

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Sumith Samarakoon v. Judge Richard Distaso, Tracy Toledo, Yvette
Allivato, Jennifer Tercerro, and Lea May Sarte

No. 2:25-cv-1271-SCR (E.D. Cal. Nov. 4, 2025) · No. No. 2:25-cv-1271-SCR · Decided November 4, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Sumith Samarakoon leave to proceed in forma pauperis but finds that the complaint fails to state cognizable claims against most defendants. The court concludes that requested relief concerning the state-court custody judgment is barred by the Rooker-Feldman doctrine and that claims against Judge Distaso, Tercerro, and Allivato are generally subject to judicial, quasi-judicial, or quasi-prosecutorial immunity, except that the complaint adequately alleges a judicial-deception claim against Allivato. The court grants Plaintiff an opportunity to amend.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 4, 2025
DOCKET	No. 2:25-cv-1271-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff moved to proceed in forma pauperis. The magistrate judge granted IFP status, screened the complaint under 28 U.S.C. § 1915(e)(2), found a potentially cognizable § 1983 judicial-deception claim against Allivato but found the claims against the other defendants and several requested remedies deficient, and granted leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court must dismiss an IFP action that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. On screening, factual allegations are accepted as true and construed in the plaintiff's favor, but conclusory allegations, unreasonable inferences, unwarranted factual deductions, and formulaic recitations of legal elements are not accepted. The

	complaint must contain sufficient factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Sumith Samarakoon v. Judge Richard Distaso, Tracy Toledo, Yvette Allivato, Jennifer Tercerro, Lea May Sarte

TOPICS

section 1983 civil rights due process civil procedure parental rights

PRACTICE AREAS

civil rights constitutional law family law civil procedure remedies

QUESTIONS PRESENTED

1. Whether the plaintiff's IFP application satisfied 28 U.S.C. § 1915(a)(1).
2. Whether the complaint was subject to dismissal or limitation under the Rooker-Feldman doctrine.
3. Whether the plaintiff could seek referral of defendants to criminal or administrative authorities in this civil action.
4. Whether judicial immunity barred claims against the state-court judge for conduct taken during custody proceedings.
5. Whether quasi-judicial immunity barred claims against the family-court-services evaluator.
6. Whether quasi-prosecutorial immunity applied to Allivato's alleged conduct and whether the complaint adequately pleaded judicial deception.
7. Whether the complaint adequately pleaded a § 1983 conspiracy involving private defendants and state actors.
8. Whether the plaintiff should receive leave to amend.

HOLDINGS

1. The IFP motion was granted because the plaintiff's financial information showed that he lacked sufficient resources to pay the filing fee.
2. The complaint could not obtain injunctive relief restoring parental contact, releasing sealed state-court records, or correcting custody findings because those requests sought review or reversal of a state-court judgment barred by the Rooker-Feldman doctrine.
3. Absolute judicial immunity barred claims for relief based on Judge Distaso's conduct during the custody proceedings, including the custody decisions, handling of evidence, interview procedures, and recusal decision.
4. Absolute quasi-judicial immunity barred claims based on Tercerro's performance of family-court-services functions, including interviewing the child, preparing the FCS report, and handling the CPS

closure report.

5. Allivato's alleged fabrication or misrepresentation in a treatment summary was not protected by quasi-prosecutorial immunity because the complaint adequately pleaded judicial deception.
6. The complaint did not adequately plead a § 1983 conspiracy because it alleged no facts showing communication, agreement, collusion, shared unlawful objective, substantial cooperation, or proximate causation between the private defendants and state actors.

