

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Peter Jason Helfrich v. Donald Trump, JD Vance, and Elon Musk

Helfrich v. Trump · No. 2:25-cv-0593 TLN AC PS · Decided April 3, 2025

SUMMARY

The Eastern District of California grants the pro se plaintiff’s motion to proceed in forma pauperis and denies his motion for electronic filing. The magistrate judge recommends dismissal without leave to amend, concluding that the complaint improperly seeks removal of a state-court action, fails to state claims against a private individual and court staff, and is barred in part by judicial or quasi-judicial immunity.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 3, 2025
DOCKET	2:25-cv-0593 TLN AC PS
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff filed an action, sought leave to proceed in forma pauperis, and filed a First Amended Complaint asserting claims under 42 U.S.C. § 1983 and the Americans with Disabilities Act. A magistrate judge granted in forma pauperis status, denied or resolved ancillary motions, screened the amended complaint under 28 U.S.C. § 1915(e)(2), and issued findings and recommendations that the action be dismissed without leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court screens an in forma pauperis complaint and must dismiss it if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The court accepts factual allegations as true unless clearly baseless or fanciful, construes them in the plaintiff's favor, applies the plausibility standard, and gives pro se pleadings liberal construction.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

civil procedure

pleadings

section 1983

ada / disability

motions to dismiss

PRACTICE AREAS

civil procedure

civil rights

constitutional law

disability law

QUESTIONS PRESENTED

1. Whether the First Amended Complaint stated a claim under 42 U.S.C. § 1983 or the ADA against a private individual whose alleged conduct was private.
2. Whether a plaintiff may remove to federal court a state-court action that the plaintiff originally filed.
3. Whether judicial and quasi-judicial immunity barred claims against Yuba County Superior Court judges and court staff for conduct associated with adjudicating or processing the state-court action.
4. Whether allegations that unnamed court clerks generally mishandled documents and engaged in misconduct stated a plausible claim.
5. Whether the pleading defects could be cured by amendment.

HOLDINGS

1. A private individual who engaged only in private conduct does not act under color of state law and therefore cannot be held liable under § 1983 for alleged constitutional violations.
2. The complaint did not state an ADA claim against Cable because it did not allege facts showing that Cable was subject to the asserted ADA provisions or identifying specific ADA-related misconduct.
3. A plaintiff may not remove to federal court a civil action that the plaintiff originally brought in state court; removal is limited to defendants.
4. Judges are absolutely immune from claims based on acts performed in their judicial functions, and court staff receive quasi-judicial immunity when acting in a judicial or quasi-judicial capacity.
5. General allegations that unidentified court clerks mishandled documents or engaged in misconduct do not state a plausible claim without identifying the individuals and specifying the acts attributed to them.
6. Dismissal without leave to amend was appropriate because the defects in the complaint could not be cured by adding additional facts.

KEY QUOTATIONS

“Purely private conduct, no matter how wrongful, is not actionable under § 1983.” (at 3)

“The ability to remove a case from state court is therefore limited to defendants.” (at 4)

“The same absolute immunity, called “quasi-judicial immunity,” extends to court staff when they act in a judicial or quasi-judicial capacity.” (at 5)

“The complaint does not contain sufficient factual matter to state a plausible claim for relief against court staff.” (at 6)

FACTUAL BACKGROUND

Plaintiff alleged that Gary Cable fraudulently sold him a non-operational bus, later submitted false affidavits, sabotaged the bus, and took approximately \$180 of personal property. Plaintiff had filed a related action in Yuba County Superior Court and alleged that judges and clerks mishandled the case, failed to recognize defaults, acted with bias, and failed to accommodate his disabilities. He sought removal of the state case to federal court, damages, declaratory relief, injunctive relief, and ADA accommodations.

PROCEDURAL HISTORY

Plaintiff filed an initial complaint and an in forma pauperis motion on February 20, 2025. He then filed a motion for leave to amend and a First Amended Complaint; because amendment was permitted as of right, the court denied the motion as moot and treated the First Amended Complaint as operative. The magistrate judge recommended dismissal after screening and advised that the district judge would make the final decision.

