

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA**

**Allan Fletcher v. Roxanne Gonzalez**

Fletcher v. Gonzalez, No. 2:23-cv-0229-DMC-P (E.D. Cal. Mar. 21, 2025) · No. 2:23-cv-0229-DMC-P ·  
Decided March 21, 2025

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**SUMMARY**

The document contains findings and recommendations by a magistrate judge in a 42 U.S.C. § 1983 action brought by Allan Fletcher against federal court clerk employee Roxanne Gonzalez. The court recommends granting the defendant's unopposed motion to dismiss because § 1983 does not apply to federal officials and court personnel are protected by judicial immunity for acts integral to the judicial process. The recommended disposition is dismissal with prejudice.

**OPINION**

1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE EASTERN  
DISTRICT OF CALIFORNIA 10 11 ALLAN FLETCHER, No. 2:23-CV-0229-DMC-P 12  
Plaintiff, 13 v. ORDER 14 ROXANNE GONZALEZ, and 15 Defendant. FINDINGS AND  
RECOMMENDATIONS 16 17 Plaintiff, who is proceeding pro se, brings this civil rights action  
pursuant to 42 18 U.S.C. § 1983. Pending before the Court is Defendant's unopposed motion to  
dismiss.

See ECF 19 No. 22. 20 In considering a motion to dismiss, the Court must accept all allegations of  
21 material fact in the complaint as true. See *Erickson v. Pardus*, 551 U.S. 89, 93-94 (2007). The  
22 Court must also construe the alleged facts in the light most favorable to the plaintiff. See  
Scheuer 23 v. Rhodes, 416 U.S. 232, 236 (1974); see also *Hosp. Bldg.*

*Co. v. Rex Hosp. Trustees*, 425 U.S. 24 738, 740 (1976); *Barnett v. Centoni*, 31 F.3d 813, 816 (9th  
Cir. 1994) (per curiam). All 25 ambiguities or doubts must also be resolved in the plaintiff's favor.  
See *Jenkins v. McKeithen*, 26 395 U.S. 411, 421 (1969).

However, legally conclusory statements, not supported by actual 27 factual allegations, need not  
be accepted. See *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949-50 (2009). 28 In addition, pro se  
pleadings are held to a less stringent standard than those drafted by lawyers. 1 See *Haines v.*  
*Kerner*, 404 U.S. 519, 520 (1972). 2 Federal Rule of Civil Procedure 8(a)(2) requires only "a short  
and plain statement 3 of the claim showing that the pleader is entitled to relief" in order to "give  
the defendant fair 4 notice of what the... claim is and the grounds upon which it rests." *Bell Atl.*

Corp v. Twombly, 550 U.S. 544, 555 (2007) (quoting Conley v. Gibson, 355 U.S. 41, 47 (1957)). However, in order to survive dismissal for failure to state a claim under Rule 12(b)(6), a complaint must contain more than “a formulaic recitation of the elements of a cause of action;” it must contain factual allegations sufficient “to raise a right to relief above the speculative level.” Id. at 555-56.

The complaint must contain “enough facts to state a claim to relief that is plausible on its face.” Id. at 1057. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” 12 Iqbal, 129 S. Ct. at 1499. “The plausibility standard is not akin to a ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has acted unlawfully.” Id. (quoting Twombly, 550 U.S. at 556). “Where a complaint pleads facts that are ‘merely consistent with’ a defendant’s liability, it ‘stops short of the line between possibility and plausibility for entitlement to relief.’” Id. (quoting Twombly, 550 U.S. at 557).

In deciding a Rule 12(b)(6) motion, the Court generally may not consider materials outside the complaint and pleadings. See Cooper v. Pickett, 137 F.3d 616, 622 (9th Cir. 1998); Branch v. Tunnell, 14 F.3d 449, 453 (9th Cir. 1994).

The Court may, however, consider: (1) documents whose contents are alleged in or attached to the complaint and whose authenticity no party questions, see Branch, 14 F.3d at 454; (2) documents whose authenticity is not in question, and upon which the complaint necessarily relies, but which are not attached to the complaint, see Lee v. City of Los Angeles, 250 F.3d 668, 688 (9th Cir.

2001); and (3) documents and materials of which the court may take judicial notice, see Barron v. Reich, 13 F.3d 1370, 1377 (9th Cir. 25 1994). Finally, leave to amend must be granted “[u]nless it is absolutely clear that no amendment can cure the defects.” Lucas v. Dep’t of Corr., 66 F.3d 245, 248 (9th Cir. 1995) (per curiam); see also Lopez v. Smith, 203 F.3d 1122, 1126 (9th Cir.

2000) (en banc). I. BACKGROUND A. Procedural History Plaintiff initiated this action with a pro se complaint filed on October 18, 2021. See ECF No. 1. On October 6, 2022, the matter was transferred from the Fresno Division of this Court to the Sacramento Division. See ECF No. 8.

On July 6, 2023, the Court issued a screening order dismissing the complaint with leave to amend. See ECF No. 11. Plaintiff filed his first amended complaint on August 31, 2024. See ECF No. 12. Thereafter, the Court determined that the first amended complaint was appropriate for service on Defendant Gonzalez. See ECF No. 9. Summons was returned executed on October 1, 2024.

