

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Petrini v. Naran

No. 5:25-cv-02896-EJD (N.D. Cal. Oct. 8, 2025) · No. 5:25-cv-02896-EJD · Decided October 8, 2025

SUMMARY

The United States District Court for the Northern District of California adopted a magistrate judge’s report and recommendation dismissing Plaintiffs’ amended complaint. Claims one through three were dismissed without leave to amend for failure to state a claim because the underlying state-court proceeding was civil rather than criminal. Claim four was dismissed for lack of subject matter jurisdiction under the Rooker-Feldman doctrine after Plaintiffs failed to file a further amended complaint.

OPINION

Petrini v. Naran

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 SAN JOSE DIVISION

7 8 KATRINA POPOVICH PETRINI, et al., Case No. 5:25-cv-02896-EJD 9 Plaintiff,

ORDER ADOPTING MAGISTRATE

10 v. JUDGE'S REPORT AND

RECOMMENDATION

11 SARJU NARAN, et al., Re: ECF No. 21 12 Defendant. 13 14 The Court has reviewed
Magistrate Judge Van Keulen’s Report and Recommendation 15 (“Report”) to dismiss this action
for failure to state a claim and for lack of subject matter 16 jurisdiction, as well as Plaintiffs’
objections to the report. See Report, ECF No. 21; Pls.’ Obj., 17 ECF No. 22. The Court finds the
Report correct, well-reasoned, and thorough, and ADOPTS it in 18 every respect. 19 This action
relates to an earlier suit in state court in which Defendants filed a cross- 20 complaint against
Plaintiff Petrini that included a claim for violation of California Penal Code § 21 502, the
Computer Data Access and Fraud Act. See Compl., ECF No. 1, Ex. A. The original 22 complaint
alleged that the state court lawsuit resulted in a judgment against Plaintiff Petrini that 23 has been
enforced against Plaintiffs’ property in Texas. See generally Compl. On May 22, 2025, 24 Judge
Van Keulen issued a screening order under 28 U.S.C. § 1915(e) finding that the original 25
complaint failed to state a claim for relief. First Screening Order, ECF No. 12. On June 12, 2025,

26 Plaintiffs filed an amended complaint (“FAC”) pursuant to the First Screening Order. FAC, ECF 27 No. 15. On July 21, 2025, Judge Van Keulen issued a second screening order with respect to the 1 FAC, finding that the first, second, and third claims failed to state a claim for relief and that leave 2 to amend those claims would be futile. Second Screening Order, ECF No. 19 at 4–5, 7. The 3 Second Screening Order also found that the Court lacks subject matter jurisdiction over the fourth 4 claim but gave Plaintiffs leave to amend as to that cause of action. Id. at 2, 5–7. Plaintiffs did not 5 file a Second Amended Complaint by the August 20, 2025, deadline. As a result, on September 8, 6 2025, Judge Van Keulen issued the Report recommending that the Court dismiss the FAC in its 7 entirety without leave to amend. See Report at 2. 8 On September 19, 2025, Plaintiffs, who are proceeding pro se, filed a timely Objection to 9 the Report. Plaintiffs’ objections seem to fall into four categories: (1) that Defendants had 10 instituted “a criminal prosecution in state civil court,” (2) that “there is no state court judgment,” 11 (3) that “Rooker v. Feldman does not apply here as this . . . Court is not being requested to review a 12 state court judgment,” and (4) what may be an argument about wrongful conduct by a private 13 party (“The relationship between [J]udge Kirwan and the prosecuting defendants is an out[-]of[- 14]court action that had a direct effect on the court[’]s proceedings.”) Pls.’ Obj. at 2–5. The Court 15 addresses each of Plaintiffs’ four arguments below. 16 Plaintiffs contend that Defendants pursued “a criminal prosecution in state civil court.” Id. 17 at 2. As the Report explains, this is not correct. See Report at 3–4. The state court cross- 18 complaint contains a claim for violation of California Penal Code § 502. Id. at 3. As the Report 19 has already explained, Section 502(e)(1) permits “the owner or lessee of the computer, computer 20 system, computer network, computer program or data” to “bring civil action against the violator” 21 when the violator causes “damage or loss by reason of a violation of any of the provisions of 22 subdivision (c) . . .” Cal. Penal. C. § 502(e)(1) (emphasis added). That is what Defendants did. 23 Since Plaintiffs brought their first three claims assuming that the Defendants had brought a 24 criminal action, not a civil one, their complaint fails as to those three claims. 25 Plaintiffs remaining three broad objections all seem to relate to whether the Rooker- 26 Feldman doctrine bars subject matter jurisdiction over their fourth claim. First, Plaintiffs contend 27 that “there is no state court judgment for [the Court] to review or overturn” and that “defendants 1 confusing, because the Plaintiffs alleged in their FAC that “the defendants received a . . . default 2 judgment . . . in excess of \$171,000.00 for the plaintiffs violating California Penal Code [§] 502” 3 and that “penalties were levied against the plaintiff and the plaintiff’s spouse” pursuant to that 4 judgment. FAC at 4. Even in their Objection, Plaintiffs admit that “The defendants received a 5 default judgment for their client.” Pls.’ Obj. at 5. So, Plaintiffs contend both that there was and 6 that there was not a state court judgment. Since the state court judgment against Plaintiffs seems 7 to have inspired their current suit, the Court will assume that Plaintiffs meant what they said in 8 their FAC and on page five of their Objection: that there was a state court judgment against 9 Plaintiffs. 10 Second, Plaintiffs claim that “Rooker v. Feldman does not apply here as this . . . Court is 11 not being requested to review a state court