DISPOSITION

other

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Neitzke v. Williams, 490 U.S. 319, 327 (1989)
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir. 1981)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987), superseded on other grounds by statute as stated in Lopez v. Smith, 203 F.3d 1122 (9th Cir. 2000) (en banc)
- Gomez v. Toledo, 446 U.S. 635, 640 (1980)
- Ouzts v. Maryland Nat'l Ins. Co., 505 F.2d 547, 559 (9th Cir. 1974)
- Van Ort v. Estate of Stanewich, 92 F.3d 831, 835 (9th Cir. 1996)
- Lovell v. Chandler, 303 F.3d 1039, 1052 (9th Cir. 2002)
- Shamrock Oil & Gas Corp. v. Sheets, 313 U.S. 100, 104-05 (1941)
- Stahl v. Klotz, 440 F. Supp. 3d 1113, 1119 (E.D. Cal. 2020)
- Howard v. Drapkin, 222 Cal. App. 3d 843, 852 (1990)
- In re Castillo, 297 F.3d 940, 951 (9th Cir. 2002)
- Lopez v. Smith, 203 F.3d 1122, 1130-31 (9th Cir. 2000) (en banc)

- Cato v. United States, 70 F.3d 1103, 1105-06 (9th Cir. 1995)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991)

OPINION

(PS) Helfrich v. Cable

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 Peter Jason Helfrich, IN BEHALF OF No. 2:25-cv-0593 TLN AC PS

PETER JASON HELFRICH,

12 Plaintiff,

13 ORDER AND FINDINGS AND

v. RECOMMENDATIONS

14

DONALD TRUMP, JD VANCE, and

15 ELON MUSK,

16 Defendants. 17

18 Plaintiff is proceeding in this action pro se. This matter was accordingly referred to the 19 undersigned by E.D. Cal. 302(c)(21). Plaintiff filed a request for leave to proceed in forma 20 pauperis (“IFP”) and has submitted the affidavit required by that statute. See 28 U.S.C. 21 § 1915(a)(1). The motion to proceed IFP (ECF No. 2) will therefore be granted. 22 I. Screening 23 A. Standards 24 The federal IFP statute requires federal courts to dismiss a case if the action is legally 25 “frivolous or malicious,” fails to state a claim upon which relief may be granted or seeks 26 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e) (2). A 27 claim is legally frivolous when it lacks an arguable basis either in law or in fact. *Neitzke v. 28 Williams*, 490 U.S. 319, 325 (1989). In reviewing a complaint under this standard, the court will 1 (1) accept as true all of the factual allegations contained in the complaint, unless they are clearly 2 baseless or fanciful, (2) construe those allegations in the light most favorable to the plaintiff, and 3 (3) resolve all doubts in the plaintiff’s favor. See *Neitzke*, 490 U.S. at 327; *Von Saher v. Norton 4 Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 5 1037 (2011). 6 The court applies the same rules of construction in determining whether the complaint 7 states a claim on which relief can be granted. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (court 8 must accept the allegations as true); *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974) (court must 9 construe the complaint in the light most favorable to the plaintiff). Pro se pleadings are held to a 10 less stringent standard than those drafted by lawyers. *Haines v. Kerner*, 404 U.S. 519, 520 11 (1972). However, the court need not accept as true conclusory allegations,

unreasonable 12 inferences, or unwarranted deductions of fact. *Western Mining Council v. Watt*, 643 F.2d 618, 13 624 (9th Cir. 1981). A formulaic recitation of the elements of a cause of action does not suffice 14 to state a claim. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-57 (2007); *Ashcroft v. Iqbal*, 15 556 U.S. 662, 678 (2009). 16 To state a claim on which relief may be granted, the plaintiff must allege enough facts “to 17 state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has 18 facial plausibility when the plaintiff pleads factual content that allows the court to draw the 19 reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 20 678. A pro se litigant is entitled to notice of the deficiencies in the complaint and an opportunity 21 to amend, unless the complaint’s deficiencies could not be cured by amendment. See *Noll v. 22 Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987), superseded on other grounds by statute as stated in 23 *Lopez v. Smith*, 203 F.3d 1122 (9th Cir. 2000)) (en banc). 24 B. The Operative Complaint 25 Plaintiff filed an initial complaint along with his motion to proceed in forma pauperis on

26 February 20, 2025. ECF No. 1. Plaintiff subsequently filed a motion for leave to amend (ECF 27 No. 4) and a First Amended Complaint (ECF No. 5). Because plaintiff was free to amend without

