

**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

OPINION

(PC) Fletcher v. Clendenin

PER CURIAM.

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*, 5 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355
U.S. 41, 47 (1957)). However, in order 6 to survive dismissal for failure to state a claim under
Rule 12(b)(6), a complaint must contain 7 more than “a formulaic recitation of the elements of a
cause of action;” it must contain factual 8 allegations sufficient “to raise a right to relief above the
speculative level.” *Id.* at 555-56. The 9 complaint must contain “enough facts to state a claim to
relief that is plausible on its face.” *Id.* at 10 570. “A claim has facial plausibility when the plaintiff

pleads factual content that allows the 11 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 13 it asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.* (quoting 14 *Twombly*, 550 U.S. at 556). “Where a complaint pleads facts that are ‘merely consistent with’ a 15 defendant’s liability, it ‘stops short of the line between possibility and plausibility for entitlement 16 to relief.’” *Id.* (quoting *Twombly*, 550 U.S. at 557). 17 In deciding a Rule 12(b)(6) motion, the Court generally may not consider materials 18 outside the complaint and pleadings. See *Cooper v. Pickett*, 137 F.3d 616, 622 (9th Cir. 1998); 19 *Branch v. Tunnell*, 14 F.3d 449, 453 (9th Cir. 1994). The Court may, however, consider: (1) 20 documents whose contents are alleged in or attached to the complaint and whose authenticity no 21 party questions, see *Branch*, 14 F.3d at 454; (2) documents whose authenticity is not in question, 22 and upon which the complaint necessarily relies, but which are not attached to the complaint, see 23 *Lee v. City of Los Angeles*, 250 F.3d 668, 688 (9th Cir. 2001); and (3) documents and materials 24 of which the court may take judicial notice, see *Barron v. Reich*, 13 F.3d 1370, 1377 (9th Cir. 25 1994). 26 Finally, leave to amend must be granted “[u]nless it is absolutely clear that no 27 amendment can cure the defects.” *Lucas v. Dep’t of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995) (per 28 curiam); see also *Lopez v. Smith*, 203 F.3d 1122, 1126 (9th Cir. 2000) (en banc).

1 I. BACKGROUND

2 A. Procedural History 3 Plaintiff initiated this action with a pro se complaint filed on October 18, 2021. 4 See ECF No. 1. On October 6, 2022, the matter was transferred from the Fresno Division of this 5 Court to the Sacramento Division. See ECF No. 8. On July 6, 2023, the Court issued a screening 6 order dismissing the complaint with leave to amend. See ECF No. 11. Plaintiff filed his first 7 amended complaint on August 31, 2024. See ECF No. 12. Thereafter, the Court determined that 8 the first amended complaint was appropriate for service on Defendant Gonzalez. See ECF No. 9 14. 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