

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Peterson v. Sacramento Department of Child Support Services

Peterson · No. 2:24-cv-2759-DAD-JDP (PS) · Decided July 29, 2025

SUMMARY

The court dismisses Desiree Peterson’s complaint against the Sacramento Department of Child Support Services with leave to amend. Peterson alleged that the department submitted a fraudulent proof of service in state family court proceedings, resulting in an improper child support obligation. The court concludes that her claims are barred by the Rooker-Feldman doctrine and grants leave to file an amended complaint within thirty days.

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	July 29, 2025
DOCKET	2:24-cv-2759-DAD-JDP (PS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening order on a pro se complaint filed by a plaintiff seeking to proceed in forma pauperis under 28 U.S.C. § 1915(e).
STANDARD OF REVIEW	The court screened the in-forma-pauperis complaint under 28 U.S.C. § 1915(e)(2) and applied the pleading standards of Federal Rule of Civil Procedure 8(a)(2) and the plausibility standard under Twombly and Iqbal. The pro se pleading was construed liberally, but the court could not supply essential elements not pleaded.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Desiree Peterson v. Sacramento Department of Child Support Services

TOPICS

- child support
- subject matter jurisdiction
- motions to dismiss
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the federal district court had jurisdiction to review or invalidate the state-court child-support order and award reimbursement for payments made under that order.
2. Whether plaintiff's allegation that the defendant submitted a fraudulent proof of service established an extrinsic-fraud exception to the Rooker-Feldman doctrine.
3. Whether the complaint stated a cognizable claim under the federal pleading and in-forma-pauperis screening standards.

HOLDINGS

1. The claims seeking to invalidate the state-court child-support order and obtain reimbursement for payments made under that order were barred by the Rooker-Feldman doctrine because they sought redress for an injury allegedly caused by the state-court judgment.
2. The complaint did not sufficiently allege extrinsic fraud because plaintiff presented her fraud-related argument to the state court and received a hearing on her child-support obligations.
3. The complaint failed to state a claim and was dismissed with leave to amend.

KEY QUOTATIONS

"This court does not have jurisdiction to review the state court decision on child support payments." (at 2)

"The law does not allow a federal court to review the child support orders created by a state court." (at 2)

"Therefore, plaintiff's claims are barred by the Rooker-Feldman doctrine." (at 3)

"Accordingly, plaintiff's complaint is dismissed for failure to state a claim." (at 3)

FACTUAL BACKGROUND

Plaintiff attended a July 3, 2023 state family-law hearing concerning her child-support obligations. She alleged that the Sacramento Department of Child Support Services submitted a fraudulent proof of service bearing the signature of Deborah Hamm, whom plaintiff determined had not worked for the department since 2019. Plaintiff asserted that the allegedly fraudulent proof of service led to an order requiring child-support payments and income withholding, although she acknowledged presenting her fraud and paperwork-related arguments to the state court and having a hearing.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights complaint alleging that the Sacramento Department of Child Support Services submitted a fraudulent proof of service during a state family-law proceeding, resulting in an allegedly improper child-support obligation and income withholding. The court granted leave to proceed in forma pauperis, screened the complaint, found that the claims were barred by the Rooker-Feldman doctrine and failed to state a

claim, dismissed the complaint with leave to amend, and directed plaintiff either to file an amended complaint or voluntarily dismiss within thirty days.

DISPOSITION

dismissed

CASES CITED

- D.C. Court of Appeals v. Feldman, 460 U.S. 462, 483 n.16, 486 (1983)
- Bianchi v. Rylaarsdam, 334 F.3d 895, 898 (9th Cir. 2003)
- Bell v. City of Boise, 709 F.3d 890, 897 (9th Cir. 2013)
- Collins v. Grisom, No. 21-CV-2136 JLS (DEB), 2022 WL 3325665, at *3 (S.D. Cal. Aug. 11, 2022)
- Nemcik v. Mills, No. 16-CV-00322-BLF, 2016 WL 4364917, at *6 (N.D. Cal. Aug. 16, 2016)
- Rucker v. County of Santa Clara, State of California, No. C02-5981 JSW, 2003 WL 21440151, at *2 (N.D. Cal. June 17, 2003)
- 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)
- Wood v. McEwen, 644 F.2d 797, 801 (9th Cir. 1981)
- Lacey v. Maricopa County, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hayes v. Idaho Correctional Center, 849 F.3d 1204, 1208 (9th Cir. 2017)
- Bruns v. National Credit Union Administration, 122 F.3d 1251, 1257 (9th Cir. 1997)
- Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Kobold v. Good Samaritan Regional Medical Center, 832 F.3d 1024, 1038 (9th Cir. 2016)
- Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)