28 court permission at this stage of the case, the motion to amend will be denied as moot. Fed. R. 1 Civ. P. 15(a)(1)(A). The First Amended Complaint is the operative complaint before the court for 2 screening. Id. 3 Plaintiff asserts that he is a “non resident American National of Mount Shasta, California 4 Republic” and that he is bringing this case on behalf of “the PETER JASON HELFRICH TRUST 5 ©®” for violations of 42 U.S.C. § 1983 and the Americans with Disabilities Act. ECF No. 5 at 2. 6 Plaintiff alleges that on July 11, 2024, defendant Gary Cable engaged in fraudulent 7 misrepresentation when he advertised and sold to plaintiff a non-operational bus. Id. Upon 8 realizing the bus was non-operational, plaintiff sued Cable in Yuba County Superior Court. Id. 9 In retaliation, Cable submitted false affidavits and deliberately sabotaged the bus. Id. Plaintiff 10 alleges Cable also stole about \$180 worth of his personal property. Id. 11 Plaintiff asserts that despite Cable’s “clear default, the Judges of the Yuba County 12 Superior Court have failed to acknowledge these defaults and instead have engaged in behavior 13 suggesting bias.” Id. at 4. Plaintiff alleges certain unnamed court clerks have engaged in 14 misconduct by mishandling legal documents and violating his right to fair legal process. Id. 15 Plaintiff alleges the court violated his rights under the Americans with Disabilities Act by failing 16 to accommodate his disabilities, which impair his ability to comprehend and navigate complex 17 legal filings and procedures. Id. at 5. 18 Plaintiff asks the court to remove the case that he filed in Yuba County Superior Court to 19 the United States District Court for the Eastern District of California. Id. at 8. He asks for 20 compensatory damages against Gary Cable for violations of § 1983. Id. Plaintiff asks the court 21 to issue a declaratory judgment that Cable and the Yuba County Superior Court Clerks engaged in 22 unconstitutional acts and violated plaintiff’s rights, and to grant an injunction against them. 23 Plaintiff also seeks an order that defendants

accommodate his rights under the Americans with Disabilities Act. *Id.* at 8. C. Analysis

There are several problems with plaintiff's First Amended Complaint which prevent this case from moving forward. First, plaintiff cannot state a claim against Gary Cable because he is a private individual and §1983 and the ADA do not apply to him. Second, plaintiff cannot remove a case that he filed in state court to federal court, because only defendants can remove cases. Third, plaintiff cannot sue judges or the court for actions taken in the adjudication of plaintiff's lawsuit. Fourth, plaintiff does not state a claim against court staff because he does not identify any specific individuals or allege any specific facts regarding their wrongdoing. Each of these problems is explained below.

1. Plaintiff Cannot Sue a Private Person Under § 1983 or the ADA

Plaintiff alleges that defendant Gary Cable "is a private individual who engaged in actions that violated numerous laws" including violations of plaintiff's constitutional rights and his rights under the ADA. ECF No. 5 at 3. Because Cable is a private individual who engaged in private conduct, he cannot be held liable under §1983 for constitution violations. It is well-established that a private individual does not act under color of state law, an essential element of a § 1983 action. See *Gomez v. Toledo*, 446 U.S. 635, 640 (1980). Purely private conduct, no matter how wrongful, is not actionable under § 1983. See *Ouzts v. Maryland Nat'l Ins. Co.*, 505 F.2d 547, 559 (9th Cir.1974).; *Van Ort v. Estate of Stanewich*, 92 F.3d 831, 835 (9th Cir.1996) (there is no federal right to be free from the infliction of constitutional deprivations by private individuals). Similarly, the ADA only applies to "public entities," such as state or local governments, or "places of public accommodation." *Lovell v. Chandler*, 303 F.3d 1039, 1052 (9th Cir. 2002), 42 USC § 12132. Furthermore, the factual basis of plaintiff's ADA claim as to Cable is unclear; no specific facts are alleged that pertain to the ADA, except plaintiff's assertion that he is a person with a disability. Accordingly, plaintiff does not state a claim against defendant Cable.

2. Plaintiff Cannot Remove a Case He Filed in State Court

Plaintiff asks the court to remove his state court case under 28 U.S.C. §§ 1441. ECF No. 23 5 at 8. The removal statute provides that [e]xcept as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending. 28 U.S.C. § 1441(a) (emphasis added). Section 1446, which outlines the procedure for removal, similarly specifies that removal may be accomplished by "[a] defendant or defendants." 28 U.S.C. § 1446(a). The ability to remove a case from state court is therefore limited to defendants. See *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 104-05 (1941) (holding similar language in previous removal statute limited privilege of removal to defendants alone). Plaintiff is not entitled to remove the action he filed in Yuba County to this court.

