

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Marian Anthony v. Terrie E. Roberts & Laura Miller

Anthony · No. 3:25-cv-2486-CAB-AHG · Decided December 1, 2025

SUMMARY

The United States District Court for the Southern District of California dismissed with prejudice Marian Anthony’s Section 1983 claims against two California Superior Court judges. The court held that the defendants were entitled to judicial immunity, that the requested relief was barred by or implicated the Rooker-Feldman doctrine and limits on federal interference with state proceedings, and that the complaint’s exhibits were subject to being stricken. The court also denied motions for leave to file a supplemental complaint and for an extension of time, and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cathy Ann Bencivengo
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 1, 2025
DOCKET	3:25-cv-2486-CAB-AHG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action against two California Superior Court judges based on their conduct in an ongoing family-law proceeding. Defendants moved to dismiss and strike portions of the complaint. Plaintiff moved to file a supplemental complaint and for an extension of time to respond to an order to show cause.
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the plaintiff bears the burden of establishing subject-matter jurisdiction, and the court must confirm jurisdiction before reaching the merits. On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, construes them in the plaintiff’s favor, and determines whether the complaint states a legally cognizable and facially plausible claim. The court reviews a Rule 15(d) motion for leave to supplement under a discretionary standard.
PRECEDENTIAL VALUE	unpublished

PARTIES

Marian Anthony v. Terrie E. Roberts, Laura Miller

TOPICS

motions to dismiss

subject matter jurisdiction

section 1983

motion to amend

PRACTICE AREAS

civil procedure

civil rights

constitutional law

family law

QUESTIONS PRESENTED

1. Whether the claims for damages against the state-court judges were barred by absolute judicial immunity.
2. Whether the requested injunctive and declaratory relief was barred by the Rooker-Feldman doctrine and principles precluding federal district-court interference with an ongoing state-court proceeding.
3. Whether leave to amend was warranted when the complaint's jurisdictional and substantive defects could not be cured by amendment.
4. Whether the challenged exhibits should be stricken because they were not certified official state-court transcripts and were not subject to judicial notice.
5. Whether leave to file a supplemental complaint should be denied because the proposed pleading asserted the same futile challenges as the original complaint.
6. Whether the motion for an extension of time should be denied as moot after dismissal of the action.

HOLDINGS

1. Judges are absolutely immune from damages liability for acts performed in their official capacities, including allegedly erroneous, malicious, corrupt, or procedurally flawed judicial acts. Because Anthony sought damages for conduct undertaken by the defendants as judges, the damages claims were barred.
2. The federal district court could not grant relief that would directly review or interfere with the ongoing state-court judicial proceeding. Claims inextricably intertwined with the state court's decision were subject to dismissal for lack of subject-matter jurisdiction under the Rooker-Feldman doctrine, and the court lacked authority to order disqualification of a state-court judge or exercise declaratory jurisdiction having the same practical impact as injunctive relief on the pending state proceeding.
3. Leave to amend was unwarranted because it was clear that the complaint's defects could not be cured by amendment.
4. The motion to strike Exhibits 1, 3, and 4 was granted because the exhibits appeared to be plaintiff-created transcripts that were not certified official transcripts and were not subject to judicial notice under Federal Rule of Evidence 201.
5. Leave to file a supplemental complaint was denied because the proposed supplemental pleading asserted the same futile challenges as the original complaint.

KEY QUOTATIONS

“The federal court is one of limited jurisdiction.” (at 2)

“As such, the Court cannot reach the merits of any dispute until it confirms its own subject matter jurisdiction.” (at 2)

“Judges . . . are absolutely immune from damage liability for acts performed in their official capacities.” (at 3)

“This absolute immunity insulates judges from charges of erroneous acts or irregular action, even when it is alleged that such action was driven by malicious or corrupt motives, or when the exercise of judicial authority is flawed by the commission of grave procedural errors.” (at 3)

“the Rooker-Feldman doctrine bars direct federal district court appellate review of state court judicial proceedings.” (at 4)

“If claims raised in the federal court action are inextricably intertwined with the state court’s decision such that the adjudication of the federal claims would undercut the state ruling . . . then the federal complaint must be dismissed for lack of subject matter jurisdiction.” (at 4)

“It is clear to the Court that Plaintiff seeks to have a federal district court improperly interfere with an ongoing state proceeding.” (at 4)

FACTUAL BACKGROUND

Marian Anthony is a petitioner in a pending California family-dissolution proceeding. Defendants Terrie Roberts and Laura Miller are California Superior Court judges who allegedly overruled Anthony's objections, declined to consider certain arguments, and required him to take an oath before testifying or presenting arguments. Anthony sought damages, an injunction requiring the judges to recuse themselves, and declarations that their conduct violated the First, Fifth, and Fourteenth Amendments and the Contract Clause.

