

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Carl Gordon v. Gavin Newsom

Gordon · No. CV 24-06476-MRA (AS) · Decided July 31, 2025

SUMMARY

The United States District Court for the Central District of California accepted a magistrate judge’s findings and recommendations concerning Carl Gordon’s First Amended Complaint against Gavin Newsom and other defendants. The court rejected Gordon’s objections, including challenges involving mootness, claim preclusion, judicial bias, alleged conflicts of interest, and due process. The court granted the motion to dismiss and dismissed the First Amended Complaint with prejudice.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Monica Ramirez Almadani
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 31, 2025
DOCKET	CV 24-06476-MRA (AS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed the magistrate judge's report and recommendation de novo after Plaintiff filed objections, accepted the recommendation, granted Defendants' motion to dismiss, and dismissed the First Amended Complaint with prejudice.
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's report and recommendation to which objections were directed, under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	Unknown; district court order with no published reporter citation.
PARTIES	Carl Gordon v. Gavin Newsom and other defendants

TOPICS

- motions to dismiss
- res judicata
- qualified immunity
- due process
- election law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's report and recommendation should be accepted after de novo review of Plaintiff's objections.
2. Whether Plaintiff's prospective injunctive and declaratory claims were moot.
3. Whether Plaintiff's damages claims were barred by qualified immunity.
4. Whether Plaintiff's official-capacity claims were barred by claim preclusion.
5. Whether Plaintiff plausibly alleged judicial misconduct, fraud upon the court, judicial bias, or a disqualifying conflict of interest.
6. Whether Plaintiff's alleged federal due process right in the recall election was clearly established.
7. Whether the First Amended Complaint should be dismissed with prejudice.

HOLDINGS

1. The district court accepted the magistrate judge's findings and recommendations after conducting de novo review of the portions challenged by Plaintiff's objections.
2. Plaintiff's claims for prospective injunctive and declaratory relief were moot.
3. Plaintiff's damages claim was barred by qualified immunity.
4. Plaintiff's official-capacity claims were barred by claim preclusion because he had raised the challenges in Case No. CV 21-7270-FMO (MAR).
5. Plaintiff failed to establish judicial bias or partiality.

KEY QUOTATIONS

"IT IS ORDERED that (1) Defendants' request for judicial notice is GRANTED; (2) Defendants' motion to dismiss the First Amended Complaint is GRANTED; and (3) Plaintiff's First Amended Complaint is DISMISSED WITH PREJUDICE." (at 4)

FACTUAL BACKGROUND

Plaintiff challenged matters involving Governor Newsom, SB-152, and the recall election, asserting claims including due process and official-capacity claims. The court concluded that the requested prospective injunctive and declaratory relief was moot, that damages claims were barred by qualified immunity, and that official-capacity claims were barred by claim preclusion because Plaintiff had raised the challenges in Case No. CV 21-7270-FMO (MAR). Plaintiff also alleged judicial misconduct, fraud on the court, bias, and a conflict of interest, but the court found those allegations insufficient.

PROCEDURAL HISTORY

The magistrate judge recommended dismissal of the First Amended Complaint with prejudice. Plaintiff objected to the report, challenging its findings concerning judicial misconduct, Governor Newsom's alleged

disqualification, due process, mootness, claim preclusion, judicial bias, and judicial notice. After conducting de novo review under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b), the district court accepted the report and dismissed the action with prejudice.

DISPOSITION

dismissed

CASES CITED

- *Liteky v. United States*, 510 U.S. 540, 555 (1994)

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 CENTRAL DISTRICT OF CALIFORNIA
– WESTERN DIVISION 9 10 Case No. CV 24-06476-MRA (AS) CARL GORDON, 11 ORDER
ACCEPTING FINDINGS, 12 Plaintiff, CONCLUSIONS AND RECOMMENDATIONS OF 13 v.
UNITED STATES MAGISTRATE JUDGE 14 GAVIN NEWSOM, Governor of 15 the State of
California, et. al., 16 17 Defendants. 18 19 20 Pursuant to 28 U.S.C. section 636, the Court has
reviewed the 21 First Amended Complaint, all of the records herein, and the Report 22 and
Recommendation of a United States Magistrate Judge (Dkt.

No. 23 97, the “Report”), Plaintiff’s Objections to the Magistrate Judge’s 24 Report and
Recommendation (Dkt. No. 123, “Objections”), Plaintiff’s 25 notice of clerical error and notice to
clerk, (Dkt. No. 100), 26 Defendants’ Response to Plaintiff’s Objections (Dkt. No. 101, 27
“Reply”), and Plaintiff’s Rebuttal Declaration and Request for 28 1 §636(b)(1)(C) and
Fed.R.Civ.P.

