

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Oliver v. Napa County District Attorney Employee(s), et al.

Oliver · No. 25-cv-02769-WHO · Decided July 18, 2025

OPINION

Oliver v. Napa County District Attorney Employee(s)

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 DAVID JEROME OLIVER, Case No. 25-cv-02769-WHO 8 Plaintiff,

ORDER GRANTING THE MOTION

9 v. TO DISMISS AND DENYING THE

MOTION FOR SUMMARY

10 NAPA COUNTY DISTRICT ATTORNEY JUDGMENT AND THE MOTION TO

EMPLOYEE(S), et al., VACATE 11 Defendants. Re: Dkt. Nos. 9, 10, 22, 28 12 Plaintiff David
Jerome Oliver (“Mr. Oliver”), proceeding pro se, filed this lawsuit against a 13 number of entities
including Napa County district attorneys, public defenders, and judges, alleging 14 that he was
arrested and imprisoned twice pursuant to void court order. He seeks monetary 15 damages and
injunctive relief. His Third Amended Complaint (“TAC”) [Dkt. No.8] is vague and 16 his papers
are inconsistent concerning the relief he seeks and what wrong he alleges has been done 17 by
which parties. But based on the face of the complaint and Mr. Oliver’s representations at the 18
hearing on the motions, it is clear that I do not have subject matter jurisdiction to review his case.
19 The TAC further raises issues of sovereign and judicial immunity. The defects within it cannot
be 20 cured. For these reasons, I GRANT the Judicial Defendants’ Motion to Dismiss and
DISMISS the 21 TAC with prejudice.1 22

BACKGROUND

23 The following background is based on my best understanding of Mr. Oliver’s allegations 24
brought in the TAC and his argument at the hearing.2 25 26 1 Mr. Oliver’s Motion for Summary
Judgment and Motion to Vacate or Set Aside, as well as the County Defendants’ Motion to
Dismiss are mooted by this Order. 27 1 At some point prior to 2014, Mr. Oliver believed that
Stanislaus County Superior Court 2 had issued a restraining order against him. TAC ¶ 15. At the
hearing on the motions in this case, 3 he asserted that he had never been to Stanislaus County. Yet
he has been jailed several times for 4 violating the order. TAC Introduction ¶ 2. 5 On January 15,
2014, Napa County Superior Court and District Attorney Gary Lieberstein 6 filed a criminal

complaint against Mr. Oliver for violation of the restraining order. TAC ¶ 1. On 7 March 28, 2014, Napa County Superior Court and District Attorney Taryn Hunter filed a second 8 criminal complaint against him for violation of the restraining order. He was arrested on May 12, 9 2014, by a Merced County sheriff. TAC ¶ 13. The Napa County Superior Court issued bench 10 warrants against him for both outstanding criminal cases, and released him on his own 11 recognizance. Id. He alleges that he “was forced against his will to sign” the release forms. Id. 12 In April 2015, Mr. Oliver contacted the Stanislaus County clerk to inquire about the 13 restraining order, using the case number included on his Napa County criminal complaints: 14 CF1989133. TAC ¶ 15. According to the TAC, the clerk informed him that the number provided 15 was a “non-existent court order,” because Stanislaus County uses the letters CV, CR, and FL to 16 indicate civil, criminal, and family law cases respectively, and it does not use the letters “CF” in 17 administering its cases. Id. The clerk also told him that Stanislaus County uses six-digit numbers 18 to identify cases, whereas the number he provided included seven digits. Id. In 2023, believing 19 the restraining order to be void, Mr. Oliver requested that Napa County Superior Court dismiss the 20 criminal cases against him. Id. The court denied his requests. Id. 21 On March 10, 2025, Mr. Oliver was arrested in the City of Alameda based on the 22 outstanding bench warrants in the Napa County Superior Court cases. TAC ¶ 18. His bail was set 23 at \$10,000 for one case, and \$15,000 for the second case. Id. Judges Elia Ortiz and Robert 24 Stamps presided over various aspects of Mr. Oliver’s proceedings in Napa County Superior Court. 25 TAC ¶¶ 19–23. In April 2025, Mr. Oliver was ordered to comply with “supervised probation.” 26 27 Fed. R. Civ. P. 15(a) (1). Any subsequent amendment requires leave of the court. Understanding 1 TAC ¶¶ 22–23. On April 23, 2025, believing the restraining order to be void and Napa County 2 Superior Court to be without jurisdiction, Mr. Oliver says that he filed a formal complaint with 3 the “Fairfield California Federal Bureau of Investigation” for judicial misconduct. TAC ¶ 29. 4 On March 24, 2025, Mr. Oliver filed suit in this court against the following defendants: 5 Napa County Superior Court, Judge Cynthia Smith (presiding judge), Judge Elia Ortiz, and Judge 6 Robert Stamps (together, “Judicial Defendants”); Napa County District Attorney Employee(s), 7 District Attorney Gary Lieberstein, Deputy District Attorney Taryn Hunter, Prosecuting Attorney 8 Diane Knoles, Napa County Public Defender’s Office Employee(s), Chief Deputy Public 9 Defender Ji-Hyun Cho, Deputy Public Defender Michael F. Lernhard, Public Defender Abraham 10 Gardner, and Public Defender Kris Keeley, (together, “County Defendants”). See Dkt. No. 1. He 11 alleges four causes of action: (1) Violation of the Fourteenth Amendment Equal Protection Clause 12 pursuant to 42 U.S.C. § 1983; (2) Violation of the Eighth Amendment prohibition against excessive 13 bail; (3) Violation of the Eighth Amendment prohibition against Cruel and Unusual Punishment; 14 and (4) Violation of the Fourteenth Amendment Due Process Clause. TAC ¶¶ 32–40. He has 15 sought pro bono legal assistance with this case but has failed to find counsel. TAC ¶ 30. 16 On April 25, 2025, Mr. Oliver filed a Motion for Summary Judgment and a Motion for an 17 Order to Vacate or Set Aside the state court’s judgments. See Dkt. Nos. 9, 10. County Defendants 18 did not enter an

