

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rodarte v. Lester

Rodarte · No. 2:24-cv-3428-DJC-CKD (PS) · Decided May 22, 2025

SUMMARY

The United States District Court for the Eastern District of California vacated prior findings and recommendations recommending dismissal for failure to prosecute. The court instead recommended granting the defendant's Rule 12(b)(6) motion and dismissing the action without leave to amend because the plaintiff failed to allege compliance with the California Government Claims Act, the elements of negligence, or facts supporting a privacy claim against the defendant.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 22, 2025
DOCKET	2:24-cv-3428-DJC-CKD (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed the action in California state court, defendant removed it to federal court, and a magistrate judge issued amended findings and recommendations addressing defendant's Rule 12(b)(6) motion to dismiss. The magistrate judge vacated an earlier recommendation of dismissal for failure to prosecute and recommended dismissal without leave to amend for failure to state a claim.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts the complaint's allegations as true and construes them in the light most favorable to the plaintiff, while disregarding conclusory allegations, unwarranted factual deductions, and unreasonable inferences. Pro se pleadings are liberally construed.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Alexander Rodarte v. Katherine Lester

TOPICS

motions to dismiss

pleadings

civil procedure

negligence

invasion of privacy

PRACTICE AREAS

civil procedure

torts

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privacy law

QUESTIONS PRESENTED

1. Whether Rodarte's negligence claim stated a claim where he did not allege compliance with California's Government Claims Act or facts establishing Lester's duty, breach, causation, or involvement.
2. Whether Rodarte's breach-of-privacy claim stated a claim where the cited California statute applies to state agencies, the defendant was not alleged to be associated with a state agency, and no conduct by the defendant was alleged.
3. Whether amendment should be permitted or denied as futile.
4. Whether the prior recommendation dismissing the case for failure to prosecute should be vacated in light of Rodarte's objections and opposition to the motion to dismiss.

HOLDINGS

1. The prior findings and recommendations recommending dismissal for failure to prosecute were vacated because Rodarte's objections addressed the recommendation and also opposed the pending motion to dismiss.
2. The negligence claim failed because Rodarte did not allege compliance with the California Government Claims Act and did not allege specific facts showing Lester's involvement or the elements of negligence.
3. The breach-of-privacy claim failed because California Civil Code section 1798.29 applies to state agencies, not local agencies or cities, and Rodarte did not allege that Lester was associated with a state agency or engaged in any actionable conduct.
4. Leave to amend should be denied as futile because the complaint alleged no facts concerning Lester's involvement or relation to the events and the opposition did not explain why Lester was being sued.

KEY QUOTATIONS

“Dismissal under Rule 12(b)(6) of the Federal Rules of Civil Procedure may be warranted for “the lack of a cognizable legal theory or the absence of sufficient facts alleged under a cognizable legal theory.”” (at 1)

“Valid reasons for denying leave to amend include undue delay, bad faith, prejudice, and futility.” (at 3)

“The complaint does not come close to meeting the requisite pleading standard to state any cause of action.” (at 4)

FACTUAL BACKGROUND

Rodarte alleged that he stayed at the Oasis Inn Motel while intoxicated in June or July 2020, heard a bang, called 911, and observed police respond and leave. He further alleged that events were being recorded on video and that SWAT officers entered and injured people. He asserted negligence and breach-of-privacy claims, sought to

have himself expunged from the video, and did not allege specific conduct by Lester or facts showing Lester's involvement.

PROCEDURAL HISTORY

Rodarte filed suit in Sacramento County Superior Court, and Lester removed the action to the Eastern District of California on December 10, 2024. The magistrate judge initially recommended dismissal for failure to prosecute, but Rodarte filed objections that also opposed the pending motion to dismiss. The court vacated the prior recommendation and issued amended findings and recommendations recommending that the motion to dismiss be granted without leave to amend. The recommendation was submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), subject to objections.

DISPOSITION

other

CASES CITED

- *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990)
- *Hishon v. King & Spalding*, 467 U.S. 69, 73 (1984)
- *Love v. United States*, 915 F.2d 1242, 1245 (9th Cir. 1990)
- *Bretz v. Kelman*, 773 F.2d 1026, 1027 (9th Cir. 1985)
- *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001)
- *State of California v. Superior Ct.*, 32 Cal. 4th 1234, 1239 (2004)
- *Butler v. Los Angeles County*, 617 F. Supp. 2d 994, 1001 (C.D. Cal. 2008)
- *Ladd v. County of San Mateo*, 12 Cal. 4th 913, 917 (1996)
- *Damner v. Facebook Inc.*, No. 20-CV-05177-JCS, 2020 WL 7862706, at *8 (N.D. Cal. Dec. 31, 2020)
- *California Architectural Bldg. Prod. v. Franciscan Ceramics*, 818 F.2d 1466, 1472 (9th Cir. 1987)
- *Klamath-Lake Pharm. Ass'n v. Klamath Med. Serv. Bureau*, 701 F.2d 1276, 1293 (9th Cir. 1983)
- *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991)