

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Foster v. Brown

No. 2:24-cv-2979 DC SCR P (E.D. Cal. May 2, 2025) · No. No. 2:24-cv-2979 DC SCR P · Decided May 5,
2025

SUMMARY

The court screens a prisoner’s 42 U.S.C. § 1983 complaint against three Sacramento County Superior Court judges and a public defender. It concludes that the judges are absolutely immune from damages liability for acts within their judicial duties and that the public defender is not a state actor under § 1983. The court denies the motions to proceed in forma pauperis as moot and recommends dismissal without leave to amend.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 5, 2025
DOCKET	No. 2:24-cv-2979 DC SCR P
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner filed a pro se civil-rights complaint under 42 U.S.C. § 1983 and motions to proceed in forma pauperis. The magistrate judge screened the complaint and issued an order denying the in-forma-pauperis motions as moot and findings and recommendations that the complaint be dismissed without leave to amend.
STANDARD OF REVIEW	Mandatory prisoner-complaint screening under 28 U.S.C. § 1915A; the court accepts well-pleaded allegations as true, construes them in the plaintiff's favor, and dismisses claims that are frivolous, fail to state a claim, or seek monetary relief from an immune defendant.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Michael Barkarri Foster v. Brown, et al.

TOPICS

prisoners rights

section 1983

civil procedure

pleadings

PRACTICE AREAS

prisoner civil rights

federal civil procedure

constitutional litigation

QUESTIONS PRESENTED

1. Whether the complaint stated a viable § 1983 claim against the defendant judges despite absolute judicial immunity.
2. Whether the Sacramento County public defender acted under color of state law when performing traditional defense-lawyer functions.
3. Whether amendment would be futile and the complaint should therefore be dismissed without leave to amend.
4. Whether plaintiff's motions to proceed in forma pauperis should be denied as moot in light of the recommended dismissal.

HOLDINGS

1. Judges acting within the course and scope of their judicial duties are absolutely immune from liability for damages under § 1983, absent action taken in the clear absence of all jurisdiction. The allegations showed that the defendant judges acted within their judicial duties, so they were immune from civil liability.
2. A public defender does not act under color of state law for purposes of § 1983 when performing a lawyer's traditional functions, so the complaint failed to state a § 1983 claim against the public defender.
3. The complaint should be dismissed without leave to amend because amendment would be futile where the named defendants are immune from suit or are not proper § 1983 defendants.

KEY QUOTATIONS

"A claim is legally frivolous when it lacks an arguable basis either in law or in fact." (at 1)

"The critical inquiry is whether a constitutional claim, however inartfully pleaded, has an arguable legal and factual basis." (at 1)

"The relevant cases demonstrates that the factors determining whether an act by a judge is a 'judicial' one relate to the nature of the act itself, i.e., whether it is a function normally performed by a judge and to the expectation of the parties, i.e., whether they dealt with the judge in his judicial capacity." (at 1)

FACTUAL BACKGROUND

Plaintiff was incarcerated at Salinas Valley State Prison and brought a § 1983 action against three Sacramento County Superior Court judges and a Sacramento County public defender. He alleged that the defendants failed to adequately represent him in 2023 criminal proceedings because they undermined his search for evidence. The

complaint sought relief against defendants whose alleged conduct was either judicial in nature or involved the traditional functions of a defense attorney.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 complaint against three Sacramento County Superior Court judges and a Sacramento County public defender, alleging inadequate representation and interference with his search for evidence in 2023 criminal proceedings. The magistrate judge conducted screening under 28 U.S.C. § 1915A, concluded that the judges were absolutely immune and that the public defender was not a state actor, and recommended dismissal without leave to amend. The findings and recommendations were submitted to the assigned district judge, subject to objections within twenty-one days.

DISPOSITION

other

REMAND INSTRUCTIONS

None. The magistrate judge ordered plaintiff's in-forma-pauperis motions denied as moot and recommended dismissal without leave to amend. The findings and recommendations were submitted to the assigned district judge for review after any objections.

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Franklin v. Murphy, 745 F.2d 1221, 1227-28 (9th Cir. 1984)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Hospital Building Co. v. Rex Hospital Trustees, 425 U.S. 738, 740 (1976)
- Jenkins v. McKeithen, 395 U.S. 411, 421 (1969)
- Pierson v. Ray, 386 U.S. 547 (1967)
- Stump v. Sparkman, 435 U.S. 349, 356-61 (1978)
- Bradley v. Fisher, 13 Wall. 335, 351 (1872)
- Polk County v. Dodson, 454 U.S. 312, 318-19 (1981)
- Rivera v. County of Los Angeles, 745 F.3d 384, 391 n.3 (9th Cir. 2014)
- Klamath-Lake Pharmaceutical Ass'n v. Klamath Medical Service Bureau, 701 F.2d 1276, 1293 (9th Cir. 1983)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Foster v. Brown

PER CURIAM.

8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 MICHAEL BARKARRI FOSTER, No. 2:24-cv-2979 DC SCR P

12 Plaintiff,

13 v. ORDER AND FINDINGS AND

RECOMMENDATIONS

14 BROWN, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding without counsel, filed this civil rights action pursuant 18 to 42 U.S.C. §1983. Before the court are plaintiff's complaint for screening as well as his 19 motions to proceed in forma pauperis. For the reasons set forth below, the undersigned 20 recommends that the complaint be dismissed without leave to amend. Based on this 21 recommendation, the court denies plaintiff's motions to proceed in forma pauperis as moot.