appearance until May 7, 2025. On May 22, 2025, Judicial Defendants filed a 19 Motion to Dismiss. Dkt. No.22. Mr. Oliver opposed the motion and requested judicial notice of 20 several court documents related to the underlying state court cases.³ Dkt. Nos. 31, 38. Judicial 21 Defendants replied. Dkt. No. 35. Judicial Defendants and County Defendants opposed Mr. 22 Oliver's earlier-filed motions.⁴ Dkt. Nos. 24, 28, 27 (opposing the motion to vacate); Dkt. Nos. 23 3 Defendants do not contest Mr. Oliver's request for judicial notice. Judicial defendants likewise 24 request that I take judicial notice of the criminal cases filed against Mr. Oliver in Napa County Superior Court. Both requests are GRANTED. See *U.S. v. Ritchie*, 342 F.3d 903, 908 (9th Cir. 25 2003) ("Courts may only take judicial notice of adjudicative facts that are not subject to reasonable dispute."); *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 26 2006) (explaining that "court filings and other matters of public record" are sources whose accuracy is not subject to reasonable dispute). 27 1 25, 29 (opposing the motion for summary judgment). Mr. Oliver replied. Dkt. Nos. 11, 12, 33, 2 37. I held a hearing on the motions on July 16, 2025.⁵

3 LEGAL STANDARD

4 I. Rule 12(b)(1) 5 A motion to dismiss filed pursuant to Rule 12(b)(1) is a challenge to the court's subject 6 matter jurisdiction. See Fed. R. Civ. P. 12(b)(1). "Federal courts are courts of limited 7 jurisdiction," and it is "presumed that a cause lies outside this limited jurisdiction." *Kokkonen v. 8 Guardian Life Ins. of Am.*, 511 U.S. 375, 377 (1994). The party invoking the jurisdiction of the 9 federal court bears the burden of establishing that the court has the requisite subject matter 10 jurisdiction to grant the relief requested. *Id.* 11 A challenge pursuant to Rule 12(b)(1) may be facial or factual. See *Safe Air Safe Air for 12 Everyone v. Meyer*, 373 F.3d 1035, 1039 (9th Cir. 2004). In a facial attack, the jurisdictional 13 challenge is confined to the allegations pled in the complaint. See *Wolfe v. Strankman*, 392 F.3d 14 358, 362 (9th Cir. 2004). The challenger asserts that the allegations in the complaint are 15 insufficient "on their face" to invoke federal jurisdiction. See *Safe Air*, 373 F.3d at 1039. To 16 resolve this challenge, the court assumes that the allegations in the complaint are true and draws 17 all reasonable inference in favor of the party opposing dismissal. See *Wolfe*, 392 F.3d at 362. 18 "By contrast, in a factual attack, the challenger disputes the truth of the allegations that, by 19 themselves, would otherwise invoke federal jurisdiction." *Safe Air*, 373 F.3d at 1039. To resolve 20 this challenge, the court "need not presume the truthfulness of the plaintiff's allegations." *Id.* 21 (citation omitted). Instead, the court "may review evidence beyond the complaint without 22 converting the motion to dismiss into a motion for summary judgment." *Id.* (citations omitted). 23 "Once the moving party has converted the motion to dismiss into a factual motion by presenting 24 affidavits or other evidence properly brought before the court, the party opposing the motion must 25 26 5 After the hearing on these motions was scheduled, the County Defendants filed a Motion to 27 Dismiss. Dkt. No. 40. Mr. Oliver has not yet had an opportunity to oppose the motion, and so I 1 furnish affidavits or other evidence necessary to satisfy its burden of establishing subject matter 2

