

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Eshawn Maurice Harrell v. Judge Dunleavy, et al.

Harrell · No. 25-cv-08502-NW · Decided January 28, 2026

SUMMARY

The United States District Court for the Northern District of California screened and dismissed Eshawn Maurice Harrell’s pro se civil rights complaint under 42 U.S.C. § 1983. Claims against Denise Lee and Mark Campari were dismissed as duplicative, while damages claims against Judge Dunleavy were dismissed without leave to amend based on judicial immunity. The state-law claims were dismissed without prejudice for lack of a federal jurisdictional basis, and the case was closed.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Noel Wise
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 28, 2026
DOCKET	25-cv-08502-NW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se state detainee brought a civil-rights action under 42 U.S.C. § 1983 and asserted related state-law claims. The district court screened the complaint under 28 U.S.C. § 1915A(a) and dismissed the federal claims without leave to amend and the state-law claims without prejudice.
STANDARD OF REVIEW	Statutory screening under 28 U.S.C. § 1915A(a), including dismissal of claims that are frivolous, fail to state a claim, or seek monetary relief from an immune defendant; pro se pleadings are liberally construed.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Eshawn Maurice Harrell v. Judge Dunleavy, Denise Lee, Mark Campari

TOPICS

section 1983

prisoners rights

civil rights

federal habeas corpus

pleadings

PRACTICE AREAS

civil procedure

civil rights

constitutional law

prisoner litigation

habeas corpus

QUESTIONS PRESENTED

1. Whether the federal claims against Lee and Campari should be dismissed as duplicative of claims asserted in Harrell's earlier action.
2. Whether damages claims against Judge Dunleavy were barred by absolute judicial immunity.
3. Whether Harrell could pursue his state-law claims in federal court after the federal claims were dismissed and the complaint indicated that diversity jurisdiction was absent.
4. Whether the complaint should be dismissed without leave to amend as to the federal claims.

HOLDINGS

1. Federal claims identical to claims raised in an earlier action are duplicative and may be dismissed.
2. State-court judges are absolutely immune from damages suits under 42 U.S.C. § 1983 for judicial acts.
3. A prisoner seeking immediate or speedier release from confinement must pursue habeas corpus rather than a damages claim under § 1983.
4. After dismissal of the federal claims, and where diversity jurisdiction is absent, the court lacked a basis for federal jurisdiction over the state-law claims; those claims were dismissed without prejudice.

KEY QUOTATIONS

“habeas is the “exclusive remedy” for the prisoner who seeks ““immediate or speedier release”” from confinement.” (at 2)

“A complaint must proffer “enough facts to state a claim to relief that is plausible on its face.”” (at 1)

FACTUAL BACKGROUND

Harrell, a state detainee, alleged that Denise Lee and Mark Campari misplaced his writ of habeas corpus. He alleged that Judge Dunleavy sentenced him to eight months, miscalculated his good-time credits, failed to place him in a program, and did not explain that decision. He sought damages under § 1983 and various state-law theories, including negligence, false imprisonment, defamation, and emotional-distress claims.

PROCEDURAL HISTORY

Harrell filed a complaint and an application to proceed in forma pauperis. During statutory screening, the court determined that claims against Lee and Campari duplicated claims in an earlier action, that damages claims against Judge Dunleavy were barred by absolute judicial immunity, and that the state-law claims lacked an independent basis for federal jurisdiction. The court dismissed the complaint and closed the case.

DISPOSITION

dismissed

CASES CITED

- *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Lemire v. Cal. Dep't of Corrections & Rehabilitation*, 726 F.3d 1062, 1074 (9th Cir. 2013)
- *Leer v. Murphy*, 844 F.2d 628, 634 (9th Cir. 1988)
- *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)
- *Adams v. Cal. Dep't of Health Servs.*, 487 F.3d 684, 688 (9th Cir. 2007)
- *Wheeler v. City of Santa Clara*, 894 F.3d 1046, 1059 (9th Cir. 2018)
- *Pierson v. Ray*, 386 U.S. 547, 553-55 (1967)
- *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985)
- *Skinner v. Switzer*, 562 U.S. 521, 533-34 (2011)
- *Stock W., Inc. v. Confederated Tribes*, 873 F.2d 1221, 1225 (9th Cir. 1989)
- *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012)

OPINION

Harrell

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 ESHAWN MAURICE HARRELL, Case No. 25-cv-08502-NW 8 Plaintiff,

ORDER SCREENING AND

9 v. DISMISSING COMPLAINT

10 JUDGE DUNLEAVY, et al., Re: ECF No. 5 Defendants. 11 12 13 Plaintiff Eshawn Maurice
Harrell, a state detainee, filed a pro se civil rights complaint 14 under 42 U.S.C. § 1983. ECF No.
1. He also filed an application to proceed in forma pauperis. 15 ECF No. 5. The Complaint is now
before the Court for screening pursuant to 28 U.S.C. 16 § 1915A(a). For the reasons outlined
below, the Court DISMISSES the Complaint as specified 17 below.

18 I. BACKGROUND

19 Harrell alleges that Denise Lee and Mark Campari misplaced his writ of habeas corpus. 20 He
also alleges that Judge Dunleavy sentenced him to eight months and miscalculated his good 21
time credits, which entitled Harrell to release from custody. Judge Dunleavy also allegedly 22
declined to place Harrell in a program and did not explain why. Harrell seeks monetary damages

23 under several theories, including violations of his Fourteenth Amendment rights, negligence, false 24 imprisonment, defamation, loss of consortium, negligent and intentional infliction of emotional 25 distress, libel, and slander.