See ECF No. 18. Defendant filed the 10 pending motion to dismiss on December 20, 2024. See ECF No. 22. Plaintiff has not filed an 11 opposition. 12 B. Plaintiff's Allegations 13 Plaintiff names Roxanne Gonzalez as the sole defendant. See ECF No. 12, pg. 2. 14 Defendant Gonzalez is alleged to be the Operations Supervisor in this Court's Fresno Division 15 Clerk's Office.

See *id.* She is sued in her official and individual capacities. See *id.* Plaintiff 16 alleges that, on July 28, 2021, Defendant illegally obtained a patient roster from Coalinga State 17 Hospital, where Plaintiff is housed as a civil detainee, in violation of his right to privacy of patient 18 information under state law. See *id.* at 3-6. 19 20 II. DISCUSSION 21 In her unopposed motion to dismiss, Defendant argues: (1) she is not subject to 22 suit under 42 U.S.C. § 1983; and (2) she is entitled to judicial immunity.

See ECF No. 22-1. 23 A. Applicability of § 1983 24 Defendant argues first that she cannot be held liable under § 1983 because she is a 25 federal official not acting under color of state law. See ECF No. 12-1, pg. 3. Defendant's 26 argument is well taken. See *Hollett v. Browning*, 711 F. Supp. 1009, 1012 n.2 (E.D. Cal. 1988) 27 (holding that section 1983 "ha[s] no relevance to [an] action against the United States and federal 28 employees"); see also *Stonecipher v. Bray*, 653 F.2d 398, 401 (9th Cir.

1981) (affirming dismissal 1 of § 1983 claim against IRS officers "because the IRS is a federal agency and its agents 2 performed no acts under color of state law"); *Morse v. N. Coast Opportunities, Inc.*, 118 F.3d 3 1338, 1343 (9th Cir. 1997) (holding that "[plaintiff]'s complaint is invalid on its face in its 4 reliance upon § 1983 as a cause of action against federal government actors"); *Uptergrove v. 5 United States*, No. 1:08-cv-1800, 2009 WL 2244185, at \*3 (E.D.

Cal. July 27, 2009) ("Section 6 1983, upon which the complaint was grounded, does not permit actions against federal employees 7 or officials"). 8 Moreover, as Defendant notes, Plaintiff's complaint asserts that liability under 9 § 1983 exists because Defendant violated state law. See ECF No. 12; see also ECF No. 22-1, pg. 10 3.

The Court agrees. Plaintiff cannot assert liability under § 1983 based on violations of state 11 law. See *Miller v. City of Scottsdale*, 88 F.4th 800, 805 (9th Cir. 2023); *Medrano v. City of L.A.*, 12 973 F.2d 1499, 1505 (9th Cir. 1992). 13 B. Judicial Immunity 14 Judges are absolutely immune from damage actions for judicial acts taken within 15 the jurisdiction of their courts.

See *Schucker v. Rockwood*, 846 F.2d 1202, 1204 (9th Cir. 1988) 16 (*per curiam*). This immunity is lost only when the judge acts in the clear absence of all 17 jurisdiction or performs an act that is not judicial in nature. See *id.* Judges retain their immunity 18 even when they are accused of acting maliciously or corruptly, see *Mireles v. Waco*, 502 U.S. 9, 19 11 (1991) (*per curiam*); *Stump v. Sparkman*, 435 U.S. 349, 356-57 (1978), and when they are 20 accused of acting in error, see *Meek v. County of Riverside*, 183 F.3d 962, 965 (9th Cir.

1999). 21 This immunity extends to the actions of court personnel when they act as “an integral part of the 22 judicial process.” See *Mullis v. U.S. Bankruptcy Court*, 828 F.2d 1385, 1390 (9th Cir. 1987). 23 This immunity includes court clerks. See *Mullis v. U.S. Bankr. Ct.*, 828 F.2d 1385, 1390 (9th 24 Cir. 1987). 25 As Defendant notes in her unopposed motion to dismiss, two other plaintiffs have 26 filed suit in this court against Defendant Gonzalez on nearly identical facts as those alleged in this 27 case.

Both cases were dismissed based on judicial immunity. See *Williams v. Dep’t of State 28 Hosps.-Coalinga*, No. 2:23-cv-878, ECF 11, at 3 (E.D. Cal. Nov. 20, 2023), adopted, ECF 14, at 2 1 | (E.D. Cal. Mar. 19, 2024); *Roberson v. Dep’t of State Hosps.-Coalinga*, No. 2:23-cv-1095, ECF 2 | 10, at 3 (E.D. Cal. Oct. 10, 2023).

The Court will recommend the same disposition here. 3 4 II. CONCLUSION 5 Based on the foregoing, the undersigned orders and recommends as follows: 6 1. It is ORDERED that the Clerk of the Court is directed to randomly assign a 7 || District Judge to this case. 8 2. It is RECOMMENDED that Defendant’s unopposed motion to dismiss, 9 || ECF No. 22, be granted and that this action be dismissed with prejudice.

10 These findings and recommendations are submitted to the United States District 11 || Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days 12 | after being served with these findings and recommendations, any party may file written objections 13 || with the Court. Responses to objections shall be filed within 14 days after service of objections.

14 | Failure to file objections within the specified time may waive the right to appeal. See *Martinez v. 15 Yist*, 951 F.2d 1153 (9th Cir. 1991). 16 17 | Dated: March 21, 2025 Co 18 DENNIS M. COTA 19 UNITED STATES MAGISTRATE JUDGE 20 21 22 23 24 25 26 27 28