jurisdiction.” *Id.* (quoting *Savage v. Glendale Union High Sch. Dist.* No. 205, 343 F.3d 1036, 3 1040 n.2 (9th Cir. 2003)). 4 II. Rule 12(b)(6) 5 Under Federal Rule of Civil Procedure 12(b)(6), a district court must dismiss a complaint 6 if it fails to state a claim upon which relief can be granted. To survive a Rule 12(b)(6) motion to 7 dismiss, the plaintiff must allege “enough facts to state a claim to relief that is plausible on its 8 face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is facially plausible when 9 the plaintiff pleads facts that “allow the court to draw the reasonable inference that the defendant 10 is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citation 11 omitted). This standard is not akin to a probability requirement, but there must be “more than a 12 sheer possibility that a defendant has acted unlawfully.” *Id.* While courts do not require 13 “heightened fact pleading of specifics,” a plaintiff must allege facts sufficient to “raise a right to 14 relief above the speculative level.” *Twombly*, 550 U.S. at 555, 570. 15 In deciding whether the plaintiff has stated a claim upon which relief can be granted, the 16 court accepts the plaintiff’s allegations as true and draws all reasonable inferences in favor of the 17 plaintiff. See *Usher v. City of Los Angeles*, 828 F.2d 556, 561 (9th Cir. 1987). However, the court 18 is not required to accept as true “allegations that are merely conclusory, unwarranted deductions of 19 fact, or unreasonable inferences.” *In re Gilead Scis. Sec. Litig.*, 536 F.3d 1049, 1055 (9th Cir. 20 2008). 21 If the court dismisses the complaint, it “should grant leave to amend even if no request to 22 amend the pleading was made, unless it determines that the pleading could not possibly be cured 23 by the allegation of other facts.” *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000). In making 24 this determination, the court should consider factors such as “the presence or absence of undue 25 delay, bad faith, dilatory motive, repeated failure to cure deficiencies by previous amendments, 26 undue prejudice to the opposing party and futility of the proposed amendment.” *Moore v. Kayport 27 Package Express*, 885 F.2d 531, 538 (9th Cir. 1989). 1 inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by 2 lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (citations omitted); see also *Bretz v. 3 Kelman*, 773 F.2d 1026, 1027 n.1 (9th Cir. 1985) (en banc). However, pro se pleadings must still 4 allege facts sufficient to allow a reviewing court to determine whether a claim has been stated. 5 *Ivey v. Bd. of Regents of Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982). “A pro se litigant 6 must be given leave to amend his or her complaint, and some notice of its deficiencies, unless it is 7 absolutely clear that the deficiencies of the complaint could not be cured by amendment.” *Cato v. 8 United States*, 70 F.3d 1103, 1106 (9th Cir. 1995) (citation omitted). 9 III. Rule 56(a) 10 Summary judgment on a claim or defense is appropriate “if the movant shows that there is 11 no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of 12 law.” Fed. R. Civ. Proc. 56(a). In order to prevail, a party moving for summary judgment must 13 show the absence of a genuine issue of material fact with respect to an essential element of the 14 non-moving party’s claim, or to a defense on which the non-moving party will bear the burden of 15 persuasion at trial. See *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). Once the movant has 16 made this showing, the