OPINION

(PS) Peterson v. Sacramento Dept. of Child Support Services

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 DESIREE PETERSON, Case No. 2:24-cv-2759-DAD-JDP (PS) 12 Plaintiff, 13 v. ORDER

14 SACRAMENTO DEPARTMENT OF

CHILD SUPPORT SERVICES,

15 Defendant. 16

17 Plaintiff's complaint alleges that defendant, Sacramento Department of Child Support 18
Services, committed fraud during a family law hearing, which resulted in the court ordering an 19
unfair child support obligation. The complaint fails to state a claim. I therefore recommend that 20
this action be dismissed with leave to amend. 21 Screening and Pleading Requirements 22 A
federal court must screen the complaint of any claimant seeking permission to proceed 23 in forma
pauperis. See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and 24 dismiss
any portion of the complaint that is frivolous or malicious, fails to state a claim upon 25 which
relief may be granted, or seeks monetary relief from a defendant who is immune from such 26
relief. *Id.* 27 A complaint must contain a short and plain statement that plaintiff is entitled to relief,
28 Fed. R. Civ. P. 8(a)(2), and provide "enough facts to state a claim to relief that is plausible on
its 1 face," *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does
not 2 require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556
U.S. 3 662, 678 (2009). If the allegations "do not permit the court to infer more than the mere 4
possibility of misconduct," the complaint states no claim. *Id.* at 679. The complaint need not 5
identify "a precise legal theory." *Kobold v. Good Samaritan Reg'l Med. Ctr.*, 832 F.3d 1024, 6
1038 (9th Cir. 2016). Instead, what plaintiff must state is a "claim"—a set of "allegations that 7
give rise to an enforceable right to relief." *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 8
n.2 (9th Cir. 2006) (en banc) (citations omitted). 9 The court must construe a pro se litigant's
complaint liberally. See *Haines v. Kerner*, 404 10 U.S. 519, 520 (1972) (per curiam). The court
may dismiss a pro se litigant's complaint "if it 11 appears beyond doubt that the plaintiff can prove
no set of facts in support of his claim which 12 would entitle him to relief." *Hayes v. Idaho Corr.*
Ctr., 849 F.3d 1204, 1208 (9th Cir. 2017). 13 However, "'a liberal interpretation of a civil rights
complaint may not supply essential elements 14 of the claim that were not initially pled.'" *Bruns v.*
Nat'l Credit Union Admin., 122 F.3d 1251, 15 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of*
Regents, 673 F.2d 266, 268 (9th Cir. 1982)). 16 Analysis 17 On July 3, 2023, plaintiff attended a
family law hearing to determine her child support 18 obligations. ECF No. 1 at 7. The court found
that plaintiff had failed to file necessary 19 paperwork, but she alleges that she filed the paperwork
with the Court Clerk on February 27, 20 2023. *Id.* Plaintiff also claims that she never received any
service documents from defendant. 21 *Id.* The proof of service provided by defendant showed a
signature for a Deborah Hamm. *Id.* 22 However, after researching Hamm, plaintiff concluded that
Hamm had not worked for defendant 23 since 2019, well before the purported proof of service was
signed by Hamm. *Id.* Plaintiff claims 24 that defendant provided the court with a fraudulent proof
of service, and that the fraudulent 25 document was used to justify the seizure of her income. *Id.*
26 She asks that this court issue a judgment declaring that defendant committed fraud, 27
providing an award of compensatory and punitive damages, reimbursing any excessive 28
withholding from her child support payments, and ordering an investigation into defendant. *Id.* at
1 11. 2 This court does not have jurisdiction to review the state court decision on child support 3

