

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Diviacchi v. Stallings

Diviacchi · No. 24-cv-07827-EMC · Decided April 28, 2025

SUMMARY

The United States District Court for the Northern District of California denied Valeriano Diviacchi’s motion under Federal Rule of Civil Procedure 59(e) to alter or amend a judgment dismissing his case on claim-preclusion grounds. The court held that its reliance on one case was harmless, reaffirmed its res judicata analysis, and rejected the plaintiff’s fairness and federal-forum arguments.

CASE DETAILS

COURT	United States District Court for the Northern District of California
JURISDICTION	United States District Court for the Northern District of California
DECIDED	April 28, 2025
DOCKET	24-cv-07827-EMC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 59(e) to alter or amend the final judgment entered after the court dismissed his action on claim-preclusion grounds.
STANDARD OF REVIEW	A Rule 59(e) motion may be granted to correct a manifest error of law or fact or to prevent manifest injustice.
PRECEDENTIAL VALUE	Unknown
PARTIES	Valeriano Diviacchi v. Brandon Stallings, et al.

TOPICS

- motion for reconsideration
- res judicata
- civil procedure
- comity
- constitutional law

PRACTICE AREAS

- civil procedure
- constitutional law
- civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff established a manifest error of law or fact or manifest injustice warranting relief under Federal Rule of Civil Procedure 59(e).
2. Whether the court's error in citing *San Remo Hotel, L.P. v. City of San Francisco* required alteration or amendment of the judgment.
3. Whether the prior California proceedings lacked preclusive effect because the California Supreme Court summarily denied Plaintiff's petitions for review and rehearing.
4. Whether fairness or a purported entitlement to one federal forum required reconsideration of the res judicata dismissal.

HOLDINGS

1. Relief under Rule 59(e) was not warranted because Plaintiff did not show a manifest error of law or fact or manifest injustice.
2. The court's res judicata holding remained valid because the three res judicata elements were satisfied, and Plaintiff's challenge to the substantive effect of the California Supreme Court's summary denials did not justify reconsideration.
3. A litigant asserting a federal right has no unrestricted entitlement to relitigate in federal district court an issue already decided in state court merely because the litigant preferred not to proceed in the state forum.
4. The court's limited reliance on *Fair Assessment* and *Margulis* did not constitute a manifest error because those cases were cited for principles of comity and the absence of a right to a lower federal forum, not as authorities establishing claim preclusion.

KEY QUOTATIONS

"It cannot lie in the Constitution, which makes no such guarantee, but leaves the scope of the jurisdiction of the federal district courts to the wisdom of Congress." (at 2-3)

"There is, in short, no reason to believe that Congress intended to provide a person claiming a federal right an unrestricted opportunity to relitigate an issue already decided in state court simply because the issue arose in a state proceeding in which he would rather not have been engaged at all." (at 2-3)

FACTUAL BACKGROUND

Plaintiff's federal action concerned claims previously addressed through California state proceedings, including a California Supreme Court denial of his petition for review and petition for rehearing. The district court had concluded that the elements of res judicata were satisfied and dismissed the action. Plaintiff argued that the state-court proceedings should not have preclusive effect and that he was entitled to a federal forum to vindicate his federal rights.

PROCEDURAL HISTORY

The court previously granted Defendants' motion to dismiss based on res judicata and entered final judgment in Defendants' favor. Plaintiff then moved to alter or amend the judgment, arguing that the court's reliance on

certain authorities and its treatment of prior California Supreme Court proceedings rendered the judgment unfair. The court denied the motion.

DISPOSITION

other

CASES CITED

- Allstate Ins. Co. v. Herron, 634 F.3d 1101, 1111 (9th Cir. 2011)
- In re Rose, 22 Cal. 4th 430, 445-46 (2000)
- San Remo Hotel, L.P. v. City of San Francisco, 545 U.S. 323 (2005)
- Knick v. Township of Scott, 588 U.S. 180, 184 (2019)
- Allen v. McCurry, 449 U.S. 90, 103-04 (1980)
- Fair Assessment in Real Estate Ass'n, Inc. v. McNary, 454 U.S. 100, 116 (1981)
- Margulis v. State Bar of California, 845 F.2d 215, 216-17 (9th Cir. 1988)
- District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 n.16 (1983)