

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Bell v. Oama Coronado LLC

Bell · No. 3:25-cv-02227-RBM-MMP · Decided October 8, 2025

SUMMARY

The United States District Court for the Southern District of California grants Michael Bell and Lisa Phillips leave to proceed in forma pauperis. The court dismisses the complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii), with certain claims dismissed without leave to amend under the Rooker-Feldman doctrine and other claims dismissed with leave to amend for failure to state a claim. The court also denies the plaintiffs’ motion for a temporary restraining order.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Ruth Bermudez Montenegro
JURISDICTION	United States District Court for the Southern District of California
DECIDED	October 8, 2025
DOCKET	3:25-cv-02227-RBM-MMP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs filed a pro se federal complaint arising from a California unlawful detainer judgment and its enforcement, along with an application to proceed in forma pauperis and an ex parte motion for a temporary restraining order. The district court granted in forma pauperis status, dismissed the complaint on screening under 28 U.S.C. § 1915(e)(2), and denied the TRO application.
STANDARD OF REVIEW	For in forma pauperis screening, the court applied 28 U.S.C. § 1915(e)(2) and the Federal Rule of Civil Procedure 12(b)(6) standard. Subject-matter jurisdiction was reviewed independently under Rule 12(h)(3). The TRO was evaluated under the Rule 65 and Winter preliminary-injunction standards.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

PARTIES

Michael Bell, Lisa Phillips v. Oama Coronado LLC, Todd Brisco & Associates, Veronica Guzman, Sirem Roman, San Diego County Sheriff's Department, Deputy Does 1-5

TOPICS

subject matter jurisdiction

civil procedure

motions to dismiss

injunctions

section 1983

PRACTICE AREAS

civil procedure

civil rights

bankruptcy

real estate

remedies

QUESTIONS PRESENTED

1. Whether the district court had subject-matter jurisdiction over claims seeking to invalidate or restrain enforcement of the state unlawful detainer judgment under the Rooker-Feldman doctrine.
2. Whether the complaint stated claims under 42 U.S.C. § 1983 against private defendants, the Sheriff's Department, and the Deputy Does.
3. Whether the Sheriff Defendants were immune from claims arising from their execution of a facially valid writ of possession.
4. Whether Plaintiffs were entitled to proceed in forma pauperis.
5. Whether Plaintiffs were entitled to a temporary restraining order.

HOLDINGS

1. The district court lacked subject-matter jurisdiction over claims that constituted a de facto appeal from the San Diego Superior Court's unlawful detainer judgment or were inextricably intertwined with that judgment.
2. A complaint filed by a plaintiff proceeding in forma pauperis must be dismissed sua sponte if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant.
3. Participation in state-court proceedings, without more, does not establish action under color of state law for purposes of 42 U.S.C. § 1983.
4. A municipal agency is not liable under § 1983 based solely on alleged constitutional violations by its employees; the plaintiff must identify a formal policy, longstanding practice, or custom that caused the deprivation.
5. A Fourth Amendment excessive-force claim requires facts showing that the force was objectively unreasonable under the totality of the circumstances; conclusory allegations concerning tight handcuffs or a strip search were insufficient here.
6. A conditions-of-confinement claim requires allegations of objectively serious harm and a sufficiently culpable mental state by the officials sought to be held liable; Plaintiff Bell did not allege that the Deputy Does knew of and disregarded a substantial risk to his health or safety.

7. Public officials are immune from civil-rights liability for executing or enforcing a facially valid court order, and the Sheriff had no independent duty to investigate the legality or merits of the underlying state-court orders before enforcement.
8. The TRO application was denied because it was moot following dismissal of the complaint and, in any event, Plaintiffs could not show a likelihood of success or a serious question on the merits where the requested relief was barred by Rooker-Feldman.

KEY QUOTATIONS

“A federal action is a “de facto appeal” of a state court decision when the plaintiff “complains of a legal wrong allegedly committed by the state court, and seeks relief from the judgment of that court.”” (Section III.A)

“A public official is entitled to immunity from suit for civil rights claims arising out of his or her execution or enforcement of a facially valid court order.” (Section III.C)

“Where, as here, the moving party fails to meet his burden on the threshold inquiry of likelihood of success on the merits, “the court need not consider the other factors.”” (Section IV.B)

FACTUAL BACKGROUND

The San Diego Superior Court entered an unlawful detainer judgment against Plaintiffs and issued a writ of possession for their residence. After Michael Bell filed a Chapter 7 bankruptcy petition, the state court and bankruptcy court determined that the petition did not create an automatic stay because the prior judgment had terminated Plaintiffs’ possessory interests. The Sheriff’s Department executed the eviction, during which Plaintiffs alleged excessive force, an unlawful search, unconstitutional jail conditions, due process violations, and state-law torts. Plaintiffs then sought federal relief that included restoration of possession, restrictions on enforcement of the eviction, damages, and a temporary restraining order.

PROCEDURAL HISTORY

The San Diego Superior Court entered judgment against Plaintiffs in an unlawful detainer action on July 23, 2025, issued a writ of possession on July 31, 2025, and the Sheriff’s Department executed the eviction on August 20, 2025. Michael Bell filed a Chapter 7 bankruptcy petition on August 15, 2025; subsequent state and bankruptcy court orders determined that no automatic stay applied to the eviction. Plaintiffs filed this federal action on August 27, 2025. The district court dismissed the first, fourth, and sixth causes of action without leave to amend, dismissed the third cause of action with leave to amend, and dismissed the second and fifth causes of action without leave to amend insofar as they challenged the state judgment or its enforcement, while permitting amendment of potentially independent claims.

DISPOSITION

dismissed

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1234-36 (9th Cir. 2015)
- United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)
- Cal. Men's Colony v. Rowland, 939 F.2d 854, 858 (9th Cir. 1991), rev'd on other grounds, 506 U.S. 194 (1993)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339-40 (1948)
- Lopez v. Smith, 203 F.3d 1122, 1127 (9th Cir. 2000)
- Teahan v. Wilhelm, 481 F. Supp. 2d 1115, 1119 (S.D. Cal. 2007)
- Henderson ex rel. Henderson v. Shinseki, 562 U.S. 428, 434 (2011)
- Steel Co. v. Citizens for a Better Environment, 523 U.S. 83, 94-95 (1998)
- Rooker v. Fidelity Trust Co., 263 U.S. 413, 415-16 (1923)
- D.C. Court of Appeals v. Feldman, 460 U.S. 462, 483 (1983)
- Noel v. Hall, 341 F.3d 1148, 1158, 1163 (9th Cir. 2003)
- Lance v. Dennis, 546 U.S. 459, 460 (2006)
- Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280, 284 (2005)
- Dubinka v. Judges of the Superior Court, 23 F.3d 218, 221 (9th Cir. 1994)
- Worldwide Church of God v. McNair, 805 F.2d 888, 891 (9th Cir. 1986)
- Bell v. City of Boise, 709 F.3d 890, 897 (9th Cir. 2013)
- Cooper v. Ramos, 704 F.3d 772, 779 (9th Cir. 2012)
- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- In re Gruntz, 202 F.3d 1074, 1079 (9th Cir. 2000)
- Richards v. Mercy Housing California, No. C 12-00234 JW, 2012 WL 174186, at *2 (N.D. Cal. Jan. 18, 2012)
- Doe & Associates Law Offices v. Napolitano, 252 F.3d 1026, 1030 (9th Cir. 2001)
- Taylor v. First Wyoming Bank, N.A., 707 F.2d 388, 389 (9th Cir. 1983)
- Jackson v. Metropolitan Edison Co., 419 U.S. 345, 352 (1974)
- Jones v. Community Redevelopment Agency of Los Angeles, 733 F.2d 646, 649 (9th Cir. 1984)
- Monell v. Department of Social Services, 436 U.S. 658, 694 (1978)
- City of Canton v. Harris, 489 U.S. 378, 385 (1989)
- Gillette v. Delmore, 979 F.2d 1342, 1346 (9th Cir. 1992)
- Trevino v. Gates, 99 F.3d 911, 918 (9th Cir. 1996)
- Mapp v. Ohio, 367 U.S. 643, 655 (1961)
- Smith v. City of Hemet, 394 F.3d 689, 700 (9th Cir. 2005)
- Graham v. Connor, 490 U.S. 386, 395-97 (1989)
- Ward v. City of San Jose, 967 F.2d 280, 284 (9th Cir. 1992)
- Hammer v. Gross, 932 F.2d 842, 846 (9th Cir. 1991)
- Wall v. County of Orange, 364 F.3d 1107, 1112 (9th Cir. 2004)
- United States v. Palmer, 575 F.2d 721, 723 (9th Cir. 1978)

