

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Vigil v. Department of Child Support Services

No. 2:24-cv-2109-TLN-JDP (PS) (E.D. Cal. Apr. 4, 2025) · No. 2:24-cv-2109-TLN-JDP (PS) · Decided April 4, 2025

SUMMARY

The document contains findings and recommendations by a United States magistrate judge in a pro se action challenging a state-court child support order and the Department of Child Support Services' collection efforts. The court recommends dismissal without leave to amend because the claims seeking to invalidate the state order and recover payments are barred by the Rooker-Feldman doctrine. The recommendation also advises closing the case and explains the procedure and deadline for filing objections.

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	April 4, 2025
DOCKET	2:24-cv-2109-TLN-JDP (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on screening of a pro se plaintiff's first amended complaint filed in forma pauperis.
STANDARD OF REVIEW	On screening an in forma pauperis complaint, the court must dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. The court accepts well-pleaded factual allegations for purposes of screening and construes a pro se complaint liberally, but cannot supply essential elements not pleaded. Jurisdictional issues are reviewed de novo by the district judge upon objection to findings and recommendations.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Department of Child Support Services

TOPICS

subject matter jurisdiction

pleadings

motions to dismiss

family law

civil procedure

PRACTICE AREAS

civil procedure

constitutional law

family law

federal jurisdiction

consumer protection

QUESTIONS PRESENTED

1. Whether the federal district court had jurisdiction to review and invalidate a state court child support order.
2. Whether plaintiff's first amended complaint should be dismissed without leave to amend because the jurisdictional defect could not be cured by amendment.

HOLDINGS

1. The claims were barred by the Rooker-Feldman doctrine because plaintiff sought relief for injuries allegedly caused by a state court judgment and requested that the federal court invalidate the child support order and reimburse payments made under it.
2. Dismissal without leave to amend was appropriate because the jurisdictional deficiency could not be cured through amendment.

KEY QUOTATIONS

"This court does not have jurisdiction to review the state court decision plaintiff seeks to challenge." (at 2)

"Plaintiff's request to invalidate the state court's order and require defendant to reimburse him for support payments made under that order is squarely what Rooker-Feldman prohibits." (at 3)

FACTUAL BACKGROUND

Plaintiff challenged a state court order requiring him to make child support payments to the Department of Child Support Services. He alleged that the order was invalid because the Department lacked jurisdiction to enforce it and because a deputy clerk, rather than the clerk of court, signed it. He sought to invalidate the order, stop his child support obligation, and recover \$160,592.93 allegedly collected under the order, along with relief based on federal and California statutes.

PROCEDURAL HISTORY

Plaintiff filed a first amended complaint challenging a state court child support order and seeking declaratory, injunctive, and monetary relief. On screening under 28 U.S.C. § 1915(e), the magistrate judge determined that the claims were barred by the Rooker-Feldman doctrine and recommended dismissal without leave to amend and closure of the case. The recommendations were submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), subject to objections.

DISPOSITION

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)
- D.C. Court of Appeals v. Feldman, 460 U.S. 462, 483 n.16, 486 (1983)
- Bianchi v. Rylaarsdam, 334 F.3d 895, 898 (9th Cir. 2003)
- Bell v. City of Boise, 709 F.3d 890, 897 (9th Cir. 2013)
- Collins v. Grisom, No. 21-CV-2136 JLS (DEB), 2022 WL 3325665, at *3 (S.D. Cal. Aug. 11, 2022)
- Nemcik v. Mills, No. 16-CV-00322-BLF, 2016 WL 4364917, at *6 (N.D. Cal. Aug. 16, 2016)
- Rucker v. Cnty. of Santa Clara, State of Cal., No. C02-5981 JSW, 2003 WL 21440151, at *2 (N.D. Cal. June 17, 2003)
- Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987)
- Silva v. Di Vittorio, 658 F.3d 1090, 1105 (9th Cir. 2011)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PS) Vigil v. Department of Child Support Services

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 THEODORE J. VIGIL, Case No. 2:24-cv-2109-TLN-JDP (PS) 12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 DEPARTMENT OF CHILD SUPPORT

SERVICES,

15 Defendant. 16

17 Plaintiff's first amended complaint alleges that his constitutional rights were violated by a 18
state court order requiring him to make child support payments to defendant Department of Child
19 Support Services. This court lacks jurisdiction over plaintiff's claims. I therefore recommend