22 SCREENING

23 I. Legal Standards 24 The court is required to screen complaints brought by prisoners seeking relief against a 25 governmental entity or an officer or employee of a governmental entity. See 28 U.S.C. 26 §1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised 27 claims that are legally "frivolous or malicious," that fail to state a claim upon which relief may be 28 granted, or that seek monetary relief from a defendant who is immune from such relief. See 28 1 U.S.C. §1915A(b)(1) & (2). 2 A claim is legally frivolous when it lacks an arguable basis either in law or in fact. 3 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Franklin v. Murphy*, 745 F.2d 1221, 1227-28 (9th

4 Cir. 1984). The court may, therefore, dismiss a claim as frivolous where it is based on an 5 indisputably meritless legal theory or where the factual contentions are clearly baseless. *Neitzke*, 6 490 U.S. at 327. The critical inquiry is whether a constitutional claim, however inartfully 7 pleaded, has an arguable legal and factual basis. See *Franklin*, 745 F.2d at 1227. Rule 8(a)(2) of 8 the Federal Rules of Civil Procedure "requires only 'a short and plain statement of the claim 9 showing that the pleader is entitled to relief,' in order to 'give the defendant fair notice of what 10 the . . . claim is and the grounds upon which it rests.'" *Bell Atlantic Corp. v. Twombly*, 550 U.S. 11 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). 12 However, in order to survive dismissal for failure to state a claim a complaint must 13 contain more than "a formulaic recitation of the elements of a cause of action;" it must contain 14 factual allegations sufficient "to raise a right to relief above the speculative level." *Bell Atlantic*, 15 550 U.S. at 555. In reviewing a complaint under this standard, the court must accept as true the 16 allegations of the complaint in question, *Hospital Bldg. Co. v. Rex Hospital Trustees*, 425 U.S. 17 738, 740 (1976), construe the pleading in the light most favorable to the plaintiff, and resolve all 18 doubts in the plaintiff's favor. *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1969). 19 II. Discussion 20 Plaintiff is incarcerated at the Salinas Valley State Prison. His complaint names four 21 defendants: three

Judges of the Sacramento County Superior Court and a Sacramento County 22 Public Defender. Plaintiff alleges defendants failed to adequately represent him in criminal 23 proceedings in 2023 because they undermined his search for evidence. 24 Plaintiff's complaint cannot survive screening because he has named defendants who are 25 either immune from suit or who are not subject to civil liability because they do not qualify as 26 state actors. The Supreme Court has held that judges acting within the course and scope of their 27 judicial duties are absolutely immune from liability for damages under § 1983. *Pierson v. Ray*, 28 386 U.S. 547 (1967). A judge is "subject to liability only when he has acted in the 'clear absence 1 of all jurisdiction.'" *Stump v. Sparkman*, 435 U.S. 349, 356-7 (1978), quoting *Bradley v. Fisher*, 2 13 Wall. 335, 351 (1872). A judge's jurisdiction is quite broad. The two-part test of *Stump v. 3 Sparkman* determines its scope: 4 The relevant cases demonstrates that the factors determining whether an act by a judge is a 'judicial' one relate to the nature of the act 5 itself, i.e., whether it is a function normally performed by a judge and to the expectation of the parties, i.e., whether they dealt with the 6 judge in his judicial capacity.

7 Id. at 361. The allegations in the complaint indicate that the defendant judges were acting within 8 the scope of their judicial duties. Therefore, they are immune from civil liability. 9 Additionally, plaintiff's Public Defender is not a state actor within the meaning of §1983. 10 See *Polk County v. Dodson*, 454 U.S. 312, 318-19 (1981) (public defenders do not act under 11 color of state law for purposes of §1983 when performing a lawyer's traditional functions); *Rivera 12 v. Cty. of Los Angeles*, 745 F.3d 384, 391 n.3 (9th Cir. 2014). Therefore, the complaint does not 13 state a claim for relief against any proper defendant. The undersigned recommends dismissing 14 plaintiff's complaint. See 28 U.S.C. § 1915A(b). Because permitting plaintiff to amend the 15 complaint would be futile, this court further recommends that the complaint be dismissed without 16 leave to amend. See *Klamath-Lake Pharm. Ass'n v. Klamath Med. Serv. Bureau*, 701 F.2d 1276, 17 1293 (9th Cir. 1983) (holding that while leave to amend shall be freely given, the court does not 18 have to allow futile amendments). 19 For the foregoing reasons, IT IS HEREBY ORDERED that plaintiff's motions for leave to 20 proceed in forma pauperis (ECF No. 2, 7) are denied as moot. 21 IT IS FURTHER RECOMMENDED that plaintiff's complaint be dismissed without leave 22 to amend. 23 These findings and recommendations are submitted to the United States District Judge 24 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty one days 25 after being served with these findings and recommendations, any party may file written 26 objections with the court and serve a copy on all parties. Such a document should be captioned 27 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the 28 objections shall be filed and served within fourteen days after service of the objections. The 1 || parties are advised that failure to file objections within the specified time may waive the right to 2 || appeal the District Court's order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). 3 ||

DATED: May 2, 2025 4

6 SEAN C. RIORDAN

4 UNITED STATES MAGISTRATE JUDGE

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