- Farmer v. Brennan, 511 U.S. 825, 832, 837 (1994)
- Toussaint v. McCarthy, 801 F.2d 1080, 1107 (9th Cir. 1986), abrogated in part on other grounds by Sandin v. Connor, 515 U.S. 472 (1995)
- Johnson v. Lewis, 217 F.3d 726, 731 (9th Cir. 2000)
- Wallis v. Baldwin, 70 F.3d 1074, 1076 (9th Cir. 1995)
- Castro v. County of Los Angeles, 833 F.3d 1060, 1068 (9th Cir. 2016)
- Engebretson v. Mahoney, 724 F.3d 1034, 1038-41 & n.7 (9th Cir. 2013)
- Lyons v. Santa Barbara County Sheriff's Office, 231 Cal. App. 4th 1499, 1503 (2014)
- George v. County of San Luis Obispo, 78 Cal. App. 4th 1048, 1054-55 (2000)
- In re Perl, 811 F.3d 1120, 1127 (9th Cir. 2016)
- Arrieta v. Mahon, 31 Cal. 3d 381, 392 (1982)
- Brincken v. Royal, No. 2:12-cv-2599-MCE-CKD PS, 2013 WL 211245, at *3 (E.D. Cal. Jan. 10, 2013)
- In re Dynamic Random Access Memory Antitrust Litigation, 546 F.3d 981, 990 (9th Cir. 2008)
- Rosati v. Igbino, 791 F.3d 1037, 1039 (9th Cir. 2015)
- Akhtar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 2012)
- Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers, 415 U.S. 423, 439 (1974)
- Stuhlbarg International Sales Co. v. John D. Brush & Co., 240 F.3d 832, 839 n.7 (9th Cir. 2001)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 22 (2008)
- Herb Reed Enterprises, LLC v. Florida Entertainment Management, Inc., 736 F.3d 1239, 1247 (9th Cir. 2013)
- Disney Enterprises, Inc. v. VidAngel, Inc., 869 F.3d 848, 856 (9th Cir. 2017)
- Garcia v. Google, Inc., 786 F.3d 733, 740 (9th Cir. 2015)
- Pimentel v. Dreyfus, 670 F.3d 1096, 1111 (9th Cir. 2012)
- Jones v. Federal Correctional Center Medical Department, No. 20-CV-1385 JLS (BLM), 2020 WL 6942519, at *4 (S.D. Cal. Nov. 25, 2020)
- Olajide v. Brown, No. 18-cv-03991-CRB, 2018 WL 3328227, at *3 (N.D. Cal. July 6, 2018)
- In re Bauman, No. 3:24-CV-1564 JLS (BLM), 2024 WL 4647299, at *6 (S.D. Cal. Oct. 31, 2024)
- Lara v. Services, No. 12cv904-LAB (POR), 2012 WL 12872451, at *1 (S.D. Cal. June 5, 2012)
- Lira v. Herrera, 427 F.3d 1164, 1169 (9th Cir. 2005)

OPINION

Bell v. Oama Coronado LLC

PER CURIAM.

1 2 3 4 5

6 UNITED STATES DISTRICT COURT

7 SOUTHERN DISTRICT OF CALIFORNIA

8

9 MICHAEL BELL AND LISA PHILLIPS, Case No.: 3:25-cv-02227-RBM-MMP

10 Plaintiffs, ORDER: 11 v.

(1) GRANTING MOTION TO

12 OAMA CORONADO LLC, et al.,

PROCEED IN FORMA PAUPERIS

13 Defendants. [Doc. 3] 14

(2) DISMISSING COMPLAINT ON

15 SCREENING PURSUANT TO 28

U.S.C. § 1915(e)(2)(B)(ii) [Doc. 1] 16

17 (3) DENYING PLAINTIFF’S EX

PARTE APPLICATION FOR

18

TEMPORARY RESTRAINING

19 ORDER [Doc. 2] 20 21 This action allegedly concerns an unlawful detainer matter adjudicated
in the 22 Superior Court of California, County of San Diego (“San Diego Superior Court”), 23
captioned Oama Coronado LLC v. Bell, Case No. 25UD010130C (the “Unlawful Detainer 24
Action”). (See Doc. 1-2 at 2, 8.)¹ On August 27, 2025, Plaintiffs Michael Bell and Lisa 25 26 27 1
The Court cites the paragraph numbers of the Complaint and the CM/ECF electronic 28 1 Phillips
(collectively, “Plaintiffs”) filed the instant Complaint (“Complaint”), accompanied 2 by several
supporting documents and declarations. (Doc. 1 [“Compl.”].) Along with their 3 Complaint,
Plaintiffs filed an Application to Proceed In Forma Pauperis (“IFP 4 Application”). (Doc. 3.)
Plaintiffs also filed a Motion for Temporary Restraining Order 5 (“TRO Motion”). (Doc. 2.) 6 For
the reasons discussed below, the Court (1) GRANTS Plaintiffs’ IFP Application 7 (Doc. 3); (2)
DISMISSES the Complaint on screening without prejudice; and (3) DENIES 8 Plaintiffs’ TRO
Motion (Doc. 2).

9 I. BACKGROUND²

10 Plaintiffs bring the instant action against the San Diego County Sheriff’s Department 11 (the
“Sheriff” or “Sheriff’s Department”), Deputy Does 1–5 (“Deputy Does”) (collectively, 12 the
“Sheriff Defendants”), and several private individuals and entities including 13 Defendants Oama
Coronado LLC, Todd Brisco & Associates, Veronica Guzman, and 14 Sirem Roman (collectively,
the “Private Defendants”). (Compl. at 2.) 15 The San Diego Superior Court entered judgment
against Plaintiffs on July 23, 2025 16 in the Unlawful Detainer Action and issued the Writ of
Possession of Real Property (“Writ 17 of Possession”) on July 31, 2025. (Doc. 1-2 at 49.) The
Sheriff’s Department’s authorized 18 agent issued a Notice to Vacate stating that possession of the
property must be turned over 19 on August 19, 2025 pursuant to the Writ of Possession issued by
the San Diego Superior 20 Court. (Doc. 1-2 at 5, 8.) 21 On August 15, 2025, Plaintiff Michael Bell
(“Plaintiff Bell”) filed a Chapter 7 22 voluntary bankruptcy petition for relief. (Doc. 1-2 at 1.) That
same day, Plaintiff Bell 23 alleges that he “faxed the bankruptcy case notice directly to the
Sheriff’s Civil Division,” 24 and deputies later claimed they did not receive the notice. (Doc. 1-2
at 20.) On August 25 19, 2025 at 8:45 a.m., the San Diego Superior Court issued a minute order

