domestic ferrets as wild animals by the California Fish and Game Commission, a decision made without proper studies, consequently subjecting them to prohibition.

**II. CASE INFORMATION**

1 In the San Diego Superior Court

2 330 W Broadway, San Diego, CA 92101

3 \*Patrick James Smotherman Wright, Petitioner,\*

4 \*vs.\*

5 \*Eric Sklar, President, California Fish and Game Commission,

6 Respondent.\*

7 \*\*CASE NO: [Pending Assignment]\*\*

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11 \*\*III. JURISDICTION\*\*

12 This Court has jurisdiction over the subject matter of this action pursuant to  
13 California Code of Civil Procedure Section 1085, which governs writs of mandate.  
14 Additionally, this Court has jurisdiction over the parties involved in this matter as the  
15 Petitioner resides within the jurisdiction of this Court, and the Respondent is an entity  
16 subject to the laws and regulations of this jurisdiction. The relief sought by the Petitioner  
17 is within the competence of this Court, and the Petitioner submits to the jurisdiction of  
18 this Court for the purpose of this proceeding.  
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23 \*\*IV. PARTIES\*\*

24 \*Patrick James Smotherman Wright, Petitioner,\*

25 \*vs.\*

1                   \*Eric Sklar, President of the California Fish and Game Commission,  
2 Respondent.\*

3                   \*\*CASE NO: [Pending Assignment]\*\*

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6                   \*\*PARTIES\*\*

7                   Petitioner Patrick James Smotherman Wright ("Petitioner") is an individual  
8 residing at 4515 Panorama Dr, La Mesa, CA 91941. Respondent Eric Sklar  
9 ("Respondent") is the President of the California Fish and Game Commission, an entity  
10 subject to the laws and regulations of the State of California, with the principal office  
11 located at 715 P Street, 16th floor, Sacramento, 95814. Both parties are involved in the  
12 present matter arising from the arbitrary classification of domestic ferrets by the  
13 California Fish and Game Commission.  
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18                   \*\*V. BACKGROUND\*\*

19                   In California, the term 'wild animal' is expressly defined as 'any animal ...  
20 which is not normally domesticated in this state as determined by the [fish and game]  
21 commission.' The state's laws strictly regulate the importation and possession of certain  
22 wild animals. However, the domestic ferret, by its very name, unequivocally identifies as  
23 a domesticated animal. Remarkably, the California Fish and Game Commission opted to  
24 categorize domestic ferrets under the same umbrella as all mustelids without conducting  
25 any comprehensive studies, formal hearings, or research. This sweeping classification  
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1 lacks a foundation in scientific evaluation and fails to recognize the inherently domestic  
2 nature of ferrets.

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5 **\*\*VI. STATEMENT OF FACTS\*\***

6 1. **\*\*Domestic Ferrets (Mustela putorius furo):\*\*** Widely recognized and  
7 kept as companion animals in households across the United States.

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9 2. **\*\*Commission's Action:\*\*** Without conducting thorough scientific  
10 studies, categorized domestic ferrets as wild animals, leading to their prohibition.

11 3. **\*\*Unheeded Environmental Report:\*\*** Despite ferret proponents funding  
12 an Environmental Report, the Commission has ignored the completed "ANALYSIS OF  
13 THE POTENTIAL IMPACTS OF DOMESTICATED FERRETS UPON WILDLIFE,  
14 AGRICULTURE, AND HUMAN HEALTH IN NORTH AMERICA, WITH A FOCUS  
15 UPON CALIFORNIA, BASED UPON LITERATURE REVIEW AND SURVEY OF  
16 NORTH AMERICAN GOVERNMENTAL AGENCIES," dated 2010.

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19 4. **\*\*Petitioner's Cooperation:\*\*** Petitioner has diligently complied with the  
20 Commission's requests, including funding and undertaking the Environmental Report.  
21 However, the Commission has shown a lack of transparency and cooperation.