3. Judicial Immunity Bars Plaintiff's Claims

Plaintiff names multiple judges and unnamed court staff from the Yuba County Superior Court as defendants. ECF No. 5 at 3. Plaintiff alleges that court showed bias and that the judges were colluding with Cable. *Id.* at 4. Plaintiff also alleges "certain clerks at the Yuba

County 11 Superior Court are believed to have engaged in misconduct by selectively filing or withholding 12 essential legal documents, obstructing Plaintiff's access to the courts and violating his 13 constitutional right to a fair legal process." Id. 14 Plaintiff's allegations against the judges and court staff of Yuba County Superior Court 15 are barred by judicial and quasi-judicial immunity. "Judges in California have absolute judicial 16 immunity for acts performed in the exercise of their judicial functions, and it applies to all judicial 17 determinations, including those in excess of the judge's jurisdiction, no matter how erroneous or 18 even malicious or corrupt they may be." *Stahl v. Klotz*, 440 F. Supp. 3d 1113, 1119 (E.D. Cal. 19 2020), citing *Howard v. Drapkin*, 222 Cal. App. 3d 843, 852 (1990). The same absolute 20 immunity, called "quasi-judicial immunity," extends to court staff when they act in a judicial or 21 quasi-judicial capacity. Id. Actions must be viewed in context to determine whether they are 22 part of the judicial function. The Ninth Circuit held that "acts which taken out of context would 23 appear ministerial, but when viewed in context are part of the judicial function" are judicial in 24 nature and give rise to judicial immunity. *In re Castillo*, 297 F.3d 940, 951 (9th Cir. 2002). 25 Here, the judges named by plaintiff are plainly immune from suit. Plaintiff's claims 26 against the judges arise from their decisions and handling of his lawsuit in Yuba County Superior 27 Court. The unnamed clerk staff are also likely immune, though the lack of clarity in the 28 complaint makes it impossible to make a definitive determination about the applicability of quasi 1 judicial immunity. Regardless, as explained below, plaintiff does not state a claim against court 2 staff. 3 4. Plaintiff Does Not State a Claim Against Court Staff 4 Even if court staff are not immune from suit, plaintiff's claims against court staff fail 5 because the complaint does not identify any specific individuals, nor any specific acts these 6 unnamed individuals engaged in. Indeed, the First Amended Complaint makes clear that plaintiff 7 has no substantive allegations against the unnamed clerks; that they are "believed to have 8 engaged in misconduct" is insufficient to state a legal claim. ECF No. 5 at 4. The complaint does 9 not contain sufficient factual matter to state a plausible claim for relief against court staff. *Iqbal*, 10 556 U.S. at 678. 11 For all the reasons set forth above, the undersigned recommends that this case be 12 dismissed. 13 II. Leave to Amend is Not Appropriate 14 Leave to amend should be granted if it appears possible that the defects in the complaint 15 could be corrected, especially if a plaintiff is pro se. *Lopez v. Smith*, 203 F.3d 1122, 1130-31 16 (9th Cir. 2000) (en banc). However, if it is clear that a complaint cannot be cured by amendment, 17 the court may dismiss without leave to amend. *Cato v. United States*, 70 F.3d 1103, 1105-06 18 (9th Cir. 1995). Here, the problems with the complaint cannot be cured by amendment because 19 adding additional facts would not solve the problems with the complaint. Accordingly, dismissal 20 should be without leave to amend. 21 III. Pro Se Plaintiff's Summary 22 The Magistrate Judge is recommending that your case be dismissed because the court does 23 not have jurisdiction to hear the case. You have 21 days to object to this recommendation if you 24 wish to do so. The District Judge will make the final decision. 25 IV. Motion to Use Electronic Filing 26 Plaintiff filed a motion to participate in electronic filing. ECF No. 3. The motion is 27 denied because it

does not state whether plaintiff has regular access to a computer or an email address that can be used in connection with electronic filing. While the court is sensitive to plaintiff's challenges in accessing the court, electronic filing cannot be approved without any indication that plaintiff would be able to effectively use the system. V. Conclusion For the reasons explained above, it is HEREBY ORDERED that plaintiff's request to proceed in forma pauperis (ECF No. 2) is GRANTED, the motion for access to electronic filing (ECF No. 3) is DENIED, and the motion for leave to amend (ECF No. 4) is DENIED as moot. It is FURTHER RECOMMENDED that the operative complaint (ECF No. 5) be DISMISSED and that this case be closed. These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Id.; see also Local Rule 304(b). Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections within the specified time may waive the right to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153, 1156-57 (9th Cir. 1991). DATED: April 3, 2025

ALLISON CLAIRE

UNITED STATES MAGISTRATE JUDGE

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