PROCEDURAL HISTORY

Plaintiff filed the complaint on September 22, 2025. Defendants moved to dismiss and strike exhibits, while Plaintiff sought leave to file a supplemental complaint and an extension of time. The district court dismissed the action with prejudice, granted the motion to strike, denied leave to supplement and the extension motion, directed the Clerk to close the case, and rejected additional filings.

DISPOSITION

dismissed

CASES CITED

- Anthony v. Sanchez, No. 3:25-cv-1548-CAB-AHG, 2025 WL 3208846 (S.D. Cal. Nov. 17, 2025)
- Gould v. Mut. Life Ins. Co. of N.Y., 790 F.2d 769, 774 (9th Cir. 1986)
- Ass'n of Am. Med. Colls. v. United States, 217 F.3d 770, 778–79 (9th Cir. 2000)

- *Steel Co. v. Citizens for a Better Env't.*, 523 U.S. 83, 95 (1998)
- *United States v. Cotton*, 535 U.S. 625, 630 (2002)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 556–57, 570 (2007)
- *Daniels-Hall v. Nat'l Educ. Ass'n*, 629 F.3d 992, 998 (9th Cir. 2010)
- *Knievel v. ESPN*, 393 F.3d 1068, 1072 (9th Cir. 2005)
- *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)
- *Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir. 1986)
- *In re Castillo*, 297 F.3d 940, 947 (9th Cir. 2022)
- *S. California Edison Co. v. Lynch*, 307 F.3d 794, 804 (9th Cir. 2002)
- *Bianchi v. Rylaarsdam*, 334 F.3d 895, 898 (9th Cir. 2003)
- *Alexander v. Bonta*, No. ED CV 25-447-DMG-DTB, 2025 WL 1717657, at *1 n.1 (C.D. Cal. Apr. 15, 2025)
- *Gilbertson v. Albright*, 381 F.3d 965, 975 (9th Cir. 2004) (en banc)
- *Karim-Panahi v. Los Angeles Police Dep't*, 839 F.2d 621, 623 (9th Cir. 1988)
- *Tellabs, Inc. v. Makor Issues & Rts., Ltd.*, 551 U.S. 308, 322 (2007)
- *Keith v. Volpe*, 858 F.2d 467, 473 (9th Cir. 1988)
- *LaSalvia v. United Dairymen of Ariz.*, 804 F.2d 1113, 1119 (9th Cir. 1986)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 MARIAN ANTHONY, Case No.: 3:25-cv-2486-CAB-AHG 12 Plaintiff,
ORDER: 13 v. (1) GRANTING MOTIONS TO 14 TERRIE E. ROBERTS & LAURA DISMISS
& STRIKE; MILLER, 15 Defendants.

(2) DENYING MOTIONS FOR 16 LEAVE & FOR EXTENSION 17 [Doc. Nos. 5, 7, 8, 11] 18 19
On September 22, 2025, Plaintiff Marian Anthony filed a complaint against 20 Defendants Terrie
Roberts and Laura Miller, alleging Section 1983 claims. [Doc. No. 1.] 21 Defendants filed a
motion to dismiss and a motion to strike portions of the complaint. [Doc. 22 Nos. 7, 8.] Plaintiff
filed a motion for leave to file a supplemental complaint and a motion 23 for an extension of time
to respond to an order to show cause.

[Doc. Nos. 5, 11.] For the 24 reasons below, the Court GRANTS the motions to dismiss and strike,
and DENIES 25 Plaintiff's motions for leave and for an extension. 26 /// 27 /// 28 1 I.
BACKGROUND 2 The Court recently dismissed a similar action Plaintiff filed, which stemmed
from a 3 child custody proceeding in state court. *Anthony v. Sanchez*, No. 3:25-cv-1548-CAB- 4
AHG, 2025 WL 3208846 (S.D.

Cal. Nov. 17, 2025). Plaintiff is the petitioner in a family 5 dissolution matter pending in Superior
Court, entitled *Marian Anthony v. Corina Galvez*, 6 Case No. 19FL005322N. [Doc. No. 7-1 at 8.]

Defendants Roberts and Miller are Judges 7 of the Superior Court of California. [Id. at 7.] Plaintiff alleges various issues regarding 8 how the Judges have conducted hearings, including overruling Plaintiff's objections, 9 refusing to consider certain arguments, and requiring Plaintiff take an oath before 10 testifying/presenting arguments.