deeming the 26 27 2 The Court's summary of Plaintiff's Complaint below reflects Plaintiffs' factual and legal 28 1 Unlawful Detainer Action stayed as to Plaintiff Bell only and directed Plaintiff Bell to file 2 a Notice of Stay. (Doc. 1-2 at 2.) 3 The Sheriff's Department executed the eviction on August 20, 2025. (Doc. 1-2 at 4 20.) Plaintiffs allege that Deputy Does "dragged [Plaintiff Bell] from his bed in pajamas, 5 placed him in excessively tight handcuffs, rifled through his wallet, and forcibly removed 6 him from his residence." (Compl. at 5; see Doc. 1-2 at 21.) Plaintiffs also allege that a 7 Deputy Doe "deliberately knocked [Plaintiff Bell's] phone out of his hands inside the 8 apartment, preventing the call" he was placing to the "Coronado police to report the 9 [Deputies Doe] as trespassers." (Doc. 1-2 at 20.) The Deputy Does then "pulled him by 10 one arm into the hallway, dragging him" out from the property. (Id.) Plaintiffs allege the 11 Deputy Does also threatened Plaintiff Lisa Phillips ("Plaintiff Phillips") "with handcuffs 12 when she attempted to retrieve her belongings." (Id. at 21.) The Deputy Does also "strip- 13 searched [Plaintiff Bell] in the parking lot" and "never read [him] his [Miranda] rights." 14 (Doc. 1-4 at 1.) 15 After the arrest, the Deputy Does "transported [Plaintiff Bell] to [the] San Diego 16 County Jail where he was confined for 16 hours under inhumane conditions: overcrowded 17 cells, human feces, broken toilets, no food or water, no sanitary supplies, and denial of 18 telephone access." (Compl. at 6; Doc. 1-2 at 21.) Plaintiff Bell had a "wide open cut on 19 [his] foot" and was "placed in a 10x8 foot cell with approximately 12-14" detainees who 20 appeared under "the heavy influence of fentanyl and street drugs," and were exhibiting 21 "erratic and threatening behavior." (Doc. 1-5 ¶¶ 6, 9.) Plaintiff was issued a \$10,000 bail 22 fee (see Doc. 1-2 at 27) and was subsequently released several hours after a bond was 23 posted. (Doc. 1-5 ¶ 21.) 24 Since August 20, 2025, Plaintiffs have been allowed only one 20-minute supervised 25 visit to the property to retrieve their belongings. (Doc. 1-4 at 2.) On August 21, 2025, the 26 Sheriff's Department's authorized agent signed and executed the Return on Writ of 27 Possession. (Doc. 1-2 at 48.) On August 22, 2025, the bankruptcy court issued an 28 "Amended Plaintiff's Notice of No Automatic Stay in Place by Operation of Law." (Doc. 1 1-2 at 30-32.) On August 26, 2025, the San Diego Superior Court issued a minute order 2 finding that based on the bankruptcy court's ruling, there is no automatic stay as to Plaintiff 3 Bell. (Doc. 1-2 at 19.) 4 Plaintiffs filed the instant Complaint on August 27, 2025, alleging the following 5 constitutional and state law claims: (1) violation of an automatic bankruptcy stay under 11 6 U.S.C. § 361 ("First Cause of Action"); (2) violation of the Fourth Amendment under 42 7 U.S.C. § 1983 ("Second Cause of Action"); (3) violation of the Eighth Amendment under 8 42 U.S.C. § 1983 ("Third Cause of Action"); (4) denial of due process based on the 9 Fourteenth Amendment under 42 U.S.C. § 1983 ("Fourth Cause of Action"); (5) violation 10 of California's Bane Act under Civil Code § 52.1 ("Fifth Cause of Action"); and (6) 11 common law claims for conversion and trespass to chattels ("Sixth Cause of Action"). 12 (Compl. at 5-7.) Plaintiffs request monetary and injunctive relief, including "at least 13 \$15,000 immediately . . . , \$10,000 bail bond, plus additional damages to be proven at 14 trial." (Id. at 10.)

15 II. IFP APPLICATION

16 All parties instituting any civil action, suit, or proceeding in a District Court of the 17 United States, except an application for writ of habeas corpus, must pay a filing fee of 18 \$405.3 See 28 U.S.C. § 1914(a). A court may authorize the commencement of a suit 19 without prepayment of the filing fee if the plaintiff submits a signed affidavit “that includes 20 a statement of all assets[,] which shows [an] inability to pay initial fees or give security.” 21 S.D. Cal. Civ. R. 3.2(a). The facts of an affidavit of poverty must be stated “with some 22 particularity, definiteness, and certainty.” *Escobedo v. Applebees*, 787 F.3d 1226, 1234 23 (9th Cir. 2015) (quoting *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981)). 24 25 26 3 Civil litigants must pay an administrative fee of \$55 in addition to the \$350 filing fee.

27 See 28 U.S.C. § 1914(a) (Judicial Conference Schedule of Fees, District Court Misc. Fee Schedule, § 14 (eff. Dec. 1, 2023)). The additional \$55 administrative fee does not apply 28 1 The determination of indigency falls within the district court’s discretion. *Cal. Men’s 2 Colony v. Rowland*, 939 F.2d 854, 858 (9th Cir. 1991), rev’d on other grounds, 506 U.S. 3 194 (1993) (“[§] 1915 typically requires the reviewing court to exercise its sound discretion 4 in determining whether the affiant has satisfied the statute’s requirement of indigency.”). 5 It is well-settled that a party need not be completely destitute to proceed IFP, but he must 6 adequately prove his indigence. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 7 339–40 (1948). 8 To satisfy the requirements of 28 U.S.C. § 1915(a), “[a]n affidavit in support of an 9 IFP [motion] is sufficient where it alleges that the affiant cannot pay the court costs and 10 still afford the necessities of life.” *Escobedo*, 787 F.3d at 1234 (citing *Adkins*, 335 U.S. at 11 339); see also *McQuade*, 647 F.2d at 940 (an adequate affidavit should state supporting 12 facts “with some particularity, definiteness and certainty”). No exact formula is “set forth 13 by statute, regulation, or case law to determine when someone is poor enough to earn IFP 14 status.” *Escobedo*, 787 F.3d at 1235. Consequently, courts must evaluate IFP requests on 15 a case-by-case basis. See *id.* at 1235–36 (declining to implement a general benchmark of 16 “twenty percent of monthly household income”); see also *Cal. Men’s Colony*, 939 F.2d at 17 858 (requiring that district courts evaluate indigency based upon available facts and by 18 exercise of their “sound discretion”), rev’d on other grounds, 506 U.S. 194 (1993) (citation 19 omitted). 20 In their IFP Application, Plaintiffs list \$1,596 as their monthly income from self- 21 employment and \$292 from public assistance (i.e., food stamps). (Doc. 3 at 1–2.) Plaintiffs 22 declare that they have \$626 in a checking account with Chase Bank as of August 27, 2025. 23 (Id. at 2.) Plaintiffs also list \$3,739 in monthly expenses, including \$2,908 per month on 24 rent payments. (Id. at 4–5.) Specifically, Plaintiff Bell lists that he spends \$98 per month 25 on medical and dental expenses, \$150 per month on transportation expenses, \$178.59 per 26 month on renter’s and motor vehicle insurance, and \$405 per month on motor vehicle 27 installment payments. (Id. at 4.) Plaintiff Bell also declares that he has filed for Chapter 28 7 bankruptcy. (Id. at 5.) Plaintiff Phillips lists that she spends \$55 per month on medical 1 and dental expenses and \$500 per month in credit card

installment payments. (Id.) 2 Plaintiffs further declare that they have spent, or will be spending, \$2,000 in 3 conjunction with this lawsuit. (Id. at 5.) Plaintiffs are not owed any money, do not have 4 any dependents who rely on them for financial support, and do not anticipate any changes 5 to their income or expenses in the next twelve months. (Id. at 2–3.) Based on their IFP 6 Application, Plaintiffs’ monthly expenses, \$3,739, exceed their monthly income of \$1,888. 7 Accordingly, the Court finds that Plaintiffs have sufficiently shown an inability to pay the 8 \$405 filing fee pursuant to § 1915(a) and Plaintiffs’ IFP Application is GRANTED.

