

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Strawn v. Sonneveld

Strawn · No. No. 2:25-CV-01809-DAD-DMC · Decided August 7, 2025

OPINION

(PS) Strawn v. Sonneveld

PER CURIAM.

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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 MELISSA ANN STRAWN, No. 2:25-CV-01809-DAD-DMC

12 Plaintiff, 13 v. ORDER

14 JORD SONNEVELD,

15 Defendant. 16

17 Plaintiff, who is proceeding pro se, brings this civil action. Pending before the 18 Court is
Plaintiff's original complaint. See ECF No. 1. 19 The Court is required to screen complaints
brought by litigants who, as here, have 20 been granted leave to proceed in forma pauperis. See 28
U.S.C. § 1915(e)(2). Under this 21 screening provision, the Court must dismiss a complaint or
portion thereof if it: (1) is frivolous or 22 malicious; (2) fails to state a claim upon which relief can
be granted; or (3) seeks monetary relief 23 from a defendant who is immune from such relief. See
28 U.S.C. §§ 1915(e)(2)(A), (B). 24 Moreover, pursuant to Federal Rule of Civil Procedure 12(h)
(3), this Court must dismiss an 25 action if the Court determines that it lacks subject matter
jurisdiction. Pursuant to Rule 12(h)(3), 26 the Court will also consider as a threshold matter
whether it has subject-matter jurisdiction. 27 /// 28 ///

1 I. BACKGROUND

2 A. Procedural Background 3 Plaintiff filed this complaint on June 28, 2025, against Defendant
Sonneveld. See 4 ECF No. 1. The same day, Plaintiff filed a motion for a temporary restraining
order, seeking to 5 prevent Defendant Sonneveld from enforcing the Washington State final
judgement dated June 6 18, 2025, and seeking to preclude enforcement of an existing Washington
Domestic Violence 7 protection order. See ECF No. 3. On July 2, 2025, the District Judge denied
Plaintiff's motion for 8 a temporary restraining order due to Plaintiff's failure to establish
likelihood of success on the 9 merits of her claims, citing Rooker-Feldman abstention. See ECF
No. 4. 10 B. Plaintiff's Allegations 11 Plaintiff asserts five causes of action claiming Defendant
violated Plaintiff's 12 Fourteenth Amendment rights as to custody of Plaintiff's children, the

Violence Against Women 13 Act (18 U.S.C. § 2265), the Parental Kidnapping Prevention Act (28 U.S.C. § 1738A), the 14 Americans with Disabilities Act (42 U.S.C. § 12132), and Plaintiff's Fourteenth Amendment 15 rights as to Plaintiff's home. See ECF No. 1, pgs. 5-6. 16 According to Plaintiff, the Superior Court of King County, Washington directed 17 the sale of Plaintiff's California home, permitted Defendant to access that home to retrieve his 18 property, and awarded Defendant sole custody of Plaintiff's three children on June 18, 2025. See 19 *id.* at 1 and 4. Plaintiff contends she was unable to participate in the proceedings leading up to 20 that determination despite informing the Court "she was medically incapacitated with pneumonia 21 and mononucleosis." *Id.* at 1. Plaintiff attaches a letter from her doctor to support her claim of 22 medical incapacitation. See *id.* at 9. Plaintiff contends that the June 18, 2025, determination was 23 based on Defendant's "fraudulent representations including false claims regarding his status as a 24 confirmed domestic violence perpetrator, his parenting history, and his financial status." *Id.* at 2. 25 Plaintiff asserts that the June 18, 2025, determination as to the sale of Plaintiff's 26 home was issued "in direct violation of an active Domestic Violence Protection Order (DVPO) 27 issued by King County, WA which prohibits Defendant from coming within 1,000 feet of 28 Plaintiff's home,," which was renewed as recently as December 6, 2024. *Id.* According to 1 Plaintiff, enforcement of the determination may result in "irreparable harm to Plaintiff and her 2 children." *Id.* at 4. 3 Plaintiff requests the following relief in her complaint: (1) a preliminary injunction 4 prohibiting Defendant from enforcing any portion of the June 18, 2025 Washington state court 5 judgment; (2) a declaration that enforcement of the Washington judgment would violate 6 Plaintiff's constitutional and statutory rights; (3) an order preserving the status quo pending 7 outcome of state appellate proceedings; and (4) any additional relief this court deems just and 8 proper. *Id.* at 6. 9

10 II. DISCUSSION

11 The majority of Plaintiff's claims allege legal error by the state court and seek a de 12 facto appeal from the state court judgment and therefore, jurisdiction over such claims is barred 13 under Rooker-Feldman abstention. However, jurisdiction over Plaintiff's claim that Defendant 14 presented fraudulent testimony to the state court may not be barred under Rooker-Feldman if such 15 claim was not raised and decided on the merits at the state court. Thus, the Court will provide 16 leave to amend as to the claim of fraudulent testimony for Plaintiff to establish whether such 17 claims were raised to the state court. 18 Under the Rooker-Feldman abstention doctrine, federal courts lack jurisdiction to 19 hear matters already decided in state court. See *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 20 (1923); *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983). The doctrine 21 applies in cases "brought by state court losers complaining of injuries caused by state court 22 judgments rendered before the district court proceedings commenced and inviting district court 23 review and rejection of those judgments." *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 24 544 U.S. 280 (2005). For jurisdiction to be barred under Rooker-Feldman abstention, the plaintiff 25 must be both seeking relief from state court judgment and

