

Federal Court Rules in Favor of Plaintiff in Landmark Free Speech Case Against City of San Diego

*Court Finds City's Ordinance
Unconstitutional; City Liable for Violating
William J. Dorsett's
First Amendment Rights*

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In a significant victory for free speech and civil liberties, the U.S. District Court for the Southern District of California ruled in favor of William J. Dorsett in his lawsuit against the City of San Diego (Case No.: 24-cv-01172-BTM-SBC), finding the City liable for violating his constitutional rights under the First Amendment.

The case stems from a 2023 incident in Balboa Park where Mr. Dorsett, a local resident and artist, was cited and prosecuted after filming and peacefully criticizing park rangers as they issued a citation to a street performer making bubbles to entertain children. Dorsett expressed his opinion, calling the rangers "bullies" and saying they were "hurting" rather than helping the public. In response, park rangers cited him for violating Municipal Code Section 56.27, an ordinance that criminalized "offensive" or "disorderly" conduct and the use of "loud, noisy, boisterous, vulgar, or indecent language" in public spaces.

Mr. Dorsett was prosecuted and initially convicted in San Diego Superior Court, but he appealed. In 2024, the Appellate Division reversed the conviction, ruling that his conduct was fully protected under the First Amendment. On appeal, the San Diego City Attorney's Office agreed with the appellate court that the original prosecution was inconsistent with constitutional protections.

Following the reversal of the conviction, civil rights attorneys from [San Diego's McKenzie Scott PC](#) asked the City to repeal the 100+ year old law. The City refused. So McKenzie Scott PC filed a lawsuit on behalf of Mr. Dorsett under 42 U.S.C. § 1983, asserting six causes of action, including violation of his First and Fourteenth Amendment rights, retaliation for constitutionally protected speech, selective enforcement of the law, maintenance of an unconstitutional policy (Monell claim), and failure to prevent civil rights violations.

In an opinion issued on July 17, 2025, the federal court:

- Found Section 56.27 unconstitutionally vague and overbroad as a direct threat to protected speech;
 - Granted summary judgment to Mr. Dorsett on his Monell claim, holding that the City's enforcement of the ordinance was a direct cause of the violation of his rights;
 - Granted partial summary judgment on an additional claim regarding the City's failure to prevent civil rights violations;
 - Noted that Dorsett's lawsuit led directly to the repeal of Section 56.27 in April 2025, underscoring the power of citizenry to use litigation to effect meaningful legal reform.
- The ruling recognized the chilling effect the law had on constitutionally protected expression and held the City accountable for its unlawful enforcement. The district court noted: "Dorsett's lawsuit – the impetus for the repeal of Section 56.27 – shows that any citizen can change the law through litigation."

"I am very happy for today's win; I feel amazing to be validated on three separate occasions by various judges along the way in this case. This isn't just a big win for me it's a big win for all San Diegans and free speech in San Diego. I really appreciate all the hard work and faith McKenzie Scott Law has put into me and this case," plaintiff William Dorsett said following the ruling.

"The ability of those in the City of San Diego to speak their mind without fear of reprisal is more important now than ever. We're thrilled that the Court has affirmed the right of people to speak out and speak up." [San Diego civil rights attorney Michele A. McKenzie](#), who represents Mr. Dorsett, said after the ruling.

McKenzie Scott PC is a San Diego-based civil rights and [criminal defense firm](#) founded by former federal public defenders Michele A. McKenzie and Tim Scott, and staffed by dedicated trial attorneys with decades of experience fighting for the little guy.

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