9 III. SCREENING UNDER 28 U.S.C. § 1915(e)

10 A complaint filed by any person proceeding IFP pursuant to 28 U.S.C. § 1915(a) is 11 subject to mandatory, sua sponte review and dismissal by the Court if the action: “(i) is 12 frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) 13 seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. 14 § 1915(e)(2)(B); see *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000) (“1915(e) not 15 only permits but requires a district court to dismiss an [IFP] complaint that fails to state a 16 claim.”). “[T]he sua sponte screening and dismissal procedure is cumulative of, not a 17 substitute for, any subsequent Rule 12(b)(6) motion that the defendant may choose to 18 bring.” *Teahan v. Wilhelm*, 481 F. Supp. 2d 1115, 1119 (S.D. Cal. 2007). 19 In addition, “[f]ederal courts have an independent obligation to ensure that they do 20 not exceed the scope of their jurisdiction, and therefore they must raise and decide 21 jurisdictional questions that the parties either overlook or elect not to press.” *Henderson* 22 ex rel. *Henderson v. Shinseki*, 562 U.S. 428, 434 (2011); see also Fed. R. Civ. P. 12(h)(3) 23 (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must 24 dismiss the action.”). Courts address the issue of subject matter jurisdiction first, as “[t]he 25 requirement that jurisdiction be established as a threshold matter ‘spring[s] from the nature 26 and limits of the judicial power of the United States’ and is ‘inflexible and without 27 exception.’” *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 94–95 (1998) (quoting 28 *Mansfield, C. & L.M. Ry. Co. v. Swan*, 111 U.S. 379, 382 (1884)). 1 A. Subject Matter Jurisdiction 2 “Federal courts are courts of limited jurisdiction” and “possess only that power 3 authorized by Constitution and statute” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 4 511 U.S. 375, 377 (1994). Under the Rooker-Feldman doctrine, district courts lack subject 5 matter jurisdiction to review de facto appeals from state court judgments. See *Rooker v. 6 Fid. Tr. Co.*, 263 U.S. 413, 415–16 (1923); *D.C. Court of Appeals v. Feldman*, 460 U.S. 7 462, 483 (1983). A federal action is a “de facto appeal” of a state court decision when the 8 plaintiff “complains of a legal wrong allegedly committed by the state court, and seeks 9 relief from the judgment of that court.” *Noel v. Hall*, 341 F.3d 1148, 1163 (9th Cir. 2003). 10 Lower federal courts cannot adjudicate actions brought by “state-court losers” seeking 11 relief from “state-court judgments rendered before the district court proceedings 12 commenced.” *Lance v. Dennis*, 546 U.S. 459, 460 (2006) (quoting *Exxon Mobile Corp. v. 13 Saudi Basic Indus., Corp.*, 544 U.S. 280, 284 (2005)). This is true even when the challenge 14 to the state court decision involves federal constitutional issues. See *Dubinka v.*

Judges of 15 the Superior Ct., 23 F.3d 218, 221 (9th Cir. 1994); *Worldwide Church of God v. McNair*, 16 805 F.2d 888, 891 (9th Cir. 1986). 17 District courts must also refuse to decide any issue raised in the suit that is 18 “inextricably intertwined” with the state court proceedings. *Noel*, 341 F.3d at 1158; see 19 also *Bell v. City of Boise*, 709 F.3d 890, 897 (9th Cir. 2013) (“The ‘inextricably 20 intertwined’ language . . . is not a test to determine whether a claim is a de facto appeal, 21 but is rather a second and distinct step in the Rooker-Feldman analysis.”). “Where the 22 district court must hold that the state court was wrong in order to find in favor of the 23 plaintiff, the issues presented to both courts are inextricably intertwined.” *Doe & Assocs. 24 Law Offices v. Napolitano*, 252 F.3d 1026, 1030 (9th Cir. 2001). 25 Both conditions are present here. First, this action constitutes a de facto appeal of 26 the San Diego Superior Court’s judgment in the Unlawful Detainer Action. In the 27 Complaint, Plaintiffs request “immediate restoration of possession of [their] home” or 28 alternatively “30 days 24/7 access to pack and move [their] belongings.” (Compl. at 10.) 1 In the Declaration of Michael Bell and Lisa Phillips, Plaintiffs further request that the Court 2 “requir[e] the Sheriff and Coronado Police to stand down” and “prohibit[]Defendants from 3 re-leasing or disposing of [their] property.” (Doc. 1-4 at 3.) Because Plaintiffs seek a 4 remedy by which this Court would invalidate and reverse a state court’s judgment in the 5 Unlawful Detainer Action, they ask the Court to “review the final determinations of a state 6 court in judicial proceedings,” which is at the core of Rooker-Feldman’s prohibition. In re 7 Gruntz, 202 F.3d 1074, 1079 (9th Cir. 2000); see *Richards v. Mercy Hous. Cal.*, No. C 12- 8 00234 JW, 2012 WL 174186, at *2 (N.D. Cal. Jan. 18, 2012) (“[I]nsofar as he requests that 9 the Court ‘stop’ the eviction,” Plaintiffs are evidently “seeking relief from the state court 10 judgment.”). As such, the Court lacks jurisdiction to grant the relief requested. 11 Additionally, Plaintiffs’ claims are “inextricably intertwined with the merits of a 12 state-court judgment” because they “succeed[] only to the extent that the state court 13 wrongly decided the issues before it.” *Cooper v. Ramos*, 704 F.3d 772, 779 (9th Cir. 2012) 14 (quoting *Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1, 25 (1987) (Marshall, J., concurring)). 15 Indeed, Plaintiffs allege the “eviction was void by law.” (Compl. at 5.) Although Plaintiffs 16 claim the eviction violated their constitutional rights, such claims “rely on the premise that 17 Plaintiff . . . [was] in fact entitled to remain in possession,” meaning the state court’s 18 judgment was “wrongful.” *Koshak v. Cnty. of Orange*, No. SACV 13-01732-CJC(ANx), 19 2014 WL 12626351, at *3 (C.D. Cal. Jan. 24, 2014), aff’d, 637 F. App’x 323 (9th Cir. 20 2016). Accordingly, the Court lacks subject matter jurisdiction over Plaintiffs’ claims 21 arising from the state court’s judgment in the Unlawful Detainer Action and its subsequent 22 enforcement. See *Iula v. Voos*, No. 23-CV-2277 JLS (AHG), 2024 WL 171395, at *7 (S.D. 23 Cal. Jan. 16, 2024) (“The issue of enforcing an unlawful detainer judgment is inextricably 24 intertwined with the judgment itself.”). To the extent such claims are inextricably 25 intertwined with those adjudicated in the Unlawful Detainer Action, the First, Second, 26 Fourth, Fifth, and Sixth Causes of Actions are DISMISSED without leave to amend. 27 B. Failure to State a Claim 28 “[S]ection 1915(e) not only permits but requires a district court

