

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)