

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lucero v. Baker

No. 2:24-cv-2855-DC-JDP (PS) (E.D. Cal. Mar. 21, 2025) · No. 2:24-cv-2855-DC-JDP (PS) · Decided March 24, 2025

SUMMARY

The document contains findings and recommendations in Dolores Lucero’s § 1983 action against Judge Stephen H. Baker arising from his conduct while presiding over a state small claims trial. The magistrate judge recommends granting the motion to dismiss and dismissing the action without leave to amend because judicial immunity bars the claims. The recommendation further proposes entry of judgment for the defendant and closure of the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 24, 2025
DOCKET	2:24-cv-2855-DC-JDP (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a pro se civil-rights action under 42 U.S.C. § 1983 against a state-court judge. Defendant moved to dismiss under Rule 12(b)(6) and for lack of subject-matter jurisdiction. The magistrate judge issued findings and recommendations recommending that the motion be granted and the action be dismissed without leave to amend.
STANDARD OF REVIEW	Rule 12(b)(6) dismissal is proper when the complaint lacks a cognizable legal theory or fails to allege sufficient facts to support one. The court accepts well-pleaded factual allegations as true and determines whether they state a facially plausible claim. Pro se pleadings are construed liberally, but liberal construction cannot supply essential elements not pleaded.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Dolores Lucero v. Stephen H. Baker

TOPICS

section 1983 motions to dismiss subject matter jurisdiction due process civil procedure

PRACTICE AREAS

civil rights civil procedure constitutional law judicial immunity remedies

QUESTIONS PRESENTED

1. Whether judicial immunity bars Lucero's § 1983 claims against Judge Baker based on alleged constitutional violations committed while presiding over her small-claims trial.
2. Whether the alleged procedural errors, bias, or conduct exceeding judicial authority fall within an exception to judicial immunity.
3. Whether the complaint should be dismissed without leave to amend because its jurisdictional deficiencies cannot be cured.

HOLDINGS

1. A judge is absolutely immune from civil liability for acts performed in a judicial capacity and within the judge's jurisdiction, including alleged procedural errors, bias, malicious conduct, and controversial rulings.
2. The exceptions to judicial immunity apply only to actions not taken in a judicial capacity or actions taken in the complete absence of all jurisdiction; acting in excess of jurisdiction does not eliminate immunity when the acts themselves are judicial.
3. Dismissal without leave to amend is appropriate when it is clear that the complaint's deficiencies cannot be cured by amendment.

KEY QUOTATIONS

“There are two exceptions to judicial immunity: (1) allegations arising from “actions not taken in the judge’s judicial capacity,” and (2) judicial actions taken “in the complete absence of all jurisdiction.”” (Document p. 3)

“Defendant is therefore protected by absolute immunity from all of plaintiff’s claims.” (Document p. 4)

FACTUAL BACKGROUND

Lucero filed a small-claims action in Shasta County Superior Court and received an award of \$190.66, while the opposing party received \$1,019.77 on a crossclaim. Before the de novo trial, Judge Baker denied Lucero's motions to change venue and amend her complaint. Lucero alleged that during trial Baker allowed only the opposing party to present evidence, barred Lucero from presenting her own case, overruled an evidentiary objection, and entered judgment without allowing her to present her case.

PROCEDURAL HISTORY

Lucero filed a civil-rights complaint alleging that Judge Baker violated her Fifth and Fourteenth Amendment rights while presiding over her small-claims trial. Baker moved to dismiss, asserting judicial immunity and other defenses. The magistrate judge recommended dismissal without leave to amend, entry of judgment for Baker, and closure of the case, subject to review by the assigned district judge after any objections.

DISPOSITION

other

CASES CITED

- Somers v. Apple, Inc., 729 F.3d 953, 959 (9th Cir. 2013)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hayes v. Idaho Correctional Center, 849 F.3d 1204, 1208 (9th Cir. 2017)
- Bruns v. National Credit Union Administration, 122 F.3d 1251, 1257 (9th Cir. 1997)
- Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Meek v. County of Riverside, 183 F.3d 962, 965 (9th Cir. 1999)
- Mireles v. Waco, 502 U.S. 9, 9-12 (1991) (per curiam)
- Bradley v. Fisher, 80 U.S. 335, 347, 351 (1871)
- Pierson v. Ray, 386 U.S. 547, 554 (1967)
- In re Thomas, 508 F.3d 1225, 1227 (9th Cir. 2007) (per curiam)
- Stump v. Sparkman, 435 U.S. 349, 359, 363-64 (1978)
- Ashelman v. Pope, 793 F.2d 1072, 1078 (9th Cir. 1986) (en banc)
- Lopez v. Vanderwater, 620 F.2d 1229, 1234 (7th Cir. 1980)
- In re Complaint of Judicial Misconduct, 366 F.3d 963, 965 (9th Cir. 2004)
- Rosenthal v. Justices of the Supreme Court of California, 910 F.2d 561, 565-66 (9th Cir. 1990)
- Palken v. Olds, No. 3:20-cv-129-BLW, 2020 WL 3451687, at *1 (D. Idaho June 24, 2020)
- Seifert v. Pritchard, No. 1:24-cv-1097-KES-CDB, 2025 WL 745852, at *6 (E.D. Cal. Mar. 7, 2025)
- Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987)
- Silva v. Di Vittorio, 658 F.3d 1090, 1105 (9th Cir. 2011)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PS) Lucero v. Baker

