

**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

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

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