[Doc. No. 1 at 4–6.] Plaintiff seeks damages, an 11 injunction requiring Defendants to recuse, and a declaration that Defendants violated his 12 First, Fifth, and Fourteenth Amendment rights and the Contract Clause. [Id. at 9.] 13 II. LEGAL STANDARD 14 Fed. R. Civ. P. 12(b)(1) permits a party to move to dismiss based on the court's lack 15 of subject-matter jurisdiction.

The federal court is one of limited jurisdiction. See *Gould v. Mut. Life Ins. Co. of N.Y.*, 790 F.2d 769, 774 (9th Cir. 1986). The party asserting 17 jurisdiction, here Plaintiff, has the burden of establishing that the court has subject-matter 18 jurisdiction. *Ass'n. of Am. Med. Colls. v. United States*, 217 F.3d 770, 778–79 (9th Cir. 19 2000).

As such, the Court cannot reach the merits of any dispute until it confirms its own 20 subject matter jurisdiction. See *Steel Co. v. Citizens for a Better Env't.*, 523 U.S. 83, 95 21 (1998). A defense of lack of “subject-matter jurisdiction, because it involves a court's 22 power to hear a case, can never be forfeited or waived.” *United States v. Cotton*, 535 U.S. 23 625, 630 (2002).

24 Fed. R. Civ. P. 12(b)(6) permits a party to move to dismiss based on a “failure to 25 state a claim upon which relief can be granted.” The Court evaluates whether a complaint 26 states a recognizable legal theory and sufficient facts in light of Fed. R. Civ. P. 8(a)(2), 27 which requires a “short and plain statement of the claim showing that the pleader is entitled 28 to relief.” Although Rule 8 “does not require ‘detailed factual allegations,’... it [does] 1 demand[]... more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” 2 *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl.*

Corp. v. Twombly, 550 U.S. 3 544, 555 (2007)). 4 “To survive a motion to dismiss, a complaint must contain sufficient factual matter, 5 accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Id.* (quoting 6 *Twombly*, 550 U.S. at 570); see also Fed. R. Civ. P. 12(b)(6). A claim is facially plausible 7 when the collective facts pleaded “allow[] the court to draw the reasonable inference that 8 the defendant is liable for the misconduct alleged.” *Id.* at 678 (quoting *Twombly*, 550 U.S. 9 at 556).

There must be “more than a sheer possibility that a defendant has acted 10 unlawfully.” *Id.* (quoting *Twombly*, 550 U.S. at 557). Facts “merely consistent with a 11 defendant's liability” fall short of a plausible entitlement to relief. *Id.* (internal quotation 12 marks omitted).

The Court need not accept as true “legal conclusions” contained in the 13 complaint, *id.*, or other “allegations that are merely conclusory, unwarranted deductions of 14 fact, or unreasonable inferences.” *Daniels-Hall v. Nat'l Educ. Ass'n*, 629 F.3d 992, 998 15 (9th Cir. 2010).

The Court accepts as true all allegations in the complaint and construes 16 the allegations in the light most favorable to the nonmoving party, here Plaintiff. See 17 *Kniesel v. ESPN*, 393 F.3d 1068, 1072 (9th Cir. 2005).

Moreover, as Plaintiff proceeds 18 pro se, the Court construes his complaint liberally. See *Hebbe v. Pliler*, 627 F.3d 338, 342 19 (9th Cir. 2010). 20 III. DISCUSSION 21 A. Motion to Dismiss; Motion for an Extension of Time 22 Defendants argue that they are immune from liability, and that Plaintiff's claims are 23 conclusory and barred, inter alia, by *Rooker-Feldman*.

The Court agrees. 24 "Judges... are absolutely immune from damage liability for acts performed in their 25 official capacities." *Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir. 1986). "This 26 absolute immunity insulates judges from charges of erroneous acts or irregular action, even 27 when it is alleged that such action was driven by malicious or corrupt motives, or when the 28 exercise of judicial authority is flawed by the commission of grave procedural errors." In 1 re *Castillo*, 297 F.3d 940, 947 (9th Cir.

2022) (internal citation and quotation marks 2 omitted). Despite suing Defendants in their individual capacity, Plaintiff seeks damages 3 for actions Defendants took in their official capacities as judges. [Doc. No. 1 at 4–6.] 4 Accordingly, the Court finds Defendants are immune to any damages liability. 5 Plaintiff also seeks an injunction requiring Defendants to recuse themselves from his 6 case.

