

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

Daniel John-Reif v. Ryan Gray, et al.

Daniel John-Reif v. Ryan Gray, No. 2:24-cv-0968-KJM-JDP (PS) (E.D. Cal. Apr. 24, 2025) · No. 2:24-cv-0968-KJM-JDP (PS) · Decided April 24, 2025

OPINION

(PS) John-Reif v. Gray

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 DANIEL JOHN-REIF, Case No. 2:24-cv-0968-KJM-JDP (PS) 12 Plaintiff, 13 v. ORDER
14 RYAN GRAY, et al., 15 Defendants. 16 17 Plaintiff Daniel John-Reif brings this action against
defendants Ryan Gray, Sabrina Buis, 18 and Todd Jones, all of whom are California State Parks
and Recreation officers, and Michael 19 Deems, a state court judge. After review of his complaint,
I find that the claims are non- 20 cognizable, and I will dismiss the pleading with leave to amend.
I will also grant his application 21 to proceed in forma pauperis, ECF No. 2, which makes the
showing required by 28 U.S.C. 22 §§ 1915(a)(1) and (2). 23 Screening and Pleading
Requirements 24 A federal court must screen the complaint of any claimant seeking permission to
proceed 25 in forma pauperis. See 28 U.S.C. § 1915(e). The court must identify any cognizable
claims and 26 dismiss any portion of the complaint that is frivolous or malicious, fails to state a
claim upon 27 which relief may be granted, or seeks monetary relief from a defendant who is
immune from such 28 relief. Id. 1 A complaint must contain a short and plain statement that
plaintiff is entitled to relief, 2 Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to
relief that is plausible on its 3 face,” Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007). The
plausibility standard does not 4 require detailed allegations, but legal conclusions do not suffice.
See Ashcroft v. Iqbal, 556 U.S. 562, 678 (2009). If the allegations “do not permit the court to
infer more than the mere 6 possibility of misconduct,” the complaint states no claim. Id. at 679.
The complaint need not 7 identify “a precise legal theory.” Kobold v. Good Samaritan Reg’l Med.
Ctr., 832 F.3d 1024, 8 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set
of “allegations that 9 give rise to an enforceable right to relief.” Nagrampa v. MailCoups, Inc., 469
F.3d 1257, 1264 10 n.2 (9th Cir. 2006) (en banc) (citations omitted). 11 The court must construe a
pro se litigant’s complaint liberally. See Haines v. Kerner, 404 12 U.S. 519, 520 (1972) (per
curiam). The court may dismiss a pro se litigant’s complaint “if it 13 appears beyond doubt that
the plaintiff can prove no set of facts in support of his claim which 14 would entitle him to relief.”
Hayes v. Idaho Corr. Ctr., 849 F.3d 1204, 1208 (9th Cir. 2017). 15 However, “a liberal

interpretation of a civil rights complaint may not supply essential elements 16 of the claim that were not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 17 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 18 Analysis 19 Plaintiff’s lengthy complaint begins with the allegation that he was pulled over by 20 defendant Gray for driving without a license plate. ECF No. 1 at 8. Plaintiff took umbrage with 21 the stop because he believes that license plates are not required if he is “travelling in [his] private 22 capacity.” *Id.* at 9. Gray asked plaintiff to produce his identification, and he refused, believing 23 that he was under no obligation to do so. *Id.* at 11. Plaintiff’s claims that state licensing 24 requirements are inapplicable to him are frivolous and have been rejected by other courts. See 25 *Vazquez v. Cal. Highway Patrol*, No. 15-cv-00330-JCS, 2015 U.S. Dist. LEXIS 44885, *3-6 26 (N.D. Cal. Mar. 2, 2015). 27 Gray asked plaintiff to step out of the vehicle, plaintiff refused, and the officer radioed for 28 backup. *Id.* at 14. Defendants Buis and Jones arrived, and Gray pulled plaintiff from his vehicle, 1 since he persisted in refusing to step out. *Id.* at 15. He does allege that the officers used 2 excessive force in the removal, but he offers no factual detail as to how each officer wrongfully 3 used force. He may address this lack of context in his amended complaint, if he chooses to file 4 one. The officers then confiscated weapons from plaintiff’s person and searched his vehicle over 5 his protestations. *Id.* at 16. 6 Plaintiff was booked into Oroville County Jail and made bail. *Id.* at 18-19. He claims 7 that, after he was exonerated in the relevant court case, he could not recover the bail money 8 because it was paid for “Nicolas James Reis.” *Id.* at 18. I cannot tell what defendant, if any, is 9 alleged to be responsible for this apparent clerical error, nor does there appear to be any viable 10 federal claim associated therewith. 11 Plaintiff was allegedly charged with “made up” violations by defendant Gray, though he 12 does not explain how they were fabricated. *Id.* at 20. And, given his mention of the district 13 attorney elsewhere in his complaint, *id.* at 23, it does not appear that Gray was personally 14 responsible for bringing any charges against him. At an appearance in front of Judge Deems, 15 plaintiff claims that his rights were violated when the judge entered a not guilty plea on his 16 behalf. *Id.* at 20-21. Despite plaintiff’s contention to the contrary, it is settled law that judges are 17 immune from section 1983 claims for actions taken in their judicial capacity. See *Young v. 18 Siraco*, No. 2-cv-05418 EJD (PR), 2023 U.S. Dist. LEXIS 145812, at *6 (N.D. Cal. Aug. 18, 19 2023). Finally, to the extent that charges remain pending against plaintiff in state court, this court 20 must refrain from hearing any challenge to them under the Younger abstention doctrine. See 21 *Younger v. Harris*, 401 U.S. 37 (1971); *Mitchell v. Washington*, No. C12-1930-RSL-BAT, 2012 22 U.S. Dist. LEXIS 184399, *2 (W.D. Wash. Dec. 5, 2012) (citing *Younger* and noting that 23 “[e]xcept under narrow circumstances that are not present in this case, federal courts must abstain 24 from interfering with pending state criminal proceedings.”). 25 I will dismiss the complaint with leave to amend. Plaintiff is advised that an amended 26 complaint will entirely supersede its predecessor and must be complete in itself, without reference 27 to prior pleadings. Plaintiff’s amended complaint should be titled “First Amended Complaint.” 28 1 Accordingly, it is hereby ORDERED

that: 2 1. Plaintiff's motion to proceed in forma pauperis, ECF No. 2, is GRANTED. 3 2. Plaintiff's complaint, ECF No. 1, is DISMISSED with leave to amend. 4 3. Within thirty days from service of this order, plaintiff shall file either (1) an amended 5 | complaint or (2) notice of voluntary dismissal of this action without prejudice. 6 4. Failure to timely file either an amended complaint or notice of voluntary dismissal may 7 | result in the imposition of sanctions, including a recommendation that this action be dismissed 8 | with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 9 5. The Clerk of Court shall send plaintiff a complaint form with this order. 10 Wl IT IS SO ORDERED. 12 (ie — Dated: _ April 24, 2025 Q———

13 JEREMY D. PETERSON

4 UNITED STATES MAGISTRATE JUDGE

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