

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Balu v. Druckman

No. 24-cv-02088-SI (N.D. Cal. Apr. 29, 2025) · No. 24-cv-02088-SI · Decided April 29, 2025

SUMMARY

The United States District Court for the Northern District of California denied Arvind Balu's Rule 59(e) motion to alter or amend the judgment. The court held that its prior dismissal based on res judicata and the statute of limitations was not clearly erroneous or manifestly unjust, including its determination that Balu could have pursued a § 1983 malicious prosecution claim before Thompson v. Clark. The court also rejected Balu's remaining arguments concerning privity, the merits of the prior dismissal, newly discovered harm, equitable tolling, and liberal construction of pro se pleadings.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Susan Illston
JURISDICTION	United States District Court for the Northern District of California
DECIDED	April 29, 2025
DOCKET	24-cv-02088-SI
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 59(e) to alter or amend the judgment entered after the court granted defendants' motions to dismiss on res judicata and statute-of-limitations grounds.
STANDARD OF REVIEW	Rule 59(e) relief is appropriate only upon newly discovered evidence, clear error or a manifestly unjust initial decision, or an intervening change in controlling law.
PRECEDENTIAL VALUE	Unpublished, nonprecedential federal district court order
PARTIES	Arvind Balu v. Rebecca Druckman, et al.

TOPICS

- motion for reconsideration
- res judicata
- statute of limitations
- section 1983
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court's prior determination that plaintiff could have brought a timely § 1983 malicious-prosecution claim before *Thompson v. Clark* constituted clear error or manifest injustice.
2. Whether the court improperly applied res judicata, including privity, to defendants.
3. Whether the prior dismissal was procedural rather than on the merits for res judicata purposes.
4. Whether plaintiff's asserted newly discovered harm, equitable-tolling arguments, or pro se status warranted altering or amending the judgment under Rule 59(e).

HOLDINGS

1. The court did not commit clear error or render a manifestly unjust decision by holding that plaintiff could have pursued his § 1983 malicious-prosecution claim after the 2006 dismissal of the criminal charges and before *Thompson v. Clark*.
2. The court did not commit clear error or manifest injustice by applying res judicata to the challenged defendants, including defendants connected through privity.
3. The prior dismissal for failure to state a claim was a dismissal on the merits, and *Ruiz v. Snohomish County Public Utility District No. 1* did not require a different result because the earlier action was not dismissed for lack of jurisdiction.
4. Plaintiff's arguments concerning newly discovered harm, equitable tolling, and liberal construction of his pro se pleadings did not establish newly discovered evidence, clear error, manifest injustice, or an intervening change in controlling law.

KEY QUOTATIONS

“Amendment or alteration is appropriate under Rule 59(e) if (1) the district court is presented with newly discovered evidence, (2) the district court committed clear error or made an initial decision that was manifestly unjust, or (3) there is an intervening change in controlling law.” (at 1-2)

“The Thompson Court concluded that an “affirmative indication of innocence” was not required; if the criminal prosecution ended without a conviction, that was sufficient.” (at 4)

“A motion under Rule 59(e) is an opportunity to point out a court’s clear error, not a second chance to litigate the same issues.” (at 7)

“A liberal construction of a pro se complaint, however, does not mean that the court will supply essential elements of a claim that are absent from the complaint.” (at 9)

FACTUAL BACKGROUND

Plaintiff's remaining criminal convictions were reversed after a successful writ of habeas corpus on May 16, 2006, and the district attorney later moved under California Penal Code section 1385 to dismiss the charges; the superior court granted that motion on June 19, 2006. Plaintiff nevertheless did not bring his malicious-

prosecution claim until a later federal action, and the court concluded that the claim could have been asserted after the 2006 dismissal and was barred by the statute of limitations and res judicata. In the present case, plaintiff challenged the prior dismissal and judgment through a Rule 59(e) motion.

PROCEDURAL HISTORY

The court previously dismissed plaintiff's claims and entered judgment for defendants. Plaintiff timely moved to alter or amend the judgment, arguing that the court had committed clear error concerning the availability and timeliness of his § 1983 malicious-prosecution claim, res judicata, privity, the effect of a prior dismissal, newly discovered harm, and liberal construction of his pro se pleadings. The court denied the Rule 59(e) motion.

DISPOSITION

other

CASES CITED

- Zimmerman v. City of Oakland, 255 F.3d 734, 740 (9th Cir. 2001)
- Thompson v. Clark, 596 U.S. 36 (2022)
- Heck v. Humphrey, 512 U.S. 477, 484 n.4, 486-87 (1994)
- Awabdy v. City of Adelanto, 368 F.3d 1062, 1066, 1068 (9th Cir. 2004)
- Nhia Kao Vang v. Decker, 607 F. App'x 728, 729 (9th Cir. 2015)
- Roberts v. City of Fairbanks, 947 F.3d 1191, 1201-03 (9th Cir. 2020)
- Ruiz v. Snohomish County Public Utility District No. 1, 824 F.3d 1161, 1162, 1164-65 (9th Cir. 2016)
- Boquist v. Courtney, 32 F.4th 764, 774 (9th Cir. 2022)
- Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)
- Balu v. Lake County et al., No. 3:08-cv-03014-SI (N.D. Cal.)