[Doc. No. 1 at 9.] "[T]he *Rooker-Feldman* doctrine bars direct federal district court 7 appellate review of state court judicial proceedings." *S. California Edison Co. v. Lynch*, 8 307 F.3d 794, 804 (9th Cir. 2002). "If claims raised in the federal court action are 9 inextricably intertwined with the state court's decision such that the adjudication of the 10 federal claims would undercut the state ruling... then the federal complaint must be 11 dismissed for lack of subject matter jurisdiction." *Bianchi v. Rylaarsdam*, 334 F.3d 895, 12 898 (9th Cir.

2003). Additionally, "the Court does not have the authority to order the 13 disqualification of a judge in a state court proceeding." *Alexander v. Bonta*, No. ED CV 14 25-447-DMG-DTB, 2025 WL 1717657, at *1 n.1 (C.D. Cal. Apr. 15, 2025).

Finally, 15 regarding Plaintiff's sought declaratory relief, the Ninth Circuit has instructed "federal 16 courts [to] refrain from exercising jurisdiction in actions for declaratory relief because 17 declaratory relief has the same practical impact as injunctive relief on a pending state 18 proceeding[.]" *Gilbertson v. Albright*, 381 F.3d 965, 975 (9th Cir. 2004) (en banc).

19 Accordingly, the Court GRANTS with prejudice the motion to dismiss. It is clear 20 to the Court that Plaintiff seeks to have a federal district court improperly interfere with an 21 ongoing state proceeding. Accordingly, leave to amend is unwarranted. See *Karim-Panahi* 22 v. Los Angeles Police Dep't, 839 F.2d 621, 623 (9th Cir. 1988) ("A pro se litigant must be 23 given leave

to amend his or her complaint unless it is absolutely clear that the deficiencies 24 of the complaint could not be cured by amendment.”).

As the complaint is dismissed with 25 26 27 28 1 prejudice, the Court DENIES as moot the motion for an extension to respond to the order 2 to show cause.1 3 B. Motion to Strike 4 Defendants seek to strike Exhibits 1, 3, and 4, from Plaintiff’s complaint. Plaintiff 5 states that the exhibits are transcripts from the hearings he takes issue with. [Doc. No. 1-2 6 at 2.]

Defendants argue that Plaintiff’s exhibits are not certified copies of the official 7 transcripts nor created by an official court reporter or reporter pro tempore. [See Doc. No. 8 8-1 at 2–6.] Indeed, it appears Plaintiff created these transcripts himself and there is no 9 certification that these are the official transcripts from the Superior Court of California.

As 10 these exhibits are not subject to judicial notice pursuant to Federal Rule of Evidence 201, 11 the Court does not consider them. See *Tellabs, Inc. v. Makor Issues & Rts., Ltd.*, 551 U.S. 12 308, 322 (2007) (“[C]ourts must consider the complaint in its entirety, as well as... 13 documents incorporated into the complaint by reference, and matters of which a court may 14 take judicial notice.”).

The motion to strike is GRANTED. 15 C. Motion to File Supplemental Complaint 16 Plaintiff seeks to file, pursuant to Fed. R. Civ. P. 15(d), a supplemental complaint 17 which makes the same challenges as his initial complaint albeit to a different judicial 18 hearing. [Doc. No. 5 at 8–10 (“This conduct mirrors prior violations[.]”).] Courts have 19 broad discretion under Rule 15(d) to allow supplemental pleadings.

Keith v. Volpe, 858 20 F.2d 467, 473 (9th Cir. 1988). Given that the supplemental complaint makes the same 21 futile challenges as the initial complaint, the Court DENIES the motion. See *LaSalvia v. 22 United Dairymen of Ariz.*, 804 F.2d 1113, 1119 (9th Cir. 1986) (“The purpose of Rule 15(d) 23 is to promote as complete an adjudication of the dispute between the parties as is 24 possible.”).

25 /// 26 27 1 After seeking this extension, Plaintiff filed eight additional responses, nonetheless. [Doc. Nos. 13, 16, 28 I IV. CONCLUSION 2 The Court GRANTS with prejudice Defendants’ motion to dismiss and GRANTS 3 motion to strike.

The Court DENIES Plaintiff's motion for leave to file a supplemental 4 ||complaint and for an extension to respond to the order to show cause. The Clerk of Court 5 || shall close this case and reject any additional filings by Plaintiff. 6 It is SO ORDERED. 7 Dated: December 1, 2025 □ Z 8 Hon. Cathy Ann Bencivengo? United States District Judge 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

