

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

OPINION

Carl Gordon v. Gavin Newsom

PER CURIAM.

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7 UNITED STATES DISTRICT COURT

8 CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

9 10 Case No. CV 24-06476-MRA (AS)

CARL GORDON,

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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 ' 23

ONICA RAMTREZ ALMADANT

23 UNETED STATES DISTRICT JUDGE

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