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6
7 Petitioner, In Pro Per

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SACRAMENTO

10
11 PATRICK SMOTHERMAN WRIGHT,
12 Petitioner, In Pro Per,
13
14 v.
15 CALIFORNIA FISH AND GAME COMMISSION;
16 CALIFORNIA DEPARTMENT OF FISH AND
17 WILDLIFE;
18 and DOES 1–20,
19 Respondents.

Case No.:

PETITION FOR WRIT OF MANDATE
(Code Civ. Proc. §1085; Gov. Code §§11340.7, 6258)

20 **I. INTRODUCTION**

21 This action seeks a writ of mandate compelling Respondents to comply with mandatory statutory duties imposed by
22 California law.

23 First, Government Code section 11340.7 requires that when an interested person submits a petition requesting the
24 adoption, amendment, or repeal of a regulation, the agency must respond within sixty (60) days by either denying
25 the petition in writing stating the reasons for the denial or scheduling the matter for a public hearing.

26 Petitioner submitted Petition 2025-003 requesting regulatory action by the California Fish and Game Commission
27 concerning the continued classification of domestic ferrets as restricted animals under California law.

1 The Commission accepted the petition on June 11, 2025. The statutory deadline for issuing a written determination
2 therefore expired on August 11, 2025. Respondents have issued no written decision granting, denying, or partially
3 denying the petition and have not scheduled the petition for a hearing.

4 Second, Petitioner submitted requests for records under the California Public Records Act (“CPRA”), Government
5 Code section 6250 et seq., seeking documents concerning the regulatory history and scientific basis for California’s
6 ferret prohibition. Respondents failed to produce the requested records within the time required by law and have
7 failed to provide lawful justification for withholding them.

8 Petitioner therefore seeks issuance of a writ of mandate compelling Respondents to perform their statutory duties.
9

10 **II. PARTIES**

11 Petitioner Patrick Smotherman Wright is an individual residing in La Mesa, California.

12 Petitioner submitted Petition 2025-003 pursuant to Government Code section 11340.7 and has a beneficial interest
13 in the performance of the statutory duties imposed upon Respondents.

14 Respondent California Fish and Game Commission (“Commission”) is a state agency responsible for adopting and
15 amending regulations governing wildlife and restricted species in California.

16 The Commission is the agency responsible for issuing the written determination required by Government Code
17 section 11340.7.

18 Respondent California Department of Fish and Wildlife (“CDFW”) is a state agency that provides staff support,
19 regulatory analysis, and administrative assistance to the Commission in connection with rulemaking matters and
20 maintains records relevant to the matters alleged herein.

21 The true names and capacities of Respondents sued herein as DOES 1 through 20 are presently unknown to
22 Petitioner. Petitioner will amend this Petition to allege their true names and capacities when they become known.
23

24 **III. JURISDICTION AND VENUE**

25 This Court has jurisdiction pursuant to Code of Civil Procedure section 1085.

26 The Court also has jurisdiction pursuant to Government Code section 6258, which authorizes any person to institute
27 proceedings to enforce the right to inspect or receive copies of public records.
28

1 Venue is proper in Sacramento County because Respondents are state agencies headquartered in Sacramento County
2 and the acts complained of occurred within this jurisdiction.

3

4 **IV. FACTUAL ALLEGATIONS**

5 Government Code section 11340.7 establishes a statutory procedure allowing any interested person to petition a
6 state agency requesting the adoption, amendment, or repeal of a regulation.

7 The statute requires that within sixty (60) days after receipt of such petition, the agency must either deny the petition
8 in writing stating the reasons for the denial or schedule the matter for a public hearing.

9 On or about June 11, 2025, the California Fish and Game Commission accepted Petition 2025-003 submitted by
10 Petitioner.

11 The statutory sixty-day period for issuing a written determination therefore expired on August 11, 2025.

12 Respondents have issued no written decision granting, denying, or partially denying the petition.

13 Respondents have also not scheduled the petition for a public hearing pursuant to Government Code section
14 11340.7.

15 More than seven months have now elapsed since expiration of the statutory deadline.

16 Government Code section 11340.7(d) further requires that any written decision be transmitted to the Office of
17 Administrative Law for publication in the California Regulatory Notice Register.

18 No such written decision has been transmitted to the Office of Administrative Law and no decision appears in the
19 California Regulatory Notice Register.

20 On March 2, 2026, Petitioner transmitted a Final Notice of Statutory Noncompliance to Respondents providing an
21 opportunity to cure the violation.

22 A true and correct copy of that notice is attached hereto as **Exhibit A**.

23 Despite receiving notice of the statutory violation and being provided an opportunity to cure, Respondents have
24 failed to comply with their statutory obligations.

25 Petitioner has also submitted requests for public records under the California Public Records Act seeking documents
26 concerning the regulatory history, scientific basis, and administrative decision-making relating to the prohibition of
27 domestic ferrets in California.

28

1 Respondents failed to produce responsive records within the statutory time required by Government Code section
2 6253 and have failed to provide lawful justification for withholding them.

3 Respondents' failures to act constitute ongoing violations of California law.
4

5 **V. FIRST CAUSE OF ACTION**

6 **Writ of Mandate – Failure to Comply with Government Code §11340.7**

7 Petitioner realleges and incorporates the preceding paragraphs.

8 Government Code section 11340.7 imposes a mandatory duty upon a state agency to issue a written determination
9 on a rulemaking petition within sixty (60) days after receipt of such petition.

