

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Favis v. Mallori

Favis · No. 2:25-cv-1030-DAD-JDP (PS) · Decided May 9, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing Stephen Favis’s amended complaint without leave to amend. The court concludes that the defendants were not alleged to be state actors for purposes of 42 U.S.C. §§ 1983 and 1985 and that the claims are barred by the Rooker-Feldman doctrine. The recommendation also directs the Clerk of Court to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 9, 2025
DOCKET	2:25-cv-1030-DAD-JDP (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on screening of a pro se plaintiff's amended complaint filed in forma pauperis.
STANDARD OF REVIEW	The court applied the screening standard under 28 U.S.C. § 1915(e), requiring dismissal of claims that are frivolous, malicious, fail to state a claim, or seek relief from an immune defendant. The court also applied the Rule 8(a)(2) plausibility standard and construed the pro se complaint liberally.
PRECEDENTIAL VALUE	nonprecedential findings and recommendations; not a final district-court decision
PARTIES	Stephen Favis v. Daryl Mallori, Isabella Shin, Myeong Bae Kim

TOPICS

- section 1983
- subject matter jurisdiction
- pleadings
- civil procedure
- due process

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the amended complaint stated a cognizable claim under 42 U.S.C. § 1983 when the defendants were private individuals and the complaint did not adequately allege action under color of state law.
2. Whether the § 1985 claim could proceed without a viable underlying civil-rights claim.
3. Whether the plaintiff's claims were barred by the Rooker-Feldman doctrine because they challenged or were inextricably intertwined with issues decided in state-court proceedings.
4. Whether further leave to amend should be granted after the same deficiencies persisted in the amended complaint.

HOLDINGS

1. The amended complaint failed to state a cognizable § 1983 claim because it did not allege that any defendant acted under color of state law.
2. The § 1985 claim could not proceed because the complaint did not state a viable underlying § 1983 or other substantive civil-rights violation.
3. The claims were barred by the Rooker-Feldman doctrine because they challenged state-court decisions and were inextricably intertwined with evidentiary issues resolved in those proceedings.
4. Further leave to amend was unwarranted because the amended complaint repeated the deficiencies identified in the first complaint and amendment would be futile.

KEY QUOTATIONS

“The clearest case for dismissal based on the Rooker-Feldman doctrine occurs when a federal plaintiff asserts as a legal wrong an allegedly erroneous decision by a state court, and seeks relief from a state court judgment based on that decision.” (at 3)

“Thus, plaintiff's amended complaint contains the same deficiency I found in his first. I am forced to conclude that further opportunities to amend are futile and unwarranted.” (at 4)

FACTUAL BACKGROUND

Plaintiff alleged that Daryl Mallori, Isabella Shin, and Myeong Bae Kim suppressed evidence in state-court proceedings in which the parties sought restraining orders against one another. He asserted claims under 42 U.S.C. §§ 1983 and 1985, along with fraud-on-the-court and state-law abuse-of-process claims. The defendants were private individuals, and the complaint alleged no facts showing that they were state officials or coordinated with state officials beyond participating in court proceedings.

PROCEDURAL HISTORY

Plaintiff filed this action under 42 U.S.C. §§ 1983 and 1985, alleging that private defendants suppressed evidence in state-court restraining-order proceedings and thereby violated his constitutional rights. After the court previously screened and rejected his initial complaint, plaintiff filed an amended complaint. The magistrate

judge recommended dismissal without leave to amend and closure of the case, subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Kobold v. Good Samaritan Reg'l Med. Ctr., 832 F.3d 1024, 1038 (9th Cir. 2016)
- Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hayes v. Idaho Corr. Ctr., 849 F.3d 1204, 1208 (9th Cir. 2017)
- Bruns v. Nat'l Credit Union Admin., 122 F.3d 1251, 1257 (9th Cir. 1997)
- Ivey v. Bd. of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Belgau v. Inslee, 975 F.3d 940, 946 (9th Cir. 2020)
- Blum v. Yaretsky, 457 U.S. 991, 1002 (1982)
- Marcus v. CDC & Prevention, No. 2:22-cv-02383-SSS-ASx, 2024 U.S. Dist. LEXIS 105515, at *9 (C.D. Cal. June 12, 2024)
- Reusser v. Wachovia Bank, N.A., 525 F.3d 855, 858-59 (9th Cir. 2008)
- Henrichs v. Valley View Dev., 474 F.3d 609, 613 (9th Cir. 2007)
- Doe v. Mann, 415 F.3d 1038, 1043 (9th Cir. 2005)
- Kougasian v. TMSL, Inc., 359 F.3d 1136, 1142 (9th Cir. 2004)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PS) Favis v. Mallori

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 STEPHEN FAVIS, Case No. 2:25-cv-1030-DAD-JDP (PS) 12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 DARYL MALLORI, et al., 15 Defendants. 16 17 Plaintiff Stephen Favis brings this action against defendants Daryl Mallori, Isabella Shin, 18 and Myeong Bae Kim, alleging that these individuals violated his constitutional rights by 19 suppressing evidence in state court proceedings

wherein he and defendants sought restraining 20 orders against each other. ECF No. 4 at 2. The claims are non-cognizable, however, because 21 they fail to allege that any defendant was a state actor and, as discussed in my prior screening 22 order, are barred by the Rooker-Feldman doctrine. This is plaintiff's second complaint, and he is 23 no closer to stating a cognizable claim. Accordingly, I now recommend that this action be 24 dismissed without leave to amend. 25

