

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Wu v. Pesce

Wu · No. 2:25-cv-0760-TLN-JDP (PS) · Decided March 13, 2025

SUMMARY

The court recommends dismissing without leave to amend a pro se plaintiff’s § 1983 complaint concerning an allegedly unlawful eviction and state criminal proceedings. It concludes that the federal court lacks jurisdiction under the Rooker-Feldman doctrine and that the defendants are otherwise immune or were not alleged to act under color of state law. The plaintiff’s motion to proceed in forma pauperis was granted, and the matter was referred to a district judge for review of the recommendations.

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	March 13, 2025
DOCKET	2:25-cv-0760-TLN-JDP (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff filed a civil-rights complaint and moved to proceed in forma pauperis. A magistrate judge screened the complaint and issued findings and recommendations that the complaint be dismissed without leave to amend for lack of subject-matter jurisdiction and failure to state a claim.
STANDARD OF REVIEW	The complaint was screened under 28 U.S.C. § 1915(e), with failure-to-state-a-claim principles under Federal Rule of Civil Procedure 8(a) (2) and the plausibility standard of Bell Atlantic Corp. v. Twombly and Ashcroft v. Iqbal. Because plaintiff proceeded pro se, the complaint was construed liberally.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Ichi Wu v. Jamie Pesce, Vern R. Pierson, Joshua Stillnian, Sarah Reimche, Kathryn Schulz, Abigail Rosemon, Emig Max Ordonez, Margorie

TOPICS

subject matter jurisdiction

section 1983

civil rights

pleadings

motions to dismiss

PRACTICE AREAS

civil procedure

civil rights

constitutional law

criminal procedure

QUESTIONS PRESENTED

1. Whether the federal district court had subject-matter jurisdiction over claims seeking relief for injuries allegedly resulting from state-court criminal proceedings.
2. Whether the complaint stated a claim under 42 U.S.C. § 1983 against the judge, prosecutor, public defenders, former employer, and private individual.
3. Whether dismissal without leave to amend was appropriate because the pleading deficiencies could not be cured by amendment.

HOLDINGS

1. The Rooker-Feldman doctrine deprives federal district courts of jurisdiction over claims seeking redress for injuries allegedly caused by state-court decisions, including claims framed as constitutional challenges to those decisions.
2. The claim for damages against the judge was barred by absolute judicial immunity because the alleged conduct consisted of judicial acts within the court's jurisdiction.
3. The claim for damages against prosecutor Pierson was barred by absolute prosecutorial immunity for conduct involving the traditional functions of a criminal advocate.
4. The public defenders were not liable under § 1983 for their work on plaintiff's criminal cases because they did not act under color of state law in that capacity.
5. The complaint failed to state a § 1983 claim against Ordonez and Margorie because it did not allege that either defendant acted under color of state law.
6. Dismissal without leave to amend was appropriate where the jurisdictional and pleading deficiencies could not be cured by amendment.

KEY QUOTATIONS

"This court does not have jurisdiction to review state court decisions." (at 3)

"Accordingly, plaintiff's complaint should be dismissed for lack of jurisdiction and for failure to state a claim." (at 4)

“Plaintiff’s complaint, ECF No. 1, be DISMISSED without leave to amend for want of subject matter jurisdiction and failure to state a claim.” (at 5)

FACTUAL BACKGROUND

Wu alleged that he lived in his former employer Ordonez's home as part of his employment and was later evicted by El Dorado County Sheriff's deputies after he allegedly declined to leave voluntarily. He was arrested during the eviction and charged with resisting arrest and other offenses; the criminal charges were dismissed after he successfully completed a mental-health diversion program. Wu sued the state-court judge, prosecutor, public defenders, former employer, and another private individual, alleging an unlawful eviction and related constitutional violations.

PROCEDURAL HISTORY

Wu filed a complaint under 42 U.S.C. § 1983 alleging an unlawful eviction and wrongful criminal proceedings. The magistrate judge granted the motion to proceed in forma pauperis, ordered random assignment of a district judge, and recommended dismissal without leave to amend. The recommendation was submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), subject to objections.

DISPOSITION

other

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)
- 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)
- Schucker v. Rockwood, 846 F.2d 1202, 1204 (9th Cir. 1988) (per curiam)
- Kalina v. Fletcher, 522 U.S. 118, 131 (1997)
- Buckley v. Fitzsimmons, 509 U.S. 259, 273 (1993)
- Imbler v. Pachtman, 424 U.S. 409, 430 (1976)
- Polk Cnty. v. Dodson, 454 U.S. 312, 325 (1982)
- Price v. Hawaii, 939 F.2d 702, 707-08 (9th Cir. 1991)

- Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987)
- Silva v. Di Vittorio, 658 F.3d 1090, 1105 (9th Cir. 2011)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

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