26 II. LEGAL STANDARD

27 Federal courts conduct a preliminary screening of cases in which prisoners seek redress 1 § 1915A(a). In its review, the Court must identify any cognizable claims, and dismiss any claims 2 that are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek 3 monetary relief from a defendant who is immune from such relief. *Id.* at § 1915A(b)(1), (2). Pro 4 se pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 5 (9th Cir. 1990). 6 Federal Rule of Civil Procedure 8(a)(2) requires only “a short and plain statement of the 7 claim showing that the pleader is entitled to relief.” Although a complaint “does not need detailed 8 factual allegations, . . . a plaintiff’s obligation to provide the ‘grounds’ of his ‘entitle[ment] to 9 relief’ requires more than labels and conclusions, and a formulaic recitation of the elements of a 10 cause of action will not do Factual allegations must be enough to raise a right to relief above 11 the speculative level.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (citations omitted). 12 A complaint must proffer “enough facts to state a claim to relief that is plausible on its face.” *Id.* 13 at 570. The United States Supreme Court has explained the “plausible on its face” standard of 14 *Twombly*: “While legal conclusions can provide the framework of a complaint, they must be 15 supported by factual allegations. When there are well-pleaded factual allegations, a court should 16 assume their veracity and then determine whether they plausibly give rise to an entitlement to 17 relief.” *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). 18 To state a claim under Section 1983, a plaintiff must allege that: (1) a right secured by the 19 Constitution or laws of the United States was violated, and (2) the alleged deprivation was 20 committed by a person acting under the color of state law. See 42 U.S.C. § 1983; *West v. Atkins*, 21 487 U.S. 42, 48 (1988). 22 Liability may be imposed on an individual defendant under Section 1983 if the plaintiff 23 can show that the defendant’s actions actually and proximately caused the deprivation of a 24 federally protected right. *Lemire v. Cal. Dep’t of Corrections & Rehabilitation*, 726 F.3d 1062, 25 1074 (9th Cir. 2013); *Leer v. Murphy*, 844 F.2d 628, 634 (9th Cir. 1988). “A person deprives 26 another ‘of a constitutional right, within the meaning of Section 1983, if he does an affirmative 27 act, participates in another’s affirmative acts, or omits to perform an act which he is legally 1 633 (quoting *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)).

2 III. DISCUSSION

3 A. Federal Claims 4 1. Lee and Campari 5 Insofar as Harrell raises federal claims against Defendants Lee and Campari, his claims are 6 identical to claims he raised in an earlier case, *Harrell v. Lee*, Case No. 25-cv-07433-NW. These 7 claims are DISMISSED as duplicative. See *Adams v. Cal. Dep’t of Health Servs.*, 487 F.3d 684, 8 688 (9th Cir. 2007). Further, because the claims are frivolous, they are dismissed without leave to 9 amend. *Wheeler v. City of Santa Clara*,

894 F.3d 1046, 1059 (9th Cir. 2018) (“Leave to amend 10 may be denied if the proposed amendment is futile or would be subject to dismissal.”). 11 2. Judge Dunleavy 12 To the extent Harrell alleges a claim for damages against Judge Dunleavy— a state court 13 judge— he fails to state a cognizable federal claim because judges are absolutely immune from 14 suit for damages under 42 U.S.C. § 1983. See *Pierson v. Ray*, 386 U.S. 547, 553–55 (1967) 15 (applying judicial immunity to actions under 42 U.S.C. § 1983); *Mitchell v. Forsyth*, 472 U.S. 511, 16 526 (1985) (state court judges have absolute immunity from suit for damages, not just the 17 assessment of damages). This claim is therefore DISMISSED WITHOUT LEAVE TO 18 AMEND. See *Wheeler*, 894 F.3d at 1059. If Harrell wishes to challenge his conviction, custody, 19 or sentence, he must do so through a habeas corpus petition. See *Skinner v. Switzer*, 562 U.S. 521, 20 533–34 (2011) (habeas is the “exclusive remedy” for the prisoner who seeks ““immediate or 21 speedier release”” from confinement). 22 B. State Law Claims 23 Given that Harrell fails to state a cognizable federal claim, the Court presently has no basis 24 for jurisdiction over Harrell’s state law claims. Federal courts are courts of limited jurisdiction, 25 and a “federal court is presumed to lack jurisdiction in a particular case unless the contrary 26 affirmatively appears.” *Stock W., Inc. v. Confederated Tribes*, 873 F.2d 1221, 1225 (9th Cir. 27 1989). Generally, original federal jurisdiction is premised on federal question jurisdiction or] diversity jurisdiction. Where a plaintiff is acting pro se and the Court finds that the plaintiffs 2 || complaint fails to state a cognizable federal claim (see 28 U.S.C. § 1915(e)(2)), the Court must 3 give the litigant notice of the deficiencies of the complaint and an opportunity to amend unless the 4 || deficiencies clearly cannot be cured by amendment. *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th 5 Cir. 2012). Given that Harrell’s federal claims are frivolous, and the Complaint indicates that 6 || there is no diversity jurisdiction, these claims are DISMISSED WITHOUT PREJUDICE to 7 || Harrell seeking relief in the appropriate venue.

8 || IV. CONCLUSION

9 The Court orders as follows: 10 1. The federal claims against Lee, Campari, and Dunleavy are DISMISSED 11] WITHOUT LEAVE TO AMEND. 12 2. The state law claims are DISMISSED WITHOUT PREJUDICE to Harrell 13 seeking relief in the appropriate venue. 14 3. further claims or Defendants remain, the case is DISMISSED. 3 15 4. The Clerk shall terminate all pending motions and close the file. a 16 IT IS SO ORDERED. 17 Dated: January 27, 2026) . 18 Mich hid Noël Wise 19 United States District Judge 20 21 22 23 24 25 26 27 28