

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Stephen Favis v. Daryl Mallori, et al.

Favis · No. 2:25-cv-1030-DAD-JDP (PS) · Decided April 29, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Stephen Favis's application to proceed in forma pauperis and dismisses his complaint with leave to amend. The court concludes that the complaint inadequately pleads claims under 42 U.S.C. §§ 1983 and 1985(2), alleges no claims against one defendant, and seeks relief barred by the Rooker-Feldman doctrine. Plaintiff is given thirty days to file an amended complaint or voluntarily dismiss the action.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 29, 2025
DOCKET	2:25-cv-1030-DAD-JDP (PS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff brought federal civil-rights and state-law claims challenging a state-court restraining order. On screening, the magistrate judge granted leave to proceed in forma pauperis and dismissed the complaint with leave to amend.
STANDARD OF REVIEW	Screening of an in forma pauperis complaint under the pleading-plausibility requirements of Federal Rule of Civil Procedure 8(a)(2) and applicable screening standards; pro se pleadings construed liberally.
PRECEDENTIAL VALUE	Nonprecedential district-court order
PARTIES	Stephen Favis v. Daryl Mallori, Isabella Shin, Myeong Bae Kim

TOPICS

- pleadings
- subject matter jurisdiction
- section 1983
- due process
- civil procedure

PRACTICE AREAS

Civil procedure

Federal jurisdiction

Civil rights litigation

Constitutional law

QUESTIONS PRESENTED

1. Whether the complaint plausibly stated claims under 42 U.S.C. §§ 1983 and 1985(2).
2. Whether the complaint alleged sufficient personal involvement by defendant Myeong Bae Kim.
3. Whether the Rooker-Feldman doctrine deprived the federal court of jurisdiction over claims seeking to invalidate a state-court restraining order.
4. Whether the court should decline supplemental jurisdiction over the state-law claims after dismissal of the federal claims.
5. Whether plaintiff should be granted leave to amend.

HOLDINGS

1. The complaint failed to state a claim under 42 U.S.C. § 1983 because it did not allege facts showing that defendants acted under color of state law.
2. The complaint failed to state a claim under 42 U.S.C. § 1985(2) because it alleged neither a conspiracy nor the required race-based class animus.
3. The complaint failed to state claims against Kim because it did not allege with sufficient particularity any overt acts by Kim supporting plaintiff's claims.
4. The Rooker-Feldman doctrine barred federal jurisdiction because plaintiff alleged that the state court erroneously authorized the restraining order and sought relief invalidating that judgment.
5. The court should decline supplemental jurisdiction over plaintiff's state-law claims because no federal claim had been adequately pleaded and diversity jurisdiction was not alleged.
6. Plaintiff was granted an opportunity to amend the complaint and was required to allege each claim and each defendant's involvement in sufficient factual detail.

KEY QUOTATIONS

“The clearest case for dismissal based on the Rooker-Feldman doctrine occurs when a federal plaintiff asserts as a legal wrong an allegedly erroneous decision by a state court, and seeks relief from a state court judgment based on that decision.” (at 3)

“A plaintiff alleging extrinsic fraud on a state court is not alleging a legal error by the state court; rather, he or she is alleging a wrongful act by the adverse party.” (at 4)

FACTUAL BACKGROUND

Plaintiff alleged that neighbors Daryl Mallori and Isabella Shin engaged in hostile and threatening conduct after he complained about noise, resulting in a physical altercation and a thoracic spinal-disc injury. Mallori and Shin then obtained a restraining order against plaintiff from the Sacramento County Superior Court, allegedly relying

on false statements and omissions. Plaintiff alleged that he was not provided video evidence of the altercation and sought federal relief declaring the state restraining order void and unenforceable.

PROCEDURAL HISTORY

Plaintiff filed the action and an application to proceed in forma pauperis. The court screened the complaint, found that the federal claims were inadequately pleaded, that the requested relief was barred by the Rooker-Feldman doctrine, and that no basis existed for diversity jurisdiction or supplemental jurisdiction over the state-law claims. The complaint was dismissed without prejudice with thirty days to amend or voluntarily dismiss; the court warned that failure to do so could result in a recommendation of dismissal with prejudice.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Kobold v. Good Samaritan Reg'l Med. Ctr., 832 F.3d 1024, 1038 (9th Cir. 2016)
- Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hayes v. Idaho Corr. Ctr., 849 F.3d 1204, 1208 (9th Cir. 2017)
- Bruns v. Nat'l Credit Union Admin., 122 F.3d 1251, 1257 (9th Cir. 1997)
- Ivey v. Bd. of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Jones v. Cmty. Redev. Agency, 733 F.2d 646, 649 (9th Cir. 1984)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- American Mfrs. Mut. Ins. Co. v. Sullivan, 526 U.S. 40, 50 (1999)
- Blum v. Yaretsky, 457 U.S. 991, 1002 (1982)
- Bretz v. Kelman, 773 F.2d 1026, 1028 (9th Cir. 1985) (en banc)
- Reusser v. Wachovia Bank, N.A., 525 F.3d 855, 858-59 (9th Cir. 2008)
- Henrichs v. Valley View Dev., 474 F.3d 609, 613 (9th Cir. 2007)
- Doe v. Mann, 415 F.3d 1038, 1043 (9th Cir. 2005)
- Kougasian v. TMSL, Inc., 359 F.3d 1136, 1140-41 (9th Cir. 2004)
- Davis v. Davis, No. 18-cv-00094-RS, 2018 WL 3069308, at *5 (N.D. Cal. Apr. 25, 2018)
- Noel v. Hall, 341 F.3d 1148, 1164 (9th Cir. 2003)
- Bautista v. Pan Am. World Airlines, Inc., 828 F.2d 546, 552 (9th Cir. 1987)
- Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 n.7 (1988)
- United Mine Workers of Am. v. Gibbs, 383 U.S. 715, 726 (1966)
- Lacey v. Maricopa Cnty., 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc)

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