

**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

OPINION

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 24 Disabilities Act.

Id. at 8. 25 C. Analysis 26 There are several problems with plaintiff's First Amended Complaint which prevent this 27 case from moving forward. First, plaintiff cannot state a claim against Gary Cable because he is a 28 private individual and §1983 and the ADA do not apply to him.

Second, plaintiff cannot remove 1 a case that he filed in state court to federal court, because only defendants can remove cases. 2 Third, plaintiff cannot sue judges or the court for actions taken in the adjudication of plaintiff's 3 lawsuit. Fourth, plaintiff does not state a claim against court staff because he does not identify 4 any specific individuals or allege any specific facts regarding their wrongdoing.

Each of these 5 problems is explained below. 6 1. Plaintiff Cannot Sue a Private Person Under § 1983 or the ADA 7 Plaintiff alleges that defendant Gary Cable "is a private individual who engaged in actions 8 that violated numerous laws" including violations of plaintiff's constitutional rights and his rights 9 under the ADA. ECF No. 5 at 3.

Because Cable is a private individual who engaged in private 10 conduct, he cannot be held liable under §1983 for constitution violations. It is well-established 11 that a private individual does not act under color of state law, an essential element of a § 1983 12 action. See *Gomez v. Toledo*, 446 U.S. 635, 640 (1980). Purely private conduct, no matter how 13 wrongful, is not actionable under § 1983.

See *Ouzts v. Maryland Nat'l Ins. Co.*, 505 F.2d 547, 14 559 (9th Cir.1974).; *Van Ort v. Estate of Stanewich*, 92 F.3d 831, 835 (9th Cir.1996) (there is no 15 federal right to be free from the infliction of constitutional deprivations by private individuals). 16 Similarly, the ADA only applies to "public entities," such as state or local governments, or 17 "places of public accommodation." *Lovell v. Chandler*, 303 F.3d 1039, 1052 (9th Cir.

2002), 42 18 USC § 12132. Furthermore, the factual basis of plaintiff's ADA claim as to Cable is unclear; no 19 specific facts are alleged that pertain to the ADA, except plaintiff's assertion that he is a person 20 with a disability.

Accordingly, plaintiff does not state a claim against defendant Cable. 21 2. Plaintiff Cannot Remove a Case He Filed in State Court 22 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 24 [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 25 United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States 26 for the district and division embracing the place where such action is pending.

27 28 U.S.C. § 1441(a) (emphasis added). Section 1446, which outlines the procedure for removal, 2 similarly specifies that removal may be accomplished by “[a] defendant or defendants.” 28 3 U.S.C. § 1446(a).

The ability to remove a case from state court is therefore limited to defendants. 4 See *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 104-05 (1941) (holding similar language 5 in previous removal statute limited privilege of removal to defendants alone). Plaintiff is not 6 entitled to remove the action he filed in Yuba County to this court. 7 3. Judicial Immunity Bars Plaintiff’s Claims 8 Plaintiff names multiple judges and unnamed court staff from the Yuba County Superior 9 Court as defendants.

ECF No. 5 at 3. Plaintiff alleges that court showed bias and that the judges 10 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 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 28 address that can be used in connection with electronic filing. While the
court is sensitive to 1 | plaintiff's challenges in accessing the court, electronic filing cannot be
approved without any 2 || indication that plaintiff would be able to effectively use the system.

3 V. Conclusion 4 For the reasons explained above, it is HEREBY ORDERED that plaintiff's
request to 5 || proceed in forma pauperis (ECF No. 2) is GRANTED, the motion to for access to
electronic 6 || filing (ECF No. 3) is DENIED, and the motion for leave to amend (ECF No. 4) is
DENIED as 7 | moot. 8 It is FURTHER RECOMMENDED that the operative complaint (ECF No.
5) be 9 || DISMISSED and that this case be closed.

10 These findings and recommendations are submitted to the United States District Judge 11 ||
assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days

12 | after being served with these findings and recommendations, plaintiff may file written objections 13 || with the court and serve a copy on all parties. Id.; see also Local Rule 304(b).

Such a document 14 | should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Failure 15 || to file objections within the specified time may waive the right to appeal the District Court’s 16 | order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153, 17 | 1156-57 (9th Cir. 1991). 18 | DATED: April 3, 2025 19 ~ 20 Htttenr— Lhor—e_ ALLISON CLAIRE 21 UNITED STATES MAGISTRATE JUDGE 22 23 24 25 26 27 28