

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA**

**Steven Crump v. Joann Kingston, et al.**

Crump · No. 25-cv-06548-EMC (EMC) · Decided November 4, 2025

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**SUMMARY**

The United States District Court for the Northern District of California denied Steven Crump’s motion for alternative service on an Alameda County public defender and a superior court judge. The court concluded that the defendants were not subject to suit under 42 U.S.C. § 1983 based on public-defender and judicial immunity principles, and also found the proposed proof of service inadequate.

**OPINION**

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7  
STEVEN CRUMP, Case No. 25-cv-06548-EMC (EMC) 8 Plaintiff, ORDER DENYING  
MOTION FOR 9 v. ALTERNATIVE SERVICE 10 JOANN KINGSTON, et al., Docket No. 26,  
27 11 Defendants. 12 13 Plaintiff Steven Crump seeks leave to serve Defendants Joann Kingston  
and Gloria Rhynes 14 by an alternative service method.

Dkt. No. 26. Joann Kingston was an Alameda County Public 15 Defender. Gloria Rhynes was an  
Alameda County Superior Court Judge. 16 Judges are entitled to absolute immunity for acts  
within their judicial capacity, even if 17 taken in error or in an excess of authority. See *Meek v.*  
*County of Riverside*, 183 F.3d 962, 965 18 (9th Cir. 1999). Plaintiff alleges that Judge Rhynes  
violated his rights by imposing an 19 “unauthorized sentence” upon him.

Dkt. No. 4 at 12. Given that imposing a sentence is a judicial 20 act, Judge Rhynes cannot be held  
liable for it. 21 As to Joann Kingston, it is settled law that “a public defender does not act under  
color of 22 state law when performing a lawyer’s traditional functions as counsel to a defendant in  
a criminal 23 proceeding.” *Polk Cty. v. Dodson*, 454 U.S. 312, 325 (1981).

Plaintiff alleges that Ms. Kingston 24 violated his right to effective assistance of counsel through  
her representation of him in Alameda 25 County Superior Court. Dkt. No. 4 at 10, 11. Since Ms.  
Kingston was performing the traditional 26 functions of counsel in representing Plaintiff, she did  
not act under color of state law and is not 27 subject to suit under Section 1983.

See e.g. *Langrock v. Cty. of Ventura*, No. CV 17-01200 BRO 1 of counsel should be asserted in a  
habeas corpus petition, not in a civil rights action under section 2 1983.”) 3 Because neither Judge  
Rhynes nor Ms. Kingston are subject to suit under Section 1983, 4 || Plaintiff’s request is  
DENIED. 5 Further, Plaintiffs proffered proof of service at Dkt. No. 27 is inadequate.

California 6 || Code of Civil Procedure Section 415.40 governs service of persons outside of the state. 7 filing shows California addresses for both defendants, so Section 415.40 does not apply. 8 Plaintiff's submission of a certified mail receipt does not satisfy the requirements of California 9 Code of Civil Procedure Section 415.30 either.

Under Section 415.30, service is deemed complete 10 || only when a written acknowledgment of receipt of the summons is executed by the recipient. 11 Plaintiff is reminded that per Fed. R. Civ. P. 4(c)(1) & (im), if Defendants are not properly 12 served within 90 days of the filing of the complaint, the Court must dismiss the case. IT IS SO ORDERED. a 16 Dated: November 4, 2025 18 EDWARD M. CHEN 19 United States District Judge 20 21 22 23 24 25 26 27 28