to dismiss an [IFP] 1 complaint that fails to state a claim.” *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000). 2 “The standard for determining whether a plaintiff has failed to state a claim upon which 3 relief can be granted under § 1915(e)(2)(B)(ii) is the same as the Federal Rule of Civil 4 Procedure 12(b)(6) standard for failure to state a claim.” *Watson v. Carter*, 668 F.3d 1108, 5 1112 (9th Cir. 2012). Federal Rule of Civil Procedure (“Rule”) 12(b)(6) requires a 6 complaint to “contain sufficient factual matter, accepted as true, to state a claim to relief 7 that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (cleaned up). A 8 claim is facially plausible when the factual allegations permit “the court to draw the 9 reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* A 10 pleading must contain “a short and plain statement of the claim showing that the pleader is 11 entitled to relief.” Fed. R. Civ. P. 8(a)(2). While “detailed factual allegations” are not 12 required, a plaintiff must plead sufficient facts that, if true, “raise a right to relief above the 13 speculative level.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 545 (2007). 14 The Court “ha[s] an obligation where the petitioner is pro se, particularly in civil 15 rights cases, to construe the pleadings liberally and to afford the petitioner the benefit of 16 any doubt.” *Hebbe v. Pliler*, 627 F.3d 338, 342 n.7 (9th Cir. 2010) (citing *Bretz v. Kelman*, 17 773 F.2d 1026, 1027 n.1 (9th Cir. 1985)). However, the Court may not “supply essential 18 elements of claims that were not initially pled.” *Ivey v. Bd. of Regents of the Univ. of 19 Alaska*, 673 F.2d 266, 268 (9th Cir. 1982). 20 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege that a specific 21 defendant deprived him of a right guaranteed under the Constitution or a federal statute 22 and “that the alleged deprivation was committed by a person acting under color of state 23 law.” *West v. Atkins*, 487 U.S. 42, 48 (1988). “A person deprives another ‘of a 24 constitutional right, within the meaning of section 1983, if he does an affirmative act, 25 participates in another’s affirmative acts, or omits to perform an act which he is legally 26 required to do that causes the deprivation of which [the plaintiff complains].’” *Leer v. 27 Murphy*, 844 F.2d 628, 633 (9th Cir. 1988) (quoting *Johnson v. Duffy*, 588 F.2d 740, 743 28 (9th Cir. 1978). “The ‘under color of state law’ requirement of § 1983 is equivalent to the 1 ‘state action’ requirement of the Fourteenth Amendment.” *United States v. Price*, 383 U.S. 2 787, 794, n. 7 (1966). 3 1. Private Defendants 4 Plaintiffs assert their Fourth Cause of Action for violation of their Fourteenth 5 Amendment Due Process rights against the Private Defendants. (Compl. at 5.) Although 6 the Court has determined that it lacks subject matter jurisdiction over Plaintiffs’ due 7 process claim pursuant to the Rooker-Feldman doctrine, the Court further notes that 8 Plaintiffs fail to state their Fourteenth Amendment claim against the Private Defendants 9 because § 1983 reaches only actions taken “under color” of state law and generally does 10 not apply to private individuals. See *Taylor v. First Wyo. Bank, N.A.*, 707 F.2d 388, 389 11 (9th Cir. 1983). “A private action may constitute an action under color of state law if the 12 private person willfully participates in joint action with the state or its agents. . . . [or] if it 13 constitutes the exercise of ‘some power delegated to [the private person] by the state which 14 is traditionally associated with sovereignty’ or is ‘traditionally exclusively reserved to the 15 state.” *Id.* (quoting *Jackson v. Metro. Edison Co.*,

419 U.S. 345, 352 (1974)). 16 Here, Plaintiffs assert their due process claims against Defendants Oama Coronado, 17 LLC, Sirem Roman, attorney Veronica Guzman, and her law firm Todd Brisco & 18 Associates, based on their participation in the Unlawful Detainer Action.⁴ However, their 19 participation in state court proceedings does not demonstrate action under color of state 20 law. The Court also finds that Plaintiffs fail to allege any facts which adequately link the 21 Private Defendants to any specific deprivation of Plaintiffs' constitutional rights, as 22 required to state a plausible § 1983 claim. See *Jones v. Cmty. Redevelopment Agency of* 23 24 25 4 Defendant Oama Coronado, LLC is the landlord who initiated the Unlawful Detainer Action against Plaintiffs in San Diego Superior Court. (Doc. 1 at 2, 5.) Defendant Sirem 26 Roman appears to be the "Community Director" of Defendant Oama Coronado, LLC. (Id.) 27 Attorney Veronica Guzman, and her law firm Todd Brisco & Associates, represented Defendant Oama Coronado, LLC as the landlords' counsel in the Unlawful Detainer 28 1 City of Los Angeles, 733 F.2d 646, 649 (9th Cir. 1984) ("The plaintiff must allege with at 2 least some degree of particularity overt acts which defendants engaged in that support the 3 plaintiff's claim."). The Fourth Cause of Action must therefore be DISMISSED as to the 4 Private Defendants on this basis. 5 2. Municipal Defendant 6 Plaintiffs bring their Second Cause of Action for violation of their Fourth 7 Amendment rights and Third Cause of Action for violation of their Eighth Amendment 8 rights against a municipal agency—the Sheriff's Department. (Compl. at 5.) To assert 9 claims against a municipal agency, Plaintiffs must allege that a constitutional violation was 10 committed pursuant to a "formal governmental policy or a longstanding practice or custom 11 which constitutes the standard operating procedure of the local government entity." 12 *Gillette v. Delmore*, 979 F.2d 1342, 1346 (9th Cir. 1992) (cleaned up); see also *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 694 (1978); *City of Canton v. Harris*, 489 U.S. 378, 14 385 (1989). Plaintiffs must also show the policy was "(1) the cause in fact and (2) the 15 proximate cause of the constitutional deprivation." *Trevino v. Gates*, 99 F.3d 911, 918 (9th 16 Cir. 1996).

17 In this case, Plaintiffs do not identify or mention any "formal governmental policy 18 or a longstanding practice or custom which constitutes the standard operating procedure of 19 the local government entity." *Gillette*, 979 F.2d at 1346 (cleaned up). Nor do Plaintiffs 20 plead that the alleged constitutional violations were committed pursuant to any such 21 policies, practices, or customs. Plaintiffs therefore fail to state a claim against the Sheriff's 22 Department under 42 U.S.C. § 1983. Accordingly, the Second and Third Causes of Action 23 as to the Sheriff's Department are DISMISSED with leave to amend. 24 3. Deputy Does 25 a. Fourth Amendment (Second Cause of Action) 26 Plaintiffs allege that the Deputy Does engaged in conduct that constituted an 27 "unlawful seizure" in violation of their Fourth Amendment rights. (Compl. at 7.) 28 The Fourth Amendment, which applies to the states through the Fourteenth 1 Amendment, protects against unreasonable searches and seizures by law enforcement 2 officers. *Mapp v. Ohio*, 367 U.S. 643, 655 (1961). "All claims that law enforcement 3 officers have used excessive force—

deadly or otherwise—in the course of an arrest must be analyzed under the Fourth Amendment and its ‘reasonableness’ standard.” *Smith v. City of Hemet*, 394 F.3d 689, 700 (9th Cir. 2005) (citing *Graham v. Connor*, 490 U.S. 386, 395 (1989)); see also *Ward v. City of San Jose*, 967 F.2d 280, 284 (9th Cir. 1992), as amended. “Reasonableness” is determined by an objective standard. See *Graham*, 490 U.S. at 397. To determine whether a use of force was objectively reasonable, a court must balance the “nature and quality of the intrusion” on a person’s liberty with the “countervailing governmental interests at stake.” See *id.* at 396. “The question is not simply whether the force was necessary to accomplish a legitimate police objective; it is whether the force used was reasonable in light of all the relevant circumstances.” *Hammer v. Gross*, 932 F.2d 1384, 846 (9th Cir. 1991). Based on Plaintiffs’ factual allegations, the Court finds that: (1) Plaintiffs fail to state a Fourth Amendment claim based on an “unlawful search”; (2) Plaintiff Phillips fails to individually state a Fourth Amendment excessive force claim; and (3) Plaintiff Bell fails to individually state a Fourth Amendment excessive force claim. First, Plaintiffs allege that five Deputy Does “entered [their] home without valid authority or warrant” and that their actions in effectuating the eviction constituted “an unlawful seizure of [their] home and property in violation of the Fourth Amendment.” (Compl. at 5; see Doc. 1-2 at 21.) However, for the reasons previously discussed (see Sec.III.A), the Court lacks subject matter jurisdiction over Plaintiffs’ claims that are premised on the legality of the eviction and enforcement of the Writ of Possession issued by the San Diego Superior Court. Next, Plaintiff Phillips alleges that the Deputy Does “threatened [her] with handcuffs and barred [her] from re-entering [the Property] to collect her belongings.” (Compl. at 5.) Although it appears that Plaintiff Phillips attempts to state an excessive force claim, she does not allege that she was arrested, searched, or that any Deputy Doe used any force on her. Plaintiff Phillips therefore fails to state a Fourth Amendment excessive force claim. Finally, as to Plaintiff Bell, the Deputy Does allegedly “dragged [him] from his bed in pajamas, placed him in excessively tight handcuffs, rifled through his wallet, and forcibly removed him from his residence.” (*Id.*) He also claims the Deputy Does “strip-search[ed] him in the public parking lot” and that “no [Miranda] rights were ever read at any time.” (Doc. 1-2 at 20, 21.) Excessively tight handcuffs may be objectively unreasonable force in some circumstances. See *Wall v. Cnty. of Orange*, 364 F.3d 1107, 1112 (9th Cir. 2004) (finding excessively tight handcuffing that caused permanent nerve damage violated the Fourth Amendment); *Gregory v. Adams*, No. CIV S-05-1393 FCD 10 EFB P., 2008 WL 486013, at *5 (E.D. Cal. Feb. 19, 2008) (finding tight handcuffing in violation of the Eighth Amendment was a triable issue of fact where the defendant handcuffed the plaintiff, who was wearing a wrist brace due to his arthritis and tendinitis, despite the plaintiff’s pleas that he was in pain), adopted by 2008 WL 780672 (E.D. Cal. Mar. 21, 2008).