Screening and Pleading Requirements 26 A federal court must screen the complaint of any claimant seeking permission to proceed 27 in forma pauperis. See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and 28 1 dismiss any portion of the complaint that is frivolous or malicious, fails to state a claim upon 2 which relief may be granted, or seeks monetary relief from a defendant who is immune from such 3 relief. *Id.* 4 A complaint must contain a short and plain statement that plaintiff is entitled to relief, 5 Fed. R. Civ. P. 8(a)(2), and provide "enough facts to state a claim to relief that is plausible on its 6 face," *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not 7 require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S. 8 662, 678 (2009). If the allegations "do not permit the court to infer more than the mere 9 possibility of misconduct," the complaint states no claim. *Id.* at 679. The complaint need not 10 identify "a precise legal theory." *Kobold v. Good Samaritan Reg'l Med. Ctr.*, 832 F.3d 1024, 11 1038 (9th Cir. 2016). Instead, what plaintiff must state is a "claim"—a set of "allegations that 12 give rise to an enforceable right to relief." *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 13 n.2 (9th Cir. 2006) (en banc) (citations omitted). 14 The court must construe a pro se litigant's complaint liberally. See *Haines v. Kerner*, 404 15 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant's complaint "if it 16 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which 17 would entitle him to relief." *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). 18 However, "a liberal interpretation of a civil rights complaint may not supply essential elements 19 of the claim that were not initially pled." *Bruns v. Nat'l Credit Union Admin.*, 122 F.3d 1251, 20 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 21

Analysis 22 As in his previous complaint, plaintiff alleges that defendants suppressed evidence and, in 23 so doing, obtained a restraining order against him. ECF No. 4 at 2. His claims proceed under 24 section 1983 for violations of due process and retaliation, section 1985 for a conspiracy to violate 25 his civil rights, an action for fraud on the court, and a state law abuse of process claim. *Id.* at 3-4. 26 Plaintiff's section 1983 and section 1985 claims fail because none of the defendants is a state 27 actor. Under section 1983, a claimant must allege that the defendant acted under color of state 28 law. *Belgau v. Inslee*, 975 F.3d 940, 946 (9th Cir. 2020). Here, none of the defendants is alleged 1 to be a state official or entity. Plaintiff alleges only that they "conspired with judicial actors" to 2 violate his rights, ECF No. 4 at 3, but there is no allegation that any of the defendants had any 3 involvement or coordination with state officials, other than participating in court proceedings. A 4 private individual's withholding information or falsely testifying in court proceedings does not 5 amount to acting under color of state law. See *Blum v. Yaretsky*, 457 U.S.

991, 1002 (1982) 6 (holding that “merely private conduct, however discriminatory or wrongful,” does not violate the 7 Fourteenth Amendment). And, absent some viable section 1983 claim, no section 1985 claim 8 may be maintained. See *Marcus v. CDC & Prevention*, No. 2:22-cv-02383-SSS-ASx, 2024 U.S. 9 Dist. LEXIS 105515, *9 (C.D. Cal. Jun. 12, 2024) (“However, Section 1985(3) does not create its 10 own independent cause of action. . . . Rather, to plead a Section 1985(3) claim, a plaintiff must 11 first successfully plead a violation of a substantive civil rights statute.”) (internal citations 12 omitted). 13 And all of plaintiff’s claims (including the foregoing ones) run afoul of the Rooker- 14 Feldman doctrine. “The Rooker-Feldman doctrine is a well-established jurisdictional rule 15 prohibiting federal courts from exercising appellate review over final state court judgments.” 16 *Reusser v. Wachovia Bank, N.A.*, 525 F.3d 855, 858-59 (9th Cir. 2008) (collecting cases). “The 17 clearest case for dismissal based on the Rooker-Feldman doctrine occurs when a federal plaintiff 18 asserts as a legal wrong an allegedly erroneous decision by a state court, and seeks relief from a 19 state court judgment based on that decision.” *Id.* (quoting *Henrichs v. Valley View Dev.*, 474 F.3d 20 609, 613 (9th Cir. 2007)). When a federal court refuses to hear an appeal because of Rooker- 21 Feldman, “it must also refuse to decide any issue raised in the suit that is inextricably intertwined 22 with an issue resolved by the state court in its judicial decision.” *Doe v. Mann*, 415 F.3d 1038, 23 1043 (9th Cir. 2005) (internal quotation marks omitted). Here, notwithstanding plaintiff’s 24 protestations to the contrary, the issues are inextricably intertwined with the evidentiary issues 25 decided by the state court. Plaintiff’s citation to *Kougasian v. TMSL, Inc.* does not avail him, 26 because that case also recognized that “[t]he federal plaintiff is also barred from litigating, in a 27 suit that contains a forbidden de facto appeal, any issues that are ‘inextricably intertwined’ with 28 issues in that de facto appeal.” 359 F.3d 1136, 1142 (9th Cir. 2004). 1 Thus, plaintiff’s amended complaint contains the same deficiency I found in his first. I 2 | am forced to conclude that further opportunities to amend are futile and unwarranted. 3 Accordingly, it is RECOMMENDED that: 4 1. Plaintiff’s amended complaint, ECF No. 4, be DISMISSED without leave to amend for 5 | failure to state a cognizable claim. 6 2. The Clerk of Court be directed to close the case. 7 These findings and recommendations are submitted to the United States District Judge 8 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(). Within fourteen days of 9 | service of these findings and recommendations, any party may file written objections with the 10 | court and serve a copy on all parties. Any such document should be captioned “Objections to 11 | Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed 12 | within fourteen days of service of the objections. The parties are advised that failure to file 13 | objections within the specified time may waive the right to appeal the District Court’s order. See 14 | *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 15 1991). 16 7 IT IS SO ORDERED. 18 (1 Oy — Dated: _ May 9, 2025 ow——

19 JEREMY D. PETERSON

UNITED STATES MAGISTRATE JUDGE

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