burden then shifts to the party opposing summary judgment to identify 17 “specific facts showing there is a genuine issue for trial.” *Id.* The party opposing summary 18 judgment must then present affirmative evidence from which a jury could return a verdict in that 19 party’s favor. *Anderson v. Liberty Lobby*, 477 U.S. 242, 257 (1986). 20 On summary judgment, the Court draws all reasonable factual inferences in favor of the 21 non-movant. *Id.* at 255. In deciding a motion for summary judgment, “[c]redibility 22 determinations, the weighing of the evidence, and the drawing of legitimate inferences from the 23 facts are jury functions, not those of a judge.” *Id.* However, conclusory and speculative testimony 24 does not raise genuine issues of fact and is insufficient to defeat summary judgment. See 25 *Thornhill Publ’g Co., Inc. v. GTE Corp.*, 594 F.2d 730, 738 (9th Cir. 1979). 26 IV. Rule 60(b) 27 Under Rule 60(b), the court may grant reconsideration of a final judgment and any order 1 (4) a void judgment; (5) a satisfied or discharged judgment; or (6) extraordinary circumstances 2 which would justify relief.” *School Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 3 1255, 1263 (9th Cir.1993). Rule 60(b)(4) provides for relief from judgment on the basis that a 4 judgment is void. An incorrectly decided judgment is not itself sufficient to render a judgment 5 void. *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 130 S.Ct. 1367, 176 L.Ed.2d 158 6 (2010). “Rule 60(b)(4) applies only in the rare instance where a judgment is premised either on a 7 certain type of jurisdictional error or on a violation of due process that deprives a party of notice or 8 the opportunity to be heard.” *Id.*

9 DISCUSSION

10 I. Motion to Dismiss 11 A. State Court Proceedings 12 It is unclear from Mr. Oliver’s filings whether he is challenging ongoing state court 13 proceedings, fully adjudicated proceedings, or both. What is clear is that the complaint and 14 motions “are based on the Non-existent Stanislaus County Superior Court Case CF1989133 and 15 the Non-existent Stanislaus Court Order in which the Defendants Napa County Superior Court, 16 ‘Judicial Officials’ and the ‘County Defendants’ have no authority or subject matter jurisdiction to 17 act upon, engaged in or enforce.” Reply Motion to Vacate [Dkt. No. 34] 2. Mr. Oliver’s claims 18 for relief in the TAC rest on what he contends is a lack of Napa County Superior Court’s 19 jurisdiction over any existing or non-existing Stanislaus County case. It is not within my 20 jurisdiction to consider these issues—whether the cases have entered final dispositions or not. 21 The Rooker-Feldman doctrine applies if Mr. Oliver seeks to nullify a final state court 22 judgment because he believes the court lacked jurisdiction over the matter(s); he must seek that 23 relief through the state court appellate process. Laying out the elements of the Rooker-Feldman 24 doctrine, the Supreme Court in *Exxon Mobil Corporation v. Saudi Basic Industries* explained: “If 25 a “state court decision [is] wrong . . . that [does] not make the judgment void, but merely [leaves] 26 it open to reversal or modification in an appropriate and timely appellate proceeding.” U.S. 280, 27 284 (2005) (internal quotation marks and citation omitted). 1 County Superior Court, I may not. In *Hirsh v. Justices of Supreme Court of State of California*, 2 the Ninth Circuit explained that following the Supreme

Court's decision in *Younger v. Harris*, 3 federal district courts must generally "abstain from granting injunctive or declaratory relief that 4 would interfere with pending state judicial proceedings." 67 F. 3d 708, 712 (9th Cir. 1995) (citing 5 *Younger v. Harris*, 401 U.S. 37, 40–41 (1971)). The Ninth Circuit went on to explain: 6 Absent extraordinary circumstances, abstention in favor of state judicial proceedings is 7 required if the state proceedings (1) are ongoing, (2) implicate important state interests, and (3) provide the plaintiff an adequate opportunity to litigate federal law claims. 8 *Id.* If Mr. Oliver is challenging ongoing state judicial proceedings, each of these limitations 9 requiring *Younger* abstention is met. The State of California has important state interests in 10 11 prosecuting criminal violations. See, e.g., *Younger*, 401 U.S. at 51–52 (discussing the "chilling 12 effect" that federal intervention can have on state actions). And, he may bring any of his four 13 claims raised in the TAC before me in any state court appellate review. 14 No matter how Mr. Oliver perceives his case, I lack subject matter jurisdiction to consider 15 its merits. In light of the contents of the four submitted complaints and Mr. Oliver's arguments 16 presented at the hearing, he cannot cure these jurisdictional defects. See *Cato v. United States*, 70 17 F.3d at 1106. The TAC is DISMISSED with PREJUDICE. 18 19 B. Judicial Immunity 20 Given that I lack jurisdiction, this Order could and perhaps should end here. But for 21 completeness, I also find that Mr. Oliver's claims against the Judicial Defendants are barred by 22 judicial immunity. 23 [T]he scope of the judge's jurisdiction must be construed broadly where the issue is the 24 immunity of the judge. A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority; rather, he will 25 be subject to liability only when he has acted in the 'clear absence of all jurisdiction.' 26 *Stump v. Sparkman*, 435 U.S. 349, 356–357 (1978) (citation omitted). The Court noted in a later 27 case: Although unfairness and injustice to a litigant may result on occasion, it is a general 1 principle of the highest importance to the proper administration of justice that a judicial 2 officer, in exercising the authority vested in him, shall be free to act upon his own convictions, without apprehension of personal consequences to himself. 3 *Mireles v. Waco*, 502 U.S. 9, 9–10 (1991) (internal quotation marks and citation omitted). 4 There are two instances in which a judge is not immune. They are: (1) "[N]onjudicial 5 6 actions, i.e., actions not taken in the judge's judicial capacity;" and (2) "[A]ctions, though judicial 7 in nature, taken in the complete absence of all jurisdiction." *Id.* at 11–12. The latter is what Mr. 8 Oliver contends is at issue here. 9 Mr. Oliver asserts that because the Stanislaus County restraining order was nonexistent and 10 void, the Judicial Defendants had no jurisdiction to enforce it. He frequently alleges that all 11 defendants "knew or should have known" that the Court lacked jurisdiction. But that allegation is 12 belied by the Criminal Complaint filed against him on March 28, 2014, in Napa County Superior 13 14 Court, which Mr. Oliver submitted for judicial notice. *Oppo*. MTD 20–21. Included on the 15 Complaint is one charge against Mr. Oliver for "unlawfully commit[ting] contempt of the court by 16 willful disobedience of a process and order lawfully issued by a court, to wit, Form CH-140, 17 Restraining Order After Hearing To Stop Harrassment, Stanislaus County Case #CF1989133." *Id.*