Here, Plaintiff Bell fails to provide any context regarding the “facts and circumstances” surrounding the arrest, the alleged strip search, or the allegedly tight handcuffing sufficient to

state a plausible claim. See *Graham*, 490 U.S. at 396 (stating the 18 standard “requires careful attention to the facts and circumstances of each particular case, 19 including the severity of the crime at issue, whether the suspect poses an immediate threat 20 to the safety of the officers or others, and whether he is actively resisting arrest or 21 attempting to evade arrest by flight”). In the Complaint, Plaintiff Bell alleges that the 22 handcuffs cut and bruised his wrists (Doc. 1-4 at 1), but he does not describe how the 23 handcuffs caused him to suffer unconstitutional levels of pain, or that he communicated 24 such concerns to any of the Deputy Does. Plaintiff Bell also fails to describe the alleged 25 strip search and does not provide any facts to support his claim that it constituted an 26 unreasonable search in violation of the Fourth Amendment, as opposed to a less intrusive 27 search. See *United States v. Palmer*, 575 F.2d 721, 723 (9th Cir. 1978) (distinguishing 28 “between a search of pockets and a strip search [because] there can be a wide variety of 1 types of intrusion, with varying degrees of intrusiveness”). His threadbare allegations are 2 therefore insufficient to state a claim for excessive force based on tight handcuffing and 3 the alleged strip search. See *Petros v. Duncan*, Case No. 1:19-cv-00277-SAB, 2019 WL 4 3459094, at *3 (E.D. Cal. July 31, 2019) (holding that plaintiff failed to state claim for 5 excessive force under the Fourth Amendment where plaintiff alleged only that he told 6 officer that handcuffs were too tight); *Devore v. Dominguez*, 2020 WL 7223261, at *4 7 (C.D. Cal. 2020) (dismissing Fourth Amendment excessive force claim where the plaintiff 8 only alleged that he told officers the handcuffs were too tight because he did not “allege 9 any facts describing the way in which he was handcuffed or any facts establishing how the 10 handcuffs caused [the plaintiff] to suffer unconstitutional levels of pain, bruises, or any 11 other injury.”), adopted by 2021 WL 1554062 (Apr. 20, 2021). Plaintiff Bell therefore fails 12 to state a Fourth Amendment excessive force claim. 13 Based on the foregoing reasons: (1) Plaintiffs’ Second Cause of Action for unlawful 14 seizure under the Fourth Amendment is DISMISSED without leave to amend; (2) 15 Plaintiff Phillips’ Second Cause of Action for excessive force under the Fourth 16 Amendment is DISMISSED without leave to amend; and (3) Plaintiff Bell’s Second 17 Cause of Action as to the Deputy Does for excessive force under the Fourth Amendment 18 is DISMISSED with leave to amend. 19 b. Eighth Amendment (Third Cause of Action) 20 Plaintiff Bell asserts an Eighth Amendment claim against the Sheriff Defendants 21 based on jail conditions he experienced after his arrest on August 20, 2025, which he claims 22 “amount to cruel and unusual punishment under the Eighth Amendment.” (Compl. at 6;

23 Doc. 1-5 ¶¶ 22.) Specifically, Plaintiff Bell alleges the Deputy Does “transported him to 24 San Diego County Jail where he was confined for 16 hours under inhumane conditions: 25 overcrowded cells, human feces, broken toilets, no food or water, no sanitary supplies, and 26 denial of telephone access.” (Compl. at 6.) While Plaintiff Bell references the Eighth 27 Amendment’s “cruel and unusual” language, the Court liberally construes Plaintiff’s claim 28 1 under the Due Process Clause of the Fourteenth Amendment. See *Bernhardt v. Cnty. of 2 Los Angeles*, 339 F.3d 920, 925 (9th Cir. 2003) (“Courts have a duty to construe pro se 3 pleadings

liberally, including pro se motions as well as complaints.”). The Ninth Circuit 4 generally looks “to the Eighth Amendment as a starting point for determining the rights of 5 pretrial detainees under the Fourteenth Amendment.” *Sandoval v. Cnty. of San Diego*, 985 F.3d 657, 668 (9th Cir. 2021). 7 The Eighth Amendment’s prohibition against cruel and unusual punishment imposes 8 a duty on prison officials to “provide humane conditions of confinement.” *Farmer v. 9 Brennan*, 511 U.S. 825, 832 (1994). These include “food, clothing, shelter, sanitation, 10 medical care, and personal safety.” *Toussaint v. McCarthy*, 801 F.2d 1080, 1107 (9th Cir. 11 1986), abrogated in part on other grounds by *Sandin v. Connor*, 515 U.S. 472 (1995); see 12 also *Johnson v. Lewis*, 217 F.3d 726, 731 (9th Cir. 2000). To plead a claim based on “cruel 13 and unusual” punishment, a plaintiff must allege facts to demonstrate he was confined 14 under conditions posing a risk of “objectively, sufficiently serious” harm and that the 15 prison officials he seeks to hold liable had a “sufficiently culpable state of mind.” *Wallis 16 v. Baldwin*, 70 F.3d 1074, 1076 (9th Cir. 1995). “A prison official cannot be found liable 17 under the Cruel and Unusual Punishment Clause for denying an inmate humane conditions 18 of confinement ‘unless the official knows of and disregards an excessive risk to inmate 19 health or safety; the official must both be aware of facts from which the inference could be 20 drawn that a substantial risk of serious harm exists, and he must also draw the inference.’” 21 *Castro v. Cnty. of Los Angeles*, 833 F.3d 1060, 1068 (9th Cir. 2016) (quoting *Farmer*, 511 22 U.S. at 837). 23 24 25 5 The Eighth Amendment applies to convicted prisoners, while the Fourteenth Amendment applies to claims concerning conditions of confinement raised by pretrial detainees. See 26 *Bell v. Wolfish*, 441 U.S. 520, 535 n.16 (1979) (noting “the Due Process Clause” is 27 applicable to pre-trial detainees because “Eighth Amendment scrutiny is appropriate only after the State has complied with the constitutional guarantees traditionally associated with 28 1 In this case, Plaintiff Bell alleges that he had a “wide open cut on [his] foot” and was 2 “placed in a 10x8 foot cell with approximately 12–14” detainees who appeared under “the 3 heavy influence of fentanyl and street drugs,” and were exhibiting “erratic and threatening 4 behavior.” (Doc. 1-5 ¶¶ 6, 9.) He also alleges the “cell contained only one broken toilet, 5 which overflowed with human waste [and the] floor was contaminated with human feces, 6 filth, and blood stains.” (Id. ¶¶ 9–10.) Plaintiff Bell concludes that these conditions made 7 him fear for his safety and health (id. ¶ 7), hold his “bowels for more than 14 hours, 8 enduring severe pain, humiliation, and extreme distress,” (id. ¶ 12), “forced [him] to urinate 9 in public, . . . and exposed [him] to disease with an open foot wound” (Compl. at 6). 10 However, Plaintiff Bell does not allege any facts to support that the Deputy Does 11 knew or should have known of the open wound on his foot or of any other substantial risk 12 to Plaintiff Bell’s health and safety. See, e.g., *Sanders v. Sacramento Sheriff’s Dep’t*, No. 13 2:22-cv-01232-TLN-CKD PS, 2022 WL 14126233, at *4 (E.D. Cal. Oct. 24, 2022) 14 (dismissing constitutional claim based on conditions of confinement where the plaintiff 15 stated “he was without water and unable to flush the toilet for three days” but did “not 16 identify any individual defendants allegedly responsible for these deprivations or explain 17 what those defendants did or failed to do to cause the

