

**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.

OPINION

1 2 3 4 5 6 7 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 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 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 6 resulting from a state court decision, even if the party contends the state judgment violated his or 7 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 9 particular cases arising out of judicial proceedings even if those challenges allege that the state 10 court’s action

was unconstitutional.”). 11 Plaintiff’s request to invalidate the state court’s order and require defendant to reimburse 12 him for support payments made under that order is squarely what Rooker-Feldman prohibits.

See 13 *Collins v. Grison*, 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, 15 lack of service of process, and lack of notice of hearings were barred under Rooker-Feldman); 16 *Nemcik v. Mills*, No. 16-CV-00322-BLF, 2016 WL 4364917, at *6 (N.D.

Cal. Aug. 16, 2016) 17 (“The law does not allow a federal court to review the child support orders created by a state 18 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 20 to declare a state court child support order that authorized garnishing disability benefit payments 21 void as a matter of law).

22 Accordingly, the first amended complaint’s claims are barred by the Rooker-Feldman 23 doctrine. Given that the jurisdictional deficiencies cannot be cured by amendment, I recommend 24 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, 26 leave to amend should not be granted where it appears amendment would be futile); *Silva v. Di 27 Vittorio*, 658 F.3d 1090, 1105 (9th Cir.

2011) (“Dismissal of a pro se complaint without leave to 28 amend is proper only if it is absolutely clear that the deficiencies of the complaint could not be 1 | cured by amendment.”) (internal quotation marks omitted). 2 Accordingly, it is hereby RECOMMENDED that: 3 1. Plaintiff’s first amended complaint, ECF No. 4, be DISMISSED without leave to 4 | amend for lack of jurisdiction.

5 2. The Clerk of Court be directed to close the case. 6 These findings and recommendations are submitted to the United States District Judge 7 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of 8 | service of these findings and recommendations, any party may file written objections with the 9 | court and serve a copy on all parties.

Any such document should be captioned “Objections to 10 | Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed 11 | within fourteen days of service of the objections. The parties are advised that failure to file 12 | objections within the specified time may waive the right to appeal the District Court’s order. See 13 | *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 20 21 22 23 24 25 26 27 28