“allege[] a legal error by the state 26 court.” *Bell v. City of Boise*, 709 F.3d 890, 897 (9th Cir. 2013); see also *Kougasian v. TMSL, 27 Inc.*, 359 F.3d 1136, 1140 (9th Cir. 2004) (“*Rooker-Feldman* thus applies only when the federal 28 plaintiff both asserts as her legal error or errors by the state court and seeks as her remedy relief 1 from the state court judgment.”). 2 Here, Plaintiff alleges the King County court committed multiple legal errors 3 during the proceedings, including denying Plaintiff’s requests for continuances, issuing a decision 4 based on false testimony, and issuing a decision in direct conflict with a prior protective order. 5 See *id.* at 2-4. As to the claims of denying Plaintiff’s requests for continuances and issuing a 6 decision in conflict with a prior protective order, such claims allege legal error, satisfying the first 7 requirement for *Rooker-Feldman* abstention. 8 Plaintiff additionally alleges the June 18, 2025, determination relied on false 9 testimony by Defendant. See *id.* at 2. If a claim of extrinsic fraud was raised at the state court 10 proceedings and the merits were addressed in such proceedings, *Rooker-Feldman* bars subsequent 11 adjudication by the federal courts. See *Reusser v. Wachovia Bank, N.A.*, 525 F.3d 855, 860 (9th

12 Cir. 2008). Thus, Plaintiff’s claim is barred if Plaintiff raised the issue of Defendant’s extrinsic 13 fraud to the state court and now seeks to challenge the state court’s decision on that matter. See 14 *id.* 1 However, Plaintiff’s complaint does not explicitly assert whether the state court addressed 15 Plaintiff’s claim of extrinsic fraud. See ECF No. 1. It is possible that the state court did not 16 address the merits of Plaintiffs’ allegation of extrinsic fraud, in which case, *Rooker-Feldman* 17 abstention may not apply. Given this ambiguity, the Court will provide Plaintiff with leave to 18 amend as to the allegation of extrinsic fraud. 19 Plaintiff seeks relief from the state court judgment, the exact relief which invokes 20 *Rooker-Feldman* abstention. Plaintiff’s claims of denying Plaintiff’s requests for continuances 21 and issuing a decision in conflict with a prior protective order both allege legal error, and Plaintiff 22 seeks relief from the state court determination. Thus, jurisdiction over such claims is barred under 23 24 1 On this issue, the District Judge cited *Besoyan v. Sacramento Cnty.*, No. 2:16-cv-00046- KJM-EFB, 2017 WL 1361655 (E.D. Cal. Jan. 27, 2017), which found jurisdiction over a claim 25 arising from an allegation of “fraudulent testimony” was barred under *Rooker-Feldman*. See ECF No. 4, pg. 5. But see *Kougasian*, 359 F.3d at 1140-41 (holding that “a plaintiff alleging extrinsic 26 fraud on a state court is not alleging a legal error by the state court; rather, he or she is alleging a 27 wrongful act by the adverse party Extrinsic fraud on a court is, by definition, not an error by that court. It is, rather, a wrongful act committed by the party or parties who engaged in the 28 fraud.”). 1 *Rooker-Feldman*. 2

3 III. CONCLUSION

4 Because it is possible that some of the deficiencies identified in this order may be 5 cured by amending the complaint, Plaintiff is entitled to leave to amend prior to dismissal of the 6 entire action. See *Lopez v. Smith*, 203 F.3d 1122, 1126, 1131 (9th Cir. 2000) (en banc). Plaintiff 7 is informed that, as a general rule, an amended complaint supersedes the original complaint. See 8

Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992). Thus, following dismissal with leave to 9 amend, all claims alleged in the original complaint which are not alleged in the amended 10 complaint are waived. See King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987). Therefore, if 11 Plaintiff amends the complaint, the Court cannot refer to the prior pleading in order to make 12 Plaintiff's amended complaint complete. See Local Rule 220. An amended complaint must be 13 complete in itself without reference to any prior pleading. See id. 14 If Plaintiff chooses to amend the complaint, Plaintiff must demonstrate how the 15 conditions complained of have resulted in a deprivation of Plaintiff's constitutional rights. See 16 Ellis v. Cassidy, 625 F.2d 227 (9th Cir. 1980). The complaint must allege in specific terms how 17 each named defendant is involved and must set forth some affirmative link or connection between 18 each defendant's actions and the claimed deprivation. See May v. Enomoto, 633 F.2d 164, 167 19 (9th Cir. 1980); Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978). 20 Because some of the defects identified in this order cannot be cured by 21 amendment, Plaintiff is not entitled to leave to amend as to such claims. Plaintiff, therefore, now 22 has the following choices: (1) Plaintiff may file an amended complaint which does not allege the 23 claims identified herein as incurable, in which case such claims will be deemed abandoned and 24 the Court will address the remaining claims; or (2) Plaintiff may file an amended complaint which 25 continues to allege claims identified as incurable, in which case the Court will issue findings and 26 recommendations that such claims be dismissed from this action, as well as such other orders 27 and/or findings and recommendations as may be necessary to address the remaining claims. 28 / / /] Finally, Plaintiff is warned that failure to file an amended complaint within the 2 || time provided in this order may be grounds for dismissal of this action. See Ferdik, 963 F.2d at 3 || 1260-61; see also Local Rule 110. Plaintiff is also warned that a complaint which fails to comply 4 | with Rule 8 may, in the Court's discretion, be dismissed with prejudice pursuant to Rule 41(b). 5 || See Neviyel v. North Coast Life Ins. Co., 651 F.2d 671, 673 (9th Cir. 1981). 6 Accordingly, IT IS HEREBY ORDERED that: 7 1. Plaintiffs original complaint is dismissed with leave to amend; and 8 2. Plaintiff shall file a first amended complaint within 30 days of the date of 9 || service of this order. 10 11 | Dated: August 7, 2025 Ss..c0_,

DENNIS M. COTA

13 UNITED STATES MAGISTRATE JUDGE

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