payments. Under the Rooker-Feldman doctrine, federal courts cannot adjudicate constitutional 4 claims that “are inextricably intertwined with the state court’s denial in a judicial proceeding of a 5 particular plaintiff’s application [for relief].” *D.C. Court of Appeals v. Feldman*, 460 U.S. 462, 6 483 n.16 (1983); see also *Bianchi v. Rylaarsdam*, 334 F.3d 895, 898 (9th Cir. 2003). Thus, the 7 doctrine bars federal courts from adjudicating claims that seek to redress an injury allegedly 8 resulting from a state court decision, even if the party contends the state judgment violated his or 9 her federal rights. *Bell v. City of Boise*, 709 F.3d 890, 897 (9th Cir. 2013); see *Feldman*, 460 U.S. 10 at 486 (“[District courts] do not have jurisdiction . . . over challenges to state court decisions in 11 particular cases arising out of judicial proceedings even if those challenges allege that the state 12 court’s action was unconstitutional.”). 13 Plaintiff’s request to invalidate the state court’s order and require defendant to reimburse 14 her for support payments made under that order is squarely what Rooker-Feldman prohibits. See 15 *Collins v. Grisom*, No. 21-CV-2136 JLS (DEB), 2022 WL 3325665, * 3 (S.D. Cal. Aug. 11, 16 2022) (holding that the plaintiff’s challenges to a child support order based on lack of jurisdiction, 17 lack of service of process, and lack of notice of hearings were barred under Rooker-Feldman); 18 *Nemcik v. Mills*, No. 16-CV-00322-BLF, 2016 WL 4364917, at *6 (N.D. Cal. Aug. 16, 2016) 19 (“The law does not allow a federal court to review the child support orders created by a state 20 court.”); *Rucker v. Cnty. of Santa Clara, State of Cal.*, No. C02-5981 JSW, 2003 WL 21440151, 21 at *2 (N.D. Cal. June 17, 2003) (holding that under Rooker-Feldman, the court lacked jurisdiction 22 to declare a state court child support order that authorized garnishing disability benefit payments 23 void as a matter of law). 24 To the extent that plaintiff is arguing for an exception to the Rooker-Feldman doctrine by 25 way of an allegation of extrinsic fraud, she has failed to sufficiently allege as much. “It has long 26 been the law that a plaintiff in federal court can seek to set aside a state court judgment obtained 27 through extrinsic fraud.” *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1141 (9th Cir. 2004). 28 Extrinsic fraud is “conduct which prevents a party from presenting [her] claim in court.” *Davis v. 1 Davis*, No. 18-cv-00094-RS, 2018 WL 3069308, at *5 (N.D. Cal. Apr. 25, 2018) (citations 2 omitted). “[F]or Rooker-Feldman to apply, a plaintiff must seek not only to set aside a state court 3 judgment; he or she must also allege a legal error by the state court as the basis for that relief.” 4 *Kougasian*, 359 F.3d at 1140 (citing *Noel v. Hall*, 341 F.3d 1148, 1164 (9th Cir. 2003)). And “[a] 5 plaintiff alleging extrinsic fraud on a state court is not alleging a legal error by the state court; 6 rather, he or she is alleging a wrongful act by the adverse party.” *Id.* at 1140-41 (citing *Noel*, 341 7 F.3d at 1164). So when “a federal plaintiff asserts as a legal wrong an allegedly illegal act or 8 omission by an adverse party, Rooker-Feldman does not bar jurisdiction.” *Noel*, 341 F.3d at 9 1164. 10 Plaintiff alleges that defendant produced a false proof of service to the court and as a 11 result, plaintiff has been ordered to pay child support payments. In order to be considered 12 extrinsic fraud, such fraud must prevent a party from presenting her claim in court. *Wood v. 13 McEwen*, 644 F.2d 797, 801 (9th Cir. 1981). Yet here, plaintiff states that she did present her 14 claim of defendant’s alleged fraud to the state court and had a hearing on her child support 15 obligations.

See ECF No. 1 at 7 (“The plaintiff moved the court to reconsider based on the 16 paperwork not being considered and to address the question of fraud by the custodial parent. The 17 motion to reconsider was denied”). Therefore, plaintiff’s claims are barred by the Rooker- 18 Feldman doctrine. 19 Accordingly, plaintiff’s complaint is dismissed for failure to state a claim. I will allow 20 plaintiff a chance to amend her complaint before recommending that this action be dismissed. 21 Plaintiff should also take care to add specific factual allegations against defendant. If plaintiff 22 decides to file an amended complaint, the amended complaint will supersede the current one. See 23 Lacey v. Maricopa Cnty., 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc). This means that the 24 amended complaint will need to be complete on its face without reference to the prior pleading. 25 See E.D. Cal. Local Rule 220. Once an amended complaint is filed, the current one no longer 26 serves any function. Therefore, in an amended complaint, as in the original, plaintiff will need to 27 assert each claim and allege defendant’s involvement in sufficient detail. The amended complaint 28 should be titled “First Amended Complaint” and refer to the appropriate case number. If plaintiff 1 | does not file an amended complaint, I will recommend that this action be dismissed. 2 Accordingly, it is hereby ORDERED that: 3 1. Plaintiff’s request for leave to proceed in forma pauperis, ECF No. 2, is GRANTED. 4 2. Plaintiffs complaint, ECF No. 1, is DISMISSED with leave to amend. 5 3. Within thirty days from service of this order, plaintiff shall file either (1) an amended 6 | complaint or (2) notice of voluntary dismissal of this action without prejudice. 7 4. Failure to timely file either an amended complaint or notice of voluntary dismissal may 8 | result in the imposition of sanctions, including a recommendation that this action be dismissed 9 | with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 10 5. The Clerk of Court shall send plaintiff a complaint form with this order. 11 IT IS SO ORDERED. 13 (1 ow —

Dated: _ July 29, 2025 q——

14 JEREMY D. PETERSON

15 UNITED STATES MAGISTRATE JUDGE

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