judgment” and “[n]o request to review or overturn a 12 judgment is being made of this court.” Pls.’ Obj. at 5. It seems Plaintiffs believe that Rooker- 13 Feldman only applies when a party expressly asks a federal court to overturn a state court 14 judgment. But as the Report explained, “the Rooker-Feldman doctrine ‘prohibits a federal district 15 court from exercising subject matter jurisdiction over a suit that is a de facto appeal from a state 16 court judgment.” Report at 4 (quoting *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1139 (9th Cir. 17 2004) (emphasis added)). Plaintiffs’ complaint is a de facto appeal because they are asserting “as 18 a legal wrong an allegedly erroneous decision by a state court.” *Kougasian*, 359 F.3d at 1140 19 (quoting *Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003)). As a result, Rooker-Feldman applies 20 to this case. 21 Finally, Plaintiffs raise a few new arguments in their Objection that are, admittedly, 22 difficult for the Court to decipher. Plaintiffs claim that “The relationship between [J]udge Kirwan 23 and the prosecuting defendants is an out[-]of[-]court action that had a direct effect on the court[’]s 24 proceedings.” Pls.’ Obj. at 5. This allegation seems to fall in the same genre as Plaintiffs’ earlier 25 claim that “an organized syndicate including judges and court clerks” caused the errors of which 26 Plaintiffs complain. FAC at 19. That is, Plaintiffs still appear to be requesting that the Court set 27 aside the state court judgment based on errors of the state court—which, as the Report explained,] In sum, Judge Van Keulen’s Report and Recommendation is adopted in full. Plaintiffs’ 2 objections are overruled. Claims one, two, and three of the FAC are dismissed for failure to state 3 a claim; because they are based on a mistaken premise (that the cross-complaint in state court was 4 || acriminal proceeding), the Court DISMISSES those clams WITHOUT LEAVE TO AMEND. 5 Claim four is dismissed for lack of subject matter jurisdiction; because Plaintiffs failed to file a 6 Second Amended Complaint as to that fourth claim, the Court DISMISSES that claim. 7 IT ISSO ORDERED. 8 Dated: October 8, 2025 9

EDWARD J. DAVILA

10 United States District Judge 1] as 12 2B 16 17 Oo Z 18 19 20 21 22 23 24 25 26 27 28