

**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

OPINION

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

PER CURIAM.

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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 18 convenient way of expressing the concept of a superior court sitting in exercise of its 19 probate jurisdiction. This is but a colloquial expression. The same is true for the term 20 ‘family court.’” Id. (quoting *In re Michael R.*, 137 Cal. App. 4th 126, 131 n. 1 21 (2006)). “Moreover, ‘the probate court is a court of general jurisdiction with broad 22 equitable powers.’” Id. at 2 (quoting *Estate of Kraus*, 184 Cal. App. 4th 103, 114 23 (2010)). “Here, the underlying [P]robate [A]ction involves a will contest, and thus the 24 probate court has jurisdiction to adjudicate matters in connection with said 25 proceedings.” Id. Because Plaintiffs have an adequate forum in state court, the fourth 26 Younger requirement is met. 27 Accordingly, the court accepts the findings, conclusions, and recommendations 28 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

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