KEY QUOTATIONS

“To state a claim on which relief may be granted, the plaintiff must allege enough facts “to state a claim to relief that is plausible on its face.”” (at 6)

“Rooker-Feldman applies only when the federal plaintiff both asserts as her injury legal error or errors by the state court and seeks as her remedy relief from the state court judgment.” (at 8)

“Judges are entitled to absolute immunity from actions for damages based on acts related to the “judicial process.”” (at 9)

“This immunity, however, does not extend to allegations of judicial deception, where a plaintiff asserts that the worker “fabricated evidence during an investigation or made false statements in a dependency petition affidavit that they signed under penalty of perjury.”” (at 11)

“To prove a conspiracy between the [state] and the [private party] under § 1983, [the plaintiff] must show an agreement or meeting of the minds to violate constitutional rights.” (at 13)

FACTUAL BACKGROUND

Samarakoon alleged that defendants involved in or connected with state-court custody proceedings caused him to lose custody and contact with his daughter through false reports, suppression of evidence, judicial errors, and constitutional violations. He alleged that Allivato prepared a treatment summary falsely characterizing an October 2023 supervised visit as traumatic and that the summary contributed to an ex parte order severing contact. He also challenged actions by the state-court judge, a family-court-services evaluator, and private individuals involved in the custody proceedings, seeking damages, injunctive and declaratory relief, access to records, and restoration of parental contact.

PROCEDURAL HISTORY

Samarakoon filed a civil-rights complaint arising from state-court custody proceedings involving his daughter and sought to proceed without prepaying filing fees. The court granted the IFP motion and screened the complaint. It concluded that the complaint adequately pleaded a potential judicial-deception claim against Allivato, but failed to state cognizable claims against Distaso, Tercerro, Toledo, or Sarte as pleaded, or to support several requested remedies. The court allowed 30 days to amend and stated that failure to amend would result in a recommendation of dismissal as to the deficient defendants.

DISPOSITION

CASES CITED

- *Worldwide Church of God v. McNair*, 805 F.2d 888, 890, 892 (9th Cir. 1986)
- *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415-16 (1923)
- *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 482 (1983)
- *Robinson v. Ariyoshi*, 753 F.2d 1468, 1472 (9th Cir. 1985)
- *Miroth v. County of Trinity*, 136 F.4th 1141, 1148-51 (9th Cir. 2025)
- *Noel v. Hall*, 341 F.3d 1148, 1163 (9th Cir. 2003)
- *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 284 (2005)
- *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1140-41 (9th Cir. 2004)
- *In re Castillo*, 297 F.3d 940, 947-48 (9th Cir. 2002)
- *Lund v. Cowan*, 5 F.4th 964, 971-72 (9th Cir. 2021)
- *Mireles v. Waco*, 502 U.S. 9, 11-13 (1991)
- *Stump v. Sparkman*, 435 U.S. 349, 362 (1978)
- *Mullis v. U.S. Bankruptcy Court*, 828 F.2d 1385, 1390 (9th Cir. 1987)
- *Moore v. Brewster*, 96 F.3d 1240, 1244 (9th Cir. 1996)
- *Hutchinson v. San Diego Superior Court*, 2019 WL 211979, at *3-4 (S.D. Cal. Jan. 16, 2019)
- *Meyers v. Contra Costa County Department of Social Services*, 812 F.2d 1154, 1157 (9th Cir. 1987)
- *Rieman v. Vazquez*, 96 F.4th 1085, 1090, 1093-94 (9th Cir. 2024)
- *Beltran v. Santa Clara County*, 514 F.3d 906, 908 (9th Cir. 2008)
- *Benavidez v. County of San Diego*, 993 F.3d 1134, 1148 (9th Cir. 2021)
- *Franklin v. Fox*, 312 F.3d 423, 441, 445-46 (9th Cir. 2002)
- *O'Handley v. Weber*, 62 F.4th 1145, 1159 (9th Cir. 2023)
- *Mendocino Environmental Center v. Mendocino County*, 192 F.3d 1283, 1301 (9th Cir. 1999)
- *King v. Massarweh*, 782 F.2d 825, 829 (9th Cir. 1986)
- *Eicherly v. O'Leary*, 721 Fed. Appx. 625, 627 (9th Cir. 2018)
- *Akhtar v. Mesa*, 698 F.3d 1202, 1213 (9th Cir. 2012)
- *McHenry v. Renne*, 84 F.3d 1172, 1177-80 (9th Cir. 1996)
- *Pacific Bell Telephone Co. v. Linkline Communications, Inc.*, 555 U.S. 438, 456 n.4 (2009)