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 DOLORES LUCERO, Case No. 2:24-cv-2855-DC-JDP (PS) 12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 STEPHEN H. BAKER,

15 Defendant. 16

17 Plaintiff Dolores Lucero brings this civil rights action against defendant Judge Stephen H. 18
Baker. In the complaint, plaintiff alleges that defendant violated her constitutional rights while he
19 presided over her small claims trial. Defendant has absolute immunity from plaintiff's claims;
20 thus, I recommend that this action be dismissed without leave to amend. 21 Allegations 22 On
June 17, 2024, plaintiff filed a small claims action in Shasta County Superior Court. 23 ECF No. 1
at 2. She was awarded \$190.66, and the defendant, on a crossclaim, was awarded 24 \$1,019.77. Id.
Plaintiff appealed the decision and asked to have a trial heard de novo. Id. Prior 25 to trial,
plaintiff moved to change venue and to amend the complaint, but defendant Baker, who 26
presided over the trial, denied both motions, allegedly without sufficient reasoning. Id. at 2-3. At
27 trial, defendant only allowed the opposing party to present a case, barred plaintiff from
presenting 28 her own case and evidence, and overruled her objection to certain witness testimony.
Id. at 3. 1 Defendant entered judgment against plaintiff without first providing her with an
opportunity to 2 present her case. Id. 3 Plaintiff alleges that defendant violated her Fifth and
Fourteenth Amendment rights to due 4 process and equal protection. Id. at 4. Plaintiff seeks
declaratory relief, an order vacating the 5 judgment and a new trial, an injunction barring
defendant from engaging in further 6 unconstitutional conduct during judicial proceedings,
damages, and attorneys' fees and cost. Id. 7 at 5. 8 Legal Standard 9 "Dismissal under Rule 12(b)
(6) is proper when the complaint either (1) lacks a cognizable 10 legal theory or (2) fails to allege
sufficient facts to support a cognizable legal theory." Somers v. 11 Apple, Inc., 729 F.3d 953, 959
(9th Cir. 2013). "To survive a motion to dismiss, a complaint 12 must contain sufficient factual
matter, accepted as true, to 'state a claim to relief that is plausible 13 on its face.'" Ashcroft v.
Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atl. Corp. v. Twombly, 14 550 U.S. 544, 570
(2007)). A claim has facial plausibility when a plaintiff "pleads factual content 15 that allows the
court to draw the reasonable inference that the defendant is liable for the 16 misconduct alleged."
Iqbal, 556 U.S. at 678. 17 The court must construe a pro se litigant's complaint liberally. See
Haines v. Kerner, 404 18 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se
litigant's complaint "if it 19 appears beyond doubt that the plaintiff can prove no set of facts in
support of his claim which 20 would entitle him to relief." Hayes v. Idaho Corr. Ctr., 849 F.3d
1204, 1208 (9th Cir. 2017). 21 However, "'a liberal interpretation of a civil rights complaint may
not supply essential elements 22 of the claim that were not initially pled.'" Bruns v. Nat'l Credit
Union Admin., 122 F.3d 1251, 23 1257 (9th Cir. 1997) (quoting Ivey v. Bd. of Regents, 673 F.2d
266, 268 (9th Cir. 1982)). 24 Analysis 25 Defendant moves to dismiss for lack of subject matter

jurisdiction and failure to state a claim. ECF No. 8. Defendant argues that he is entitled to Eleventh Amendment and judicial immunity, that plaintiff's claims are barred by the Rooker-Feldman doctrine, and that he is not considered a person who can be sued under 42 U.S.C. § 1983. Id. 1 Plaintiff argues in opposition that her claims establish subject matter jurisdiction and state 2 viable claims. First, she argues that the Eleventh Amendment does not bar her claim for 3 prospective relief. ECF No. 9 at 2 (citing *Ex Parte Young*, 209 U.S. 123 (1908)). Second, she 4 claims that defendant's reliance on the Rooker-Feldman doctrine is misplaced as she is not 5 seeking to reverse or modify the state court judgment, but rather seeks to challenge defendant's 6 independent constitutional violations. Id. at 3. Next, plaintiff avers that defendant exceeded his 7