10 Respondents have failed and refused to perform that duty.

11 The duty imposed by Government Code section 11340.7 to issue a written decision is mandatory and ministerial.

12 While the agency retains discretion regarding the substance of its decision, it has no discretion to refuse to issue the
13 written determination required by statute.

14 Petitioner has no plain, speedy, or adequate remedy at law.

15 Unless compelled by this Court, Respondents will continue to disregard the statutory mandate.
16

17 **VI. SECOND CAUSE OF ACTION**

18 **Writ of Mandate – Violation of the California Public Records Act**

19 Petitioner realleges and incorporates the preceding paragraphs.

20 The California Public Records Act declares that access to information concerning the conduct of the people's
21 business is a fundamental right of every person in this state.

22 The records requested by Petitioner constitute public records within the meaning of Government Code section 6252.

23 Respondents have unlawfully withheld these records and failed to comply with their obligations under Government
24 Code section 6253.

25 Petitioner is entitled to a writ of mandate ordering Respondents to produce the requested records.
26

27 **VII. PRAYER FOR RELIEF**

28 WHEREFORE, Petitioner respectfully requests that this Court:

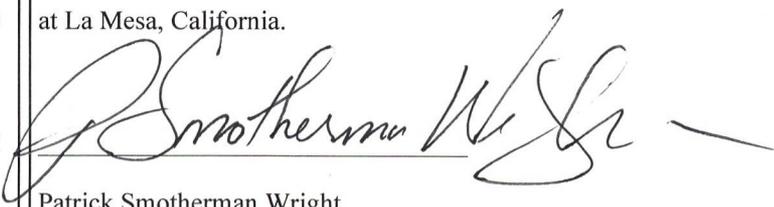
PETITION FOR WRIT OF MANDATE (CODE CIV. PROC. §1085; GOV. CODE §§11340.7, 6258) - 4

1 Issue a Peremptory Writ of Mandate directing Respondents California Fish and Game Commission and California
2 Department of Fish and Wildlife to comply with Government Code section 11340.7 by issuing a written
3 determination on Petition 2025-003.
4 Order Respondents to transmit such written determination to the Office of Administrative Law for publication as
5 required by law.
6 Issue a Writ of Mandate directing Respondents to produce all records responsive to Petitioner's Public Records Act
7 requests.
8 In the alternative, order Respondents to produce a Vaughn index identifying each withheld record and the legal basis
9 for withholding it.
10 Award Petitioner litigation costs pursuant to Government Code section 6259.
11 Grant such other and further relief as the Court deems just and proper.

13 **VERIFICATION**

14 I, Patrick Smotherman Wright, declare:
15 I am the Petitioner in this action. I have read the foregoing Petition for Writ of Mandate and know its contents. The
16 matters stated in the Petition are true of my own knowledge except as to those matters stated on information and
17 belief, and as to those matters I believe them to be true.
18 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

19 Executed on Mar 17, 2026
20 at La Mesa, California.

21 
22

23 Patrick Smotherman Wright
24 Petitioner, In Pro Per

26 **EXHIBIT A**

27 Final Notice of Statutory Noncompliance
28 March 2, 2026

FINAL NOTICE OF STATUTORY NONCOMPLIANCE

Government Code §11340.7

Pat Wright
4515 Panorama Dr
La Mesa, CA 91941
(619) 757-7426
pat@pan.sdcoxmail.com

March 2, 2026

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

California Fish & Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

California Department of Fish & Wildlife
P.O. Box 944209
Sacramento, CA 94244-2090

Attorney General's Office
California Department of Justice
Attn: Public Inquiry Unit
P.O. Box 944255
Sacramento, CA 94244-2550

Re: Petition 2025-003 — Failure to Issue Written Decision Under Gov. Code §11340.7

To the Commission:

This letter constitutes a Final Notice of Statutory Noncompliance concerning Petition 2025-003, submitted pursuant to Government Code §11340.7.

The Commission accepted Petition 2025-003 on June 11, 2025. To the extent that acceptance constituted receipt under Government Code §11340.7(a), the 60-day statutory period expired on August 11, 2025.

Under §11340.7(a), within 60 days of receipt, the agency must:

- Deny the petition in writing and state the reasons for the denial; or
- Schedule the matter for a public hearing in accordance with applicable rulemaking procedures.

To date, no written grant, denial, partial denial, or notice scheduling a hearing compliant with §11340.7 has been issued or transmitted to the petitioner. No written decision stating the reasons for agency action has been provided.

Government Code §11340.7(d) further requires that any written decision be transmitted to the Office of Administrative Law for publication in the California Regulatory Notice Register. No such decision appears in the California Regulatory Notice Register.

References to potential environmental review do not suspend or toll the mandatory duty imposed by §11340.7 to issue a written decision within the statutory timeframe. The statute requires a written determination; it does not authorize indefinite deferral.

Accordingly, the Commission is presently in noncompliance with Government Code §11340.7.

Opportunity to Cure

The petitioner remains willing to resolve this matter without judicial intervention.

The Commission is hereby provided thirty (30) days from receipt of this notice to:

- Issue a written decision granting or denying Petition 2025-003, in whole or in part, stating the reasons for the action taken; and
- Transmit that decision to the Office of Administrative Law as required by §11340.7(d).

If a compliant written decision is not issued within that period, petitioner will consider filing a Petition for Writ of Mandate pursuant to Code of Civil Procedure §1085 to compel compliance with the statutory duty.

This notice is provided to afford the Commission an opportunity to cure the procedural deficiency without litigation.

Sincerely,

Pat Wright
LegalizeFerrets.org