20 that this action be dismissed without leave to amend. 21 Screening and Pleading Requirements
22 A federal court must screen the complaint of any claimant seeking permission to proceed 23 in
forma pauperis. See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and 24
dismiss any portion of the complaint that is frivolous or malicious, fails to state a claim upon 25
which relief may be granted, or seeks monetary relief from a defendant who is immune from such
26 relief. *Id.* 27 A complaint must contain a short and plain statement that plaintiff is entitled to
relief, 28 Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is
plausible on its 1 face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility
standard does not 2 require detailed allegations, but legal conclusions do not suffice. See *Ashcroft*
v. Iqbal, 556 U.S. 3 662, 678 (2009). If the allegations “do not permit the court to infer more than
the mere 4 possibility of misconduct,” the complaint states no claim. *Id.* at 679. The complaint
need not 5 identify “a precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d
1024, 6 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations
that 7 give rise to an enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257,
1264 8 n.2 (9th Cir. 2006) (en banc) (citations omitted). 9 The court must construe a pro se
litigant’s complaint liberally. See *Haines v. Kerner*, 404 10 U.S. 519, 520 (1972) (per curiam). The
court may dismiss a pro se litigant’s complaint “if it 11 appears beyond doubt that the plaintiff can
prove no set of facts in support of his claim which 12 would entitle him to relief.” *Hayes v. Idaho*
Corr. Ctr., 849 F.3d 1204, 1208 (9th Cir. 2017). 13 However, “‘a liberal interpretation of a civil
rights complaint may not supply essential elements 14 of the claim that were not initially pled.’”
Bruns v. Nat’l Credit Union Admin., 122 F.3d 1251, 15 1257 (9th Cir. 1997) (quoting *Ivey v. Bd.*
of Regents, 673 F.2d 266, 268 (9th Cir. 1982)). 16 Analysis 17 According to the first amended
complaint, plaintiff seeks equitable relief from a state 18 court child support order entered against
him. ECF No. 4. He claims that the order is invalid 19 because defendant Department of Child
Support and Services (“DCSS”) lacks jurisdiction to 20 enforce the judgment and because a
Deputy Clerk signed the order, instead of the Clerk of Court.

21 *Id.* at 3-4. Plaintiff also alleges that DCSS has failed to respond to his numerous requests about
22 its authority to collect child support payments from him. *Id.* at 4-5. In addition, he claims that
23 DCSS has violated the Fair Debt Collection Practices Act, several federal criminal and civil 24
statutes, and California’s Unfair Competition Law and Consumer Legal Remedies Act. *Id.* at 4-7.
25 He asks that this court issue a declaratory judgment against DCSS for violating his
constitutional 26 rights, stop his obligation to make child support payments, and require DCSS to
reimburse him 27 \$160,592.93 collected under the child support order. *Id.* at 11. 28 This court
does not have jurisdiction to review the state court decision plaintiff seeks to 1 challenge. Under
the Rooker-Feldman doctrine, federal courts cannot adjudicate constitutional 2 claims that “are
inextricably intertwined with the state court’s denial in a judicial proceeding of a 3 particular
plaintiff’s application [for relief].” *D.C. Court of Appeals v. Feldman*, 460 U.S. 462, 4 483 n.16
(1983); see also *Bianchi v. Rylaarsdam*, 334 F.3d 895, 898 (9th Cir. 2003). Thus, the 5 doctrine

bars federal courts from adjudicating claims that seek to redress an injury allegedly resulting from a state court decision, even if the party contends the state judgment violated his or her federal rights. *Bell v. City of Boise*, 709 F.3d 890, 897 (9th Cir. 2013); see *Feldman*, 460 U.S. 8 at 486 (“[District courts] do not have jurisdiction . . . over challenges to state court decisions in particular cases arising out of judicial proceedings even if those challenges allege that the state court’s action was unconstitutional.”). Plaintiff’s request to invalidate the state court’s order and require defendant to reimburse him for support payments made under that order is squarely what *Rooker-Feldman* prohibits. See *Collins v. Grisom*, No. 21-CV-2136 JLS (DEB), 2022 WL 3325665, * 3 (S.D. Cal. Aug. 11, 14 2022) (holding that plaintiff’s challenges to a child support order based on lack of jurisdiction, lack of service of process, and lack of notice of hearings were barred under *Rooker-Feldman*); *Nemcik v. Mills*, No. 16-CV-00322-BLF, 2016 WL 4364917, at *6 (N.D. Cal. Aug. 16, 2016) (“The law does not allow a federal court to review the child support orders created by a state court.”); *Rucker v. Cnty. of Santa Clara, State of Cal.*, No. C02-5981 JSW, 2003 WL 21440151, 19 at *2 (N.D. Cal. June 17, 2003) (holding that under *Rooker-Feldman*, the court lacked jurisdiction to declare a state court child support order that authorized garnishing disability benefit payments void as a matter of law). Accordingly, the first amended complaint’s claims are barred by the *Rooker-Feldman* doctrine. Given that the jurisdictional deficiencies cannot be cured by amendment, I recommend that the dismissal be without leave to amend. See *Noll v. Carlson*, 809 F.2d 1446, 1448 (9th Cir. 25 1987) (holding that while the court ordinarily would permit a pro se plaintiff leave to amend, leave to amend should not be granted where it appears amendment would be futile); *Silva v. Di Vittorio*, 658 F.3d 1090, 1105 (9th Cir. 2011) (“Dismissal of a pro se complaint without leave to amend is proper only if it is absolutely clear that the deficiencies of the complaint could not be cured by amendment.”) (internal quotation marks omitted). Accordingly, it is hereby RECOMMENDED that: 1. Plaintiff’s first amended complaint, ECF No. 4, be DISMISSED without leave to amend for lack of jurisdiction. 2. The Clerk of Court be directed to close the case. These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of service of these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Any such document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed within fourteen days of service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. See *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 14 1991). 15 16 IT IS SO ORDERED. 17 (1 Sy — Dated: _ April 4, 2025 Q———

18 JEREMY D. PETERSON

19 UNITED STATES MAGISTRATE JUDGE

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