violations.”). Although Plaintiff Bell 18 alleges the Deputy Does ordered him to remain seated despite his “obvious fear of 19 exposure,” he does not plausibly allege that any Deputy Does “knew of and failed to 20 respond reasonably to a substantial threat to [his] health.” Cf. *Flourney v. Diaz*, Case No.: 21 3:21-cv-01767-RBM-BGS, 2022 WL 4544715, at *4 (S.D. Cal. Sept. 27, 2022) (finding 22 allegations in support of an Eighth Amendment claim were “sufficient to survive the ‘low 23 threshold’ for proceeding past the sua sponte screening” where plaintiff alleged that he 24 informed defendants about the risks to his health on several occasions). 25 Accordingly, Plaintiff Bell’s Eighth Amendment claim against the Deputy Does is 26 DISMISSED with leave to amend. 27 C. Immune Defendants 28 Plaintiffs assert several constitutional claims against the Sheriff Defendants arising 1 out of their enforcement of the Writ of Possession. In general, “[a] public official is entitled 2 to immunity from suit for civil rights claims arising out of his or her execution or 3 enforcement of a facially valid court order.” *Ezor v. McDonnell*, No. CV 19-8851-JVS 4 (AGR), 2020 WL 2813538, at *5 (C.D. Cal. Apr. 13, 2020) (citing *Engebretson v. 5 Mahoney*, 724 F.3d 1034, 1039–41 & n.7 (9th Cir. 2013)). Under California law, the 6 Sheriff is statutorily required to levy on a writ of possession and is thereby “immune from 7 liability in the execution of ‘all process and orders regular on their face and issued by 8 competent authority, whatever may [be] the defect in the proceedings upon which they 9 were issued.’” *Lyons v. Santa Barbara Cnty. Sheriff’s Off.*, 231 Cal. App. 4th 1499, 1503 10 (2014) (citing Cal. Code Civ. Proc. § 262.1; *George v. Cnty. of San Luis Obispo*, 78 Cal.

11 App. 4th 1048, 1054–1055 (2000)). Indeed, the Supreme Court “has long expressed the 12 general idea that public officials who ministerially enforce facially valid court orders are 13 entitled to absolute immunity.” *Engebretson*, 724 F.3d at 1038. 14 In this case, the First, Fourth, Fifth, and Sixth Causes of Action against the Sheriff 15 Defendants are based on their enforcement and execution of judicial orders. (See Compl. 16 at 5–6.) The Second Cause of Action is also partially based on the Sheriff Defendants’ 17 enforcement and execution of judicial orders. (Id. at 5.) However, Plaintiffs do not allege 18 any factual basis to support that the state court’s orders are facially invalid. See 19 *Engebretson*, 724 F.3d at 1039–41 n.7 (holding officials immune for executing facially 20 valid court order); *George*, 78 Cal. App. 4th at 1054 (immunizing Sheriff from liability for 21 executing orders, including writ of possession of real property, that “are regular on their 22 face”). Rather, Plaintiffs’ allegations and supporting documents attached to the Complaint 23 show that Plaintiff Bell’s bankruptcy petition did not automatically stay the eviction. (See

24 Doc. 1-2 at 30–32, 49.) As the bankruptcy court informed Plaintiffs (*id.*), Plaintiff Bell’s 25 bankruptcy petition did not act as an automatic stay because the San Diego Superior Court 26 entered judgment against Plaintiffs on July 23, 2025—thus terminating Plaintiffs’ 27 possessory interests in the property—several weeks before he filed the bankruptcy petition. 28 See *In re Perl*, 811 F.3d 1120, 1127 (9th Cir. 2016) (the “entry of judgment and a writ of 1 possession following unlawful detainer proceedings extinguishes all other legal and 2 equitable possessory interests in

the real property at issue.”). The Sheriff Defendants are 3 therefore entitled to immunity from § 1983 liability for enforcing the Writ of Possession. 4 See *Ezor*, 2020 WL 2813538, at *5 (“A public official is entitled to immunity from suit for 5 civil rights claims arising out of his or her execution or enforcement of a facially valid 6 court order.”). 7 To the extent Plaintiffs claim the Sheriff Defendants waived immunity by ignoring 8 the automatic stay arising from Plaintiff Bell’s bankruptcy petition, their claim similarly 9 fails. Plaintiffs cite no authority, and the Court has located none, that would impose a legal 10 duty on the Sheriff to investigate the legality of court orders before enforcement. See 11 *Engebretson*, 724 F.3d at 1039–41 & n.7 (rejecting argument that officials have 12 independent duty to investigate legality of court order before enforcing it); see also *Arrieta v. Mahon*, 31 Cal. 3d 381, 392 (1982) (noting the Sheriff’s function is to execute writ or 14 other orders that are “regular on their face and issued by competent authority” and does not 15 “include a determination of the merits of the underlying action”). 16 Accordingly, the First, Fourth, Fifth, and Sixth Causes of Action against the Sheriff 17 Defendants must be DISMISSED for seeking relief from immune defendants pursuant to 18 28 U.S.C. § 1915(e)(2)(B) (i)–(iii). See *Brincken v. Royal*, No. 2:12-cv-2599-MCE-CKD 19 PS, 2013 WL 211245 at *3 (E.D. Cal. Jan. 10, 2013) (finding sheriff deputies were entitled 20 to immunity and dismissing § 1983 claims based on their service of an eviction notice and 21 writ of possession pursuant to a court order). The Second Cause of Action is also 22 DISMISSED to the extent it is based on the Sheriff Defendants’ enforcement and 23 execution of judicial orders. 24 D. Leave to Amend 25 As previously discussed (see Sec.III.A), the Court lacks subject matter jurisdiction 26 over Plaintiffs’ claims arising from the state court’s judgment in the Unlawful Detainer 27 Action and its subsequent enforcement because such claims are barred by the Rooker- 28 Feldman doctrine. Accordingly, the First, Fourth, and Sixth Causes of Actions are 1 DISMISSED without leave to amend. See *In re Dynamic Random Access Memory 2 Antitrust Litig.*, 546 F.3d 981, 990 (9th Cir. 2008) (holding amendment is futile where 3 plaintiff could not plead subject matter jurisdiction); see, e.g., *Arellano v. Lamborn*, No. 4 3:19-CV-02360-JAH-LL, 2020 WL 376148, at *5 (S.D. Cal. Jan. 23, 2020) (dismissing 5 the action on screening for lack of subject matter jurisdiction without leave to amend where 6 certain claims were barred by the Rooker-Feldman doctrine). 7 For the same reasons, the Court also dismissed the Second and Fifth Causes of 8 Action for lack of subject matter jurisdiction. Thus, to the extent such claims arise from 9 the Unlawful Detainer Action, the Second and Fifth Causes of Action are DISMISSED 10 without leave to amend. However, Plaintiffs assert other possible factual bases for their 11 Second, Third, and Fifth Causes of Action that do not arise from the Unlawful Detainer 12 Action. (See Sec.III.B.2–3.) Given their pro se status, the Court GRANTS Plaintiffs leave 13 to amend the Second, Third, and Fifth Causes of Action to the extent such claims are not 14 premised on the legality and enforcement of the state court’s judgment in the Unlawful 15 Detainer Action. See *Rosati v. Igbinoso*, 791 F.3d 1037, 1039 (9th Cir. 2015) (“A district 16 court should not dismiss a pro se complaint without leave to amend [pursuant to 28 U.S.C. 17 § 1915(e)(2)(B)(ii)] unless ‘it is absolutely clear that the deficiencies of

the complaint could not be cured by amendment.’”) (quoting *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 19 2012)).