18 It is within the scope of a state court judge's jurisdiction to enforce court-issued restraining 19
orders presented in a criminal complaint—even orders issued from another county. Napa County
20 Superior Court judges were not acting in "clear absence of all jurisdiction" when enforcing the
21 22 restraining order referenced in Mr. Oliver's criminal complaint. *Stump*, 435 U.S. at 357.
And if 23 the Superior Court judges' decisions were or are wrong, the state appellate court could
correct 24 25 26 27 them. Without question, the Judicial Defendants are entitled to judicial
immunity.^{6 7 1 2} II. Mr. Oliver's Additional Motions 3 Because I conclude that this court lack
subject matter jurisdiction over Mr. Oliver's 4 complaint, his additionally filed motions are
DENIED as moot. Substantively, they would also 5 fail. The summary judgment motion is
premature; he had not yet served defendants and there had 6 been no discovery by the time the
motion was filed. And his motion to vacate the state court 7 judgment under Federal Rule of Civil
Procedure 60(b) would fail because the Federal Rules 8 govern proceedings in federal court, not
state court. "The law is quite clear that Civil Rule 60(b) 9 10 applies to relief from judgment of a
federal court; it does not provide a basis for subject matter 11 jurisdiction over a claim for relief
from a state court judgment." *In re Reyes*, 2019 WL 1759749, 12 at *5 (B.A.P. 9th Cir. Apr. 19,
2019) affirmed, 812 F. App'x 464 (9th Cir. 2020) (emphasis in 13 original) (collecting cases). If
Mr. Oliver seeks appellate review of any procedural issue with his 14 Napa County Superior Court
cases, the proper channel to direct those concerns is through the 15 California Court of Appeals.
See California Courts Self-Help Guide, 16 selfhelp.courts.ca.gov/criminal-court/overview. 17 18
CONCLUSION

19 For the reasons explained above, the Judicial Defendants' Motion to Dismiss is 20 GRANTED
and the TAC is DISMISSED WITH PREJUDICE. Mr. Oliver's Motion for Summary 21 Judgment
and Motion to Vacate or Set Aside an Order are DENIED as moot. The County 22 Defendants'
Motion to Dismiss is VACATED. Judgment shall be entered in favor of all 23 24 6 Mr. Oliver's
claims likely also run afoul of prosecutorial immunity. However, the County 25 Defendants,
including several district attorneys, filed their 12(b)(6) motion separately from the Judicial
Defendants. As I have previously mentioned, I do not consider the County Defendants' 26
arguments in this Order. 27 7 As a final note, Mr. Oliver separately fails to state a claim against
Judge Cynthia Smith. That 1 defendants in accordance with this Order. 2 IT IS SO ORDERED. 3
Dated: July 18, 2025 4 . 5 iam H. Orrick 6 United States District Judge 4 8 9 10 11 a 12 13 14 15
16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28