

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Eshawn Maurice Harrell v. Denise Lee, et al.

Harrell v. Lee · No. 25-cv-07433-NW · Decided January 23, 2026

SUMMARY

The United States District Court for the Northern District of California screened and dismissed Eshawn Maurice Harrell’s pro se civil rights complaint under 42 U.S.C. § 1983. The court held that the defendant defense attorneys were not state actors for purposes of § 1983 and dismissed the federal claims without leave to amend. The related state-law claims were dismissed without prejudice for lack of jurisdiction, and the case was closed.

CASE DETAILS

COURT	United States District Court for the Northern District of California
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 23, 2026
DOCKET	25-cv-07433-NW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se state detainee filed a civil-rights complaint under 42 U.S.C. § 1983 seeking damages against two defense attorneys. The district court screened the complaint under 28 U.S.C. § 1915A and dismissed the federal claims without leave to amend and the state-law claims without prejudice.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915A; the court must dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pro se pleadings are liberally construed, and a complaint must contain sufficient factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Eshawn Maurice Harrell v. Denise Lee, Mark Compari

TOPICS

- section 1983
- civil rights
- subject matter jurisdiction
- pleadings
- civil procedure

PRACTICE AREAS

civil rights

constitutional law

civil procedure

federal jurisdiction

QUESTIONS PRESENTED

1. Whether the defense attorneys could be held liable under 42 U.S.C. § 1983 for actions taken in performing traditional legal functions.
2. Whether the court had jurisdiction over Harrell's state-law claims after dismissal of the federal claims.
3. Whether the complaint stated claims that could be cured by amendment.

HOLDINGS

1. Public defenders and private defense attorneys are not state actors for purposes of § 1983 when performing traditional lawyer functions. The alleged decisions not to file Harrell's petition or provide his letter to the judge arose from the attorneys' roles as legal counsel and therefore did not support § 1983 liability.
2. After dismissal of the federal claims, the court lacked a basis for exercising jurisdiction over Harrell's state-law claims because he alleged neither a cognizable federal claim nor diversity jurisdiction. The state-law claims were dismissed without prejudice to pursuing them in an appropriate venue.
3. Leave to amend was properly denied as futile because the federal claims could not be maintained against the attorneys for conduct undertaken in their traditional legal roles, and the complaint's jurisdictional deficiencies could not be cured by amendment.

KEY QUOTATIONS

“public defenders and defense attorneys are not immune from suit, they are not subject to liability under 42 U.S.C. § 1983 because they are not state actors.” (at 2)

“The state law claims are DISMISSED WITHOUT PREJUDICE to Harrell seeking relief in the appropriate venue.” (at 3)

FACTUAL BACKGROUND

Harrell, a state detainee proceeding pro se, alleged that private defense attorneys Denise Lee and Mark Compari misplaced or refused to file his habeas petition and failed to give a judge a letter he had written concerning probation-violation proceedings. He characterized the conduct as negligent, asserted negligent infliction of emotional distress and due process claims, and alleged false imprisonment. He sought monetary damages.

PROCEDURAL HISTORY

Harrell filed a complaint alleging that his defense attorneys misplaced or refused to file a habeas petition and a letter to a judge, asserting negligence, negligent infliction of emotional distress, due process violations, and false imprisonment. On screening, the court held that the attorneys were not state actors for purposes of § 1983, dismissed the federal claims without leave to amend, dismissed the state-law claims without prejudice, and ordered the case closed.

DISPOSITION

dismissed

CASES CITED

- *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Lemire v. Cal. Dep't of Corrections & Rehabilitation*, 726 F.3d 1062, 1074 (9th Cir. 2013)
- *Leer v. Murphy*, 844 F.2d 628, 633–34 (9th Cir. 1988)
- *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)
- *Polk County v. Dodson*, 454 U.S. 312, 318–19 (1981)
- *Simmons v. Sacramento Cnty. Super. Ct.*, 318 F.3d 1156, 1161 (9th Cir. 2003)
- *Miranda v. Clark Cnty., Nevada*, 319 F.3d 465, 468 (9th Cir. 2003)
- *Wheeler v. City of Santa Clara*, 894 F.3d 1046, 1059 (9th Cir. 2018)
- *Stock W., Inc. v. Confederated Tribes*, 873 F.2d 1221, 1225 (9th Cir. 1989)
- *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012)