20 IV. TRO APPLICATION

21 In the TRO Application, Plaintiffs request that this Court stay “all enforcement 22 proceedings related to the Writ” and “[t]ransfer appellate review from the Appellate 23 Division of the Superior Court to the Fourth District Court of Appeal.” (Doc. 2 at 4.) As 24 the Complaint has been dismissed (see Sec. III.A–C), the Court finds the TRO Application 25 is moot because there is no underlying operative complaint. See *Jones v. Fed. Corr. 26 Ctr. Med. Dep’t*, No. 20-CV-1385 JLS (BLM), 2020 WL 6942519, at *4 (S.D. Cal. Nov. 27 25, 2020) (denying prisoner’s IFP motion and denying the TRO motion as moot); *Olajide 28 v. Brown*, Case No. 18-cv-03991-CRB, 2018 WL 3328227, at *3 (N.D. Cal. July 6, 2018) 1 (dismissing the complaint and denying the TRO motion as moot). Nonetheless, for the 2 reasons set forth below, the Court finds the TRO Application lacks merit. 3 A. Legal Standard

4 Rule 65(b) governs the issuance of a temporary restraining order (“TRO”). The 5 “underlying purpose” of a temporary restraining order is to preserve the status quo and 6 prevent irreparable harm before a preliminary injunction hearing may be held. See *Granny 7 Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers*, 415 U.S. 423, 439 8 (1974). The standard for a TRO is identical to the standard for a preliminary injunction. 9 *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). 10 Injunctive relief is “an extraordinary remedy that may only be awarded upon a clear 11 showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 12 555 U.S. 7, 22 (2008) (citation omitted). To obtain a TRO or a preliminary injunction, 13 Plaintiffs “must establish that [they are] likely to succeed on the merits, that [they are] 14 likely to suffer irreparable harm in the absence of preliminary relief, that the balance of 15 equities tips in [their] favor, and that an injunction is in the public interest.” *Herb Reed 16 Enters., LLC v. Fla. Ent. Mgmt., Inc.*, 736 F.3d 1239, 1247 (9th Cir. 2013) (quoting *Winter*, 17 555 U.S. at 20 (the “Winter factors”)). The “[l]ikelihood of success on the merits ‘is the 18 most important’ Winter factor[.]” *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 19 (9th Cir. 2017) (quoting *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015)). 20 B. Likelihood of Success on the Merits 21 In the TRO Motion, Plaintiffs request: (1) immediate restoration of possession and 22 delivery of all keys; (2) 30 days of unrestricted 24/7 possession (through September 26, 23 2025) to reside, pack, and move belongings with dignity; (3) that the Sheriff’s Department 24 and Coronado police stand down from any further removal, arrest, or intimidation, (4) a 25 written stipulation of compliance signed by Defendants; (5) a judicial finding that Plaintiffs 26 have not abandoned their property; (6) recognition that the residence contains belongings 27 equivalent to a fully furnished three-bedroom household; (7) immediate reimbursement of 28 hotel costs already incurred, the bail bond, and continuing hotel costs until full possession 1 is restored; and (8) that Defendants be barred “from leasing, advertising, or disposing of 2 property until Plaintiffs vacate. (Doc. 2 at 4 (cleaned up).) In the

alternative, Plaintiffs 3 request at a minimum 24/7 possession through September 12, 2025 without office-hour or 4 supervised limitations. (Id.) 5 For the reasons discussed supra (see Sec. III.A), the Court concludes it does not have 6 the authority to grant Plaintiffs' requested relief under the Rooker-Feldman doctrine. As 7 the Court has no jurisdiction to review or invalidate the state court's judgment, Plaintiffs 8 cannot demonstrate a likelihood of success on the merits, or even a "serious question," as 9 to their claims. See *Pimentel v. Dreyfus*, 670 F.3d 1096, 1111 (9th Cir. 2012) ("[A]t an 10 irreducible minimum the moving party must demonstrate a fair chance of success on the 11 merits, or questions serious enough to require litigation."); see, e.g., *In re Bauman*, No. 12 3:24-CV-1564 JLS (BLM), 2024 WL 4647299, at *6 (S.D. Cal. Oct. 31, 2024) (holding 13 Rooker-Feldman precluded TRO as plaintiff sought to prevent "the state court's eviction 14 order from being carried out," and his challenge was based on the court clerk's error); *Lara 15 v. Servs.*, No. 12cv904-LAB (POR), 2012 WL 12872451, at *1 (S.D. Cal. June 5, 2012) 16 (denying injunction where "[plaintiff] had the opportunity to contest his eviction in San 17 Diego Superior Court, and he lost. The Rooker-Feldman doctrine bars him from seeking 18 relief from that loss in federal court."). Where, as here, the moving party fails to meet his 19 burden on the threshold inquiry of likelihood of success on the merits, "the court need not 20 consider the other factors." *Disney Enters.*, 869 F.3d at 856 (cleaned up). Accordingly, 21 the TRO Motion is DENIED.

22 V. CONCLUSION

23 For the reasons set forth above, the Court ORDERS as follows: 24 1. Plaintiffs' IFP Application (Doc. 3) is GRANTED. 25 2. The Complaint is DISMISSED under 28 U.S.C. § 1915(e)(2)(B)(ii) for lack 26 of federal subject matter jurisdiction pursuant to Federal Rule of Civil 27 Procedure 12(h)(3), for failure to state a claim, and for seeking relief against 28 immune defendants. Specifically:] a. The First, Fourth, and Sixth Causes of Actions are DISMISSED 2 without leave to amend. 3 b. The Third Cause of Action is DISMISSED with leave to amend. 4 c. The Second and Fifth Causes of Actions are DISMISSED with leave 5 to amend only to the extent such causes of action are not premised on 6 the legality or enforcement of the state court's judgment in the 7 Unlawful Detainer Action. The Second and Fifth Causes of Actions 8 are otherwise DISMISSED without leave to amend. 9 3. Plaintiff may file an amended complaint that cures the deficiencies identified 10 above on or before October 24, 2025. 11 4. Plaintiffs' TRO Motion (Doc. 2) is DENIED. 12 If Plaintiffs fail to timely file an amended complaint on or before October 24, 2025, 13 || the Court will enter a final Order dismissing this civil action based both on failure to state 14 claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2)(B) (ii), and 15 || failure to prosecute in compliance with a court order requiring amendment. See *Lira v. 16 || Herrera*, 427 F.3d 1164, 1169 (9th Cir. 2005) ("If a plaintiff does not take advantage of 17 ||the opportunity to fix his complaint, a district court may convert the dismissal of the 18 ||complaint into dismissal of the entire action."). 19 IT IS SO ORDERED. 20 || DATE: October 8, 2025 Fe bormads, Moat

9 HON. RUTH BERMUDEZ MONTENEGRO
UNITED STATES DISTRICT JUDGE
23 24 25 26 27 28 22

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-southern-district-of-ca/2025/bell-v-oama-coronado-llc-c05toos0>