72(b), the Court has conducted a de 2 novo review of those portions of the Report to which
Objections 3 were directed. 4 5 The Report recommends the dismissal of the First Amended 6
Complaint with prejudice. (Dkt. No. 97.) Plaintiff’s objections 7 to the Report (Dkt. No. 98) do not
merit any change to the Report’s 8 findings or recommendations. 9 10 Plaintiff objects that the
Report made a series of 11 intentionally false claims.

(Dkt. No. 98 at 6-9.) The objection 12 is wholly unfounded. The Report correctly found that
Plaintiff 13 failed to cite relevant authority (Dkt. No. 97 at 40); that he 14 failed to establish a
mootness exception (id. at 29); that his 15 official-capacity claims are barred by claim preclusion
(id. at 16 18); that he failed to plausibly plead judicial misconduct or fraud 17 upon the court (id.
at 23); that he failed to clearly specify a 18 financial benefit to Governor Newsom from SB-152
(id. at 13); and 19 that his requests for judicial notice were untimely and otherwise 20 improper
(id. at 46 n.17).

21 22 Plaintiff objects to the Report’s legal findings regarding 23 Governor Newsom’s disqualification and the due process claim. 24 (Dkt. No. 98 at 9-12.) The Report addressed the substance of these 25 arguments, and Plaintiff fails to overcome the analysis. Plaintiff 26 failed to show that Governor Newsom’s alleged conflict of interest 27 was a “temporary disability” in carrying out his executive duties 28 during the recall election or that Plaintiff’s alleged federal due 1 process right in that election was clearly established.

(Dkt. No. 2 97 at 38-39.) 3 4 Plaintiff objects to the Report’s findings on mootness and 5 claim preclusion. (Dkt. No. 98 at 12-14.) As the Report thoroughly 6 addressed, Plaintiff’s claims for prospective injunctive and 7 declaratory relief are moot, and his claim for damages is barred 8 by qualified immunity. (Dkt. No. 97 at 25-30, 35-45.) Plaintiff’s 9 claims against Defendants in their official capacity are barred by 10 claim preclusion because Plaintiff raised these challenges in Case 11 No. CV 21-7270-FMO (MAR).

(Id. at 18-20.) Moreover, claim 12 preclusion “cannot be avoided by alleging new facts or new legal 13 theories[.]” (Id. at 21 (citing cases).) Plaintiff has failed to 14 overcome this analysis. 15 16 Plaintiff objects on the grounds of judicial bias and 17 partiality. (Dkt. No. 98 at 14-20.)

The record does not support 18 Plaintiff’s contentions of judicial bias. See *Liteky v. United* 19 *States*, 510 U.S. 540, 555 (1994) (“judicial rulings alone almost 20 never constitute a valid basis for a bias or partiality motion”). 21 22 Plaintiff requests judicial notice of exhibits from his 23 pending appeal before the United States Court of Appeals for the 24 Ninth Circuit, in Case No. 25-561.

(Dkt. No. 98 at 20-22.) As 25 the Magistrate Judge found, Plaintiff’s requests for judicial 26 notice were untimely in relation to the Motion to Dismiss. (Dkt. 27 No. 94 at 5.) Nonetheless, the contents of Plaintiff’s filings 28 were taken into account in assessing the merits of Plaintiff’s 1) claims and determining whether dismissal should be with or without 2 || leave to amend.

(Dkt. No. 97 at 4 n.2.) 3 4 Having completed its review, the Court accepts the findings 5 || and recommendations set forth in the Report. 6 7 In sum, Plaintiff’s Objections do not cause the Court to 8 || reconsider its decision to accept the Magistrate Judge’s 9 || conclusions and recommendations. 10 11 IT IS ORDERED that (1) Defendants’ request for judicial notice 12 |} is GRANTED; (2) Defendants’ motion to dismiss the First Amended 13 |} Complaint is GRANTED; and (3) Plaintiff’s First Amended Complaint 14 is DISMISSED WITH PREJUDICE.

15 16 IT IS FURTHER ORDERED that the Clerk serve copies of this 17 || Order and the Magistrate Judge’s Report and Recommendation on 18 |} Plaintiff. 19 50 DATED: July 31, 2025
21 | pe R Af ‘ 22 ‘ ONICA RAMTREZ ALMADANT 23 UNETED STATES DISTRICT JUDGE
24 25 26 27 28