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23 5. **\*\*Impediments to Fair Assessment:\*\*** Despite willingness to participate  
24 in a fair assessment, Petitioner has been met with impediments, demonstrating a disregard  
25 for due process, and affected individuals' rights.  
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1                   **\*\*VII. LEGAL GROUNDS FOR THE WRIT\*\***

2                   Petitioner asserts the following legal grounds for seeking a writ of mandate:

3                   1. The California Fish and Game Commission's classification of domestic  
4 ferrets as wild animals is arbitrary, capricious, and lacks a foundation in scientific  
5 evidence.  
6

7                   2. The Commission's action violates Civil Code – Division 2. Property [654  
8 – 1422], specifically section 655, which acknowledges ownership of domestic animals  
9 and their inherent rights.  
10

11                   **\*\*VIII. VIOLATION OF RIGHTS\*\***

12                   Petitioner contends that the actions of the California Fish and Game  
13 Commission represent a clear violation of fundamental rights and legal standards. The  
14 Commission's arbitrary classification of domestic ferrets as wild animals, without  
15 conducting thorough scientific studies or affording the Petitioner an opportunity for  
16 meaningful input, infringes upon the following rights:  
17

18                   1. **\*\*Property Rights:\*\*** The Commission's classification disregards the  
19 well-established property rights of Petitioner and others who responsibly and legally own  
20 domestic ferrets.  
21

22                   2. **\*\*Due Process Rights:\*\*** Petitioner asserts that the Commission's  
23 decision to classify domestic ferrets as wild animals was made without proper hearings,  
24 studies, or research, denying Petitioner the right to due process.  
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1                   3. **\*\*Scientific Evaluation Rights:\*\*** The arbitrary classification infringes  
2 upon Petitioner's right to have governmental decisions based on scientific evidence.

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4                   4. **\*\*Equal Protection Rights:\*\*** The classification of domestic ferrets  
5 without a scientific basis appears to treat ferret owners differently from owners of other  
6 domesticated animals

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10                   Petitioner submits that these rights are fundamental and should be upheld,  
11 and the Commission's actions are a violation of these rights. The arbitrary classification  
12 of domestic ferrets as wild animals without due process and scientific evaluation is unjust  
13 and incompatible with the legal protections afforded to individuals in similar  
14 circumstances.  
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18                   **\*\*IX. PRAYER FOR RELIEF\*\***

19                   Petitioner respectfully requests that this Honorable Court issue a writ of  
20 mandate or any other appropriate relief, directing the California Fish and Game  
21 Commission to:  
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23                   1. Reconsider and review its arbitrary classification of domestic ferrets as  
24 wild animals without proper scientific evaluation and research.

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26                   2. Conduct a thorough and unbiased study on the domestic nature of ferrets,  
27 allowing for meaningful public participation and input.  
28

1           3. Refrain from implementing or enforcing any prohibition or restriction on  
2 the importation or possession of domestic ferrets until a comprehensive and fair  
3 assessment is completed.  
4

5           4. Acknowledge and respect the property rights of Petitioner and others  
6 who legally and responsibly own domestic ferrets.  
7

8           5. Comply with all applicable laws, regulations, and constitutional  
9 principles governing the proper classification of domesticated animals.  
10

11           6. Grant any other relief deemed just and proper by this Court.

12           Petitioner submits that the granting of this relief is necessary to rectify the  
13 violation of fundamental rights and ensure a fair, lawful, and scientifically supported  
14 regulatory framework regarding the possession and ownership of domestic ferrets.  
15

16           **\*\*X. EXHIBITS\*\***  
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18           The Petitioner submits the following exhibits in support of this Petition:  
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20           1. **\*\*Exhibit A:\*\*** California Fish and Game Code  
21

22               - \*California Code, Fish and Game Code - FGC § 2116\*

23               - \*California Code, Fish and Game Code - FGC § 2118\*

24           2. **\*\*Exhibit B:\*\*** Proof of Domestication  
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26           3. **\*\*Exhibit C:\*\*** California Civil Code (§) 655  
27

28               - \*Text of Section 655\*



1 4. **\*\*Exhibit D:\*\*** Ferret Bite Statistics

2 5. **\*\*Exhibit D:\*\*** Rabies Vaccination

3 - **\*All ferrets should be vaccinated against rabies.\***

4 6. **\*\*Exhibit D-2:\*\*** Rabies Vaccination, Cease and Desist Letter

5 - **\*Letter from Rhone Merieux calling on the California Fish and Game**

6 Commission to stop saying there is not a rabies vaccine approved for ferrets.\*

7 7. **\*\*Exhibit E-2:\*\*** Impact of Domestic Ferrets on Wildlife (Original

8 Graening Report)

9 8. **\*\*Exhibit E-2:\*\*** Impact of Domestic Ferrets on Wildlife (Graening

10 Report – Peer Reviewed)

11 9. **\*\*Exhibit F:\*\*** Legal Status of Ferrets in 48 States

12 10. **\*\*Exhibit G:\*\*** Lack of Feral Domestic Ferret Populations in the USA

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18 Dated this day of Month, year.

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Patrick Smotherman Wright, Pro Se