

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Christopher Bunker, et al. v. Joseph Buccinio, et al.

Bunker v. Buccinio · No. 2:23-cv-09263-FLA (DFM) · Decided October 24, 2025

SUMMARY

The United States District Court for the Central District of California accepted a magistrate judge's Report and Recommendation concerning Plaintiffs' motion for leave to file a Fourth Amended Complaint. The court held that Younger abstention applied because the related state probate action was pending when the federal action was filed, implicated important state interests, and provided an adequate forum for Plaintiffs' claims. The court denied the motion for leave to amend.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 11 CHRISTOPHER BUNKER, et al., Case No. 2:23-cv-09263-FLA (DFM) 12
Plaintiffs, ORDER ACCEPTING REPORT AND 13 v. RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE 14 JOSEPH BUCCINIO, et al., 15 Defendants. 16 17 18
Pursuant to 28 U.S.C. § 636, the court has reviewed the pleadings and all the 19 records and files
herein, along with the Report and Recommendation (Dkt.

195, 20 "Report") of the assigned United States Magistrate Judge. Furthermore, the court has 21
conducted a de novo review of the objections that were filed. 22 The Report recommends the
denial of Plaintiffs' motion for leave to file a 23 Fourth Amended Complaint, Dkt. 187, because it
is barred by Younger v. Harris, 401 24 U.S. 37 (1971), and fails to state a claim for relief.

Dkt. 195. Plaintiffs concede the 25 proposed Fourth Amended Complaint fails to state a claim for
relief, but object that 26 Younger abstention is improper for three reasons. Dkt. 196 at 2.
Plaintiffs' objections 27 do not merit any change to the Report's findings and recommendations.
28 / / / 1 First, Plaintiffs object that Younger abstention is improper because the state 2 court
probate action¹ is not "ongoing." Dkt.

196 at 3–4. They argue the Probate 3 Action is not ongoing because it is "dormant" and "held in
abeyance" while they 4 litigate the instant federal action. Id. For purposes of Younger, however,
the Ninth 5 Circuit has held that "[i]t is irrelevant that the state ... action was stayed ... to allow 6
the federal suit to proceed." San Remo Hotel v. City and County of San Francisco, 7 145 F.3d
1095, 1104 (9th Cir.

1998). As a result, a court's "inquiry on prong one of 8 the Younger test is not on what is currently occurring in the state proceedings, but is 9 focused on the narrow question of whether they were pending at the time the federal 10 suit was filed[.]" Id. "[I]t seems backwards to reject abstention because the state 11 proceedings have been stayed to allow the federal case to proceed.

This is exactly the 12 interference that Younger abstention is designed to prevent." Id. Because the Probate 13 Action was pending in state court at the time Plaintiffs' federal suit was filed, the first 14 Younger requirement is met. 15 Second, Plaintiffs object that Younger abstention is improper because the 16 Probate Action does not implicate important state interests.

Dkt. 196 at 4. 17 Specifically, they object that the "state of California has no legitimate interest in 18 protecting [against] private actors who commit fraud upon its courts." Id. Their 19 objection, however, concedes the state's important interest in enforcing its courts' 20 orders and judgments, because Plaintiffs' allegation that fraud is being tolerated would 21 "challenge the very process by which those judgments were obtained" in state court.

22 *Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1, 14 (1987); see also *Prostitis v. Riverside* 23 Superior Family Court, 2020 WL 3843727, at *10 (C.D. Cal. Apr. 15, 2020) (Younger 24 abstention was proper where plaintiff challenged state court process by alleging, 25 among other things, that state judge allowed perjury in his courtroom).

Because the 26 27 1 The action is styled Estate of Richard Bochicchio, Case No. PROSB2201534, and is 28 pending before the San Bernardino County Superior Court (the "Probate Action"). 1 Probate Action implicates an important state interest in enforcing the orders and 2 judgments issued by its courts without federal interference, the second and third 3 Younger requirements are met.

4 Third, Plaintiffs object that Younger abstention is improper because the Probate 5 Action does not provide an adequate forum for their federal claims. Dkt. 196 at 4–5. 6 Specifically, they object that the state court presiding over the Probate Action is a 7 court of "limited jurisdiction" and cannot hear civil rights claims under 42 U.S.C. § 8 1983. Id. State courts, however, are courts of general jurisdiction and "a pending 9 state proceeding, in all but unusual cases, would provide the federal plaintiff with the 10 necessary vehicle for vindicating his constitutional rights[.]" *Steffel v. Thompson*, 415 11 U.S. 452, 460 (1974).

12 Moreover, Plaintiffs previously raised a similar argument about the purported 13 limited jurisdiction of the state court, and the Magistrate Judge's explanation for why 14 the argument is incorrect continues to apply. Dkt. 78 at 1–2.

As the Magistrate Judge 15 previously explained to Plaintiffs, "there is no separate 'probate court' in California, 16 with probate jurisdiction vested in the Superior Court." Id. at 1. "Technically, 17

California does not have ‘probate courts.’ The term ‘probate court’ is but a convenient way of expressing the concept of a superior court sitting in exercise of its probate jurisdiction.

This is but a colloquial expression. The same is true for the term ‘family court.’” Id. (quoting *In re Michael R.*, 137 Cal. App. 4th 126, 131 n. 1 (2006)). “Moreover, ‘the probate court is a court of general jurisdiction with broad equitable powers.’” Id. at 2 (quoting *Estate of Kraus*, 184 Cal. App. 4th 103, 114 (2010)). “Here, the underlying [P]robate [A]ction involves a will contest, and thus the probate court has jurisdiction to adjudicate matters in connection with said proceedings.” Id. Because Plaintiffs have an adequate forum in state court, the fourth Younger requirement is met.

Accordingly, the court accepts the findings, conclusions, and recommendations of the United States Magistrate Judge. 1 IT IS THEREFORE ORDERED that Plaintiffs’ motion for leave to file a 2 | Fourth Amended Complaint (Dkt. 187) is DENIED. 3 4 | Dated: October 24, 2025 5 FERNANDO’L. AENLLE-ROCHA ‘ United States District Judge 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28