

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Davis v. Shepard

Davis · No. 2:24-cv-01952-DC-AC (PS) · Decided September 2, 2025

OPINION

(PS) Davis v. Shepard

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 ERIC DAVON DAVIS, No. 2:24-cv-01952-DC-AC (PS)

12 Plaintiff,

13 v. ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS

14 NEIL SHEPARD, et al., (Doc. Nos. 5, 8, 11, 14) 15 Defendants. 16 17 Plaintiff Eric Davon
Davis is proceeding pro se and in forma pauperis in this civil action. 18 This matter was referred
to a United States Magistrate Judge pursuant to 28 U.S.C. § 19 636(b)(1)(B) and Local Rule 302.
20 On July 17, 2024, Plaintiff filed a complaint alleging violations by Defendants 21
Commissioner Neil Shepard, Judge Jaya Badiga, Sacramento Department of Child Support, and
22 El Dorado County, Auditor-Controller's Office relating to the enforcement of support orders 23
against him. (Doc. No. 1.) On July 25, 2024, Plaintiff filed a motion for preliminary injunction to
24 prevent Defendants Commissioner Shepard, Judge Badiga, and Sacramento Department of
Child 25 Support Services from enforcing child support orders against him. (Doc. No. 5.) On
September 26 20, 2024, Plaintiff filed a motion for default judgment against Defendants. (Doc.
No. 8.) 27 On November 20, 2024, the magistrate judge issued findings and recommendations 28
recommending that this action be dismissed without leave to amend for lack of subject matter 1
jurisdiction and Plaintiff's motions for preliminary injunction and default judgment be denied as 2
moot. (Doc. No. 11.) Specifically, the magistrate judge found Plaintiff's claims are barred by the 3
Rooker-Feldman doctrine¹ and the domestic relations exception because his claims are an attempt
4 to challenge a state court order requiring him to make child support payments. (Id. at 3–4.) The
5 magistrate judge also found Plaintiff's claims against Defendants Commissioner Shepard and 6
Judge Badiga barred by judicial immunity. (Id. at 4.) The findings and recommendations were 7
served on Plaintiff and contained notice that any objections thereto were to be filed within 8
twenty-one (21) days from the date of service. (Id. at 5.) 9 On November 25, 2024, Plaintiff filed

objections to the findings and recommendations. 10 (Doc. No. 12.) On December 19, 2024, Plaintiff filed a motion for an immediate ruling on his 11 objections. (Doc. No. 14.) In his objections, Plaintiff first argues the magistrate judge erroneously 12 applied the Rooker-Feldman doctrine and the domestic relations exception to this case. (Doc. No. 13 12 at 3–4.) Plaintiff cites cases and federal statutes to support his objections, but none refute the 14 magistrate judge’s findings that Plaintiff’s claims are barred by the Rooker-Feldman doctrine and 15 domestic relations exception. 16 Plaintiff also argues the magistrate judge erred in failing to consider his motion for default 17 judgment. (Id. at 4.) However, a court cannot enter a valid default judgment against a defendant 18 when it lacks subject matter jurisdiction. See *In re Tuli*, 172 F.3d 707, 712 (9th Cir. 1999) 19 (finding that when default judgment is sought, the “district court has an affirmative duty to look 20 into its jurisdiction over both the subject matter and the parties”). Because the magistrate judge 21 found this court does not have subject matter jurisdiction over Plaintiff’s claims, it was 22 appropriate for the magistrate judge to deny the motion as moot. 23 Additionally, Plaintiff contends that the magistrate judge exhibited bias against him. (Doc. 24 No. 12 at 5.) Plaintiff bases his contention of bias upon the magistrate judge’s rulings and actions 25 in this case. (Id.) However, “[d]isagreements with the [c]ourt’s rulings do not support [] assertions 26 27 1 The doctrine takes its name from *Rooker v. Fid. Trust Co.*, 263 U.S. 413 (1923) and *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983). 28 1 | of bias ... because assertions of bias must be predicated upon an extrajudicial source.” *Martinez 2 | v. Sec’y of Cal. Dep’t of Corr. & Rehab.*, No. 22-cv-01170-JLT-GSA, 2025 WL 572995, at *5 3 | (E.D. Cal. Feb. 21, 2025). Accordingly, Plaintiff’s contention of bias is without merit. 4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a 5 || de novo review of the case. Having carefully reviewed the entire file, including Plaintiff’s 6 | objections, the court concludes the findings and recommendations are supported by the record 7 | and by proper analysis. 8 Accordingly, 9 1. The findings and recommendations issued on November 20, 2024 (Doc. No. 11) 10 are ADOPTED in full; 11 2. Plaintiff’s complaint (Doc. No. 1) is DISMISSED without prejudice for lack of 12 subject matter jurisdiction; 13 3. Plaintiff’s motion for preliminary injunction (Doc. No. 5) is DENIED as moot; 14 4. Plaintiff’s motion for entry of default judgment (Doc. No. 8) is DENIED as moot; 15 5. Plaintiff’s motion for an immediate ruling on his objections is DENIED as moot; 16 and 17 6. The Clerk of Court is directed to close this case. 18 19 IT IS SO ORDERED. : 20 | Dated: _ August 29, 2025 _ RUG Dena Coggins 21 United States District Judge 22 23 24 25 26 27 28