

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Hui Ying Xiz v. Alex Martinez

Xiz v. Martinez · No. 25-cv-03023-JSC · Decided May 19, 2025

SUMMARY

The United States District Court for the Northern District of California granted a federal employee’s motion to dismiss a removed civil harassment restraining-order proceeding. The court held that the requested order would restrict the defendant’s workplace activities and therefore constituted a suit against the United States barred by sovereign immunity. The court also concluded that dismissal was required under the derivative jurisdiction doctrine and dismissed the action without prejudice.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jacqueline Scott Corley
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 19, 2025
DOCKET	25-cv-03023-JSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff sought a civil harassment restraining order against Defendant in California state court. Defendant removed the action under 28 U.S.C. § 1442(a) and moved to dismiss for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	The court considered the motion under Federal Rule of Civil Procedure 12(b)(1). It treated Defendant's jurisdictional challenge as facial rather than factual because Defendant did not dispute the underlying jurisdictional facts. Sovereign immunity, although quasi-jurisdictional, may be raised through Rule 12(b)(1).
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.
PARTIES	Alex Martinez v. Hui Ying Xiz

TOPICS

- subject matter jurisdiction
- motions to dismiss
- civil procedure
- federal employment law
- federalism

PRACTICE AREAS

Civil procedure

Federal employment law

Sovereign immunity

Federal jurisdiction

Remedies

QUESTIONS PRESENTED

1. Whether the requested civil harassment restraining order was, in substance, an action against the United States because it would restrict a federal employee's performance of official workplace duties.
2. Whether sovereign immunity barred the requested injunctive relief absent an unequivocally expressed waiver or applicable exception.
3. Whether the derivative jurisdiction doctrine required dismissal after removal because the state court lacked subject-matter jurisdiction over the sovereign-immunity-barred action.

HOLDINGS

1. A requested restraining order that would keep a federal employee away from the federal workplace and thereby impair performance of federal duties is, in substance, an action against the United States.
2. Sovereign immunity barred Plaintiff's requested civil harassment restraining order because Plaintiff identified no unequivocal waiver or applicable exception permitting the requested injunctive relief.
3. The federal court lacked jurisdiction under the derivative jurisdiction doctrine because the state court from which the action was removed lacked subject-matter jurisdiction over the sovereign-immunity-barred claim.

KEY QUOTATIONS

"Because Defendant is a federal employee and the requested restraining order would restrict her workplace activities, the action is effectively against the United States and therefore barred by sovereign immunity." (at 1)

"Because Plaintiff's request for a civil harassment restraining orders is barred by sovereign immunity, "the state court lacked jurisdiction over [the] claims, as does this Court pursuant to the derivative jurisdiction doctrine."" (at 5)

FACTUAL BACKGROUND

Plaintiff and Defendant worked together at a United States Postal Service facility in Burlingame, California, where Defendant was Plaintiff's work supervisor. Plaintiff alleged that Defendant imposed work and package-loading requirements, raised her voice, struck a clipboard, and caused Plaintiff to report the matter to the union and leave work. Plaintiff sought an order requiring Defendant to remain at least 100 yards away from Plaintiff, Plaintiff's home, and Plaintiff's workplace, which was also Defendant's workplace.

PROCEDURAL HISTORY

Plaintiff filed a civil harassment restraining-order request in San Mateo County Superior Court. The state court denied temporary relief pending a later hearing. Defendant, identified as a federal employee of the United States Postal Service, removed the action to federal court under the federal-officer removal statute and moved to

dismiss. The district court granted the motion without prejudice, concluding that sovereign immunity barred the requested relief and that derivative jurisdiction deprived both the state and federal courts of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Safe Air for Everyone v. Meyer, 373 F.3d 1035, 1039 (9th Cir. 2004)
- Pistor v. Garcia, 791 F.3d 1104, 1111 (9th Cir. 2015)
- Gilbert v. DaGrossa, 756 F.2d 1455, 1458 (9th Cir. 1985)
- United States v. King, 395 U.S. 1, 4 (1969)
- Dugan v. Rank, 372 U.S. 609, 620-22 (1963)
- F.B.I. v. Superior Ct. of Cal., 507 F. Supp. 2d 1082, 1094 (N.D. Cal. 2007)
- Larson v. Domestic & Foreign Com. Corp., 337 U.S. 682, 688 (1949)
- Malone v. Bowdoin, 369 U.S. 643, 643, 648 (1962)
- Rodriguez v. Chalas, No. 23-CV-04728-SI, 2024 WL 150596, at *2 (N.D. Cal. Jan. 12, 2024)
- Kline v. Johns, No. 21-CV-03924-KAW, 2021 WL 3555734, at *2 (N.D. Cal. Aug. 2, 2021)
- Figueroa v. Baca, No. ED CV 17-1471 PA (AGRx), 2018 WL 2041383, at *3 (C.D. Cal. Apr. 30, 2018)
- United States v. Park Place Assocs., Ltd., 563 F.3d 907, 924 (9th Cir. 2009)
- Palm v. United States, 835 F. Supp. 512
- Hendy v. Bello, 555 F. App'x 224, 226 (4th Cir. 2014)
- Coelho v. Chalas, No. 23-CV-04525-SI, 2024 WL 150586, at *4 (N.D. Cal. Jan. 12, 2024)
- Beeman v. Olson, 828 F.2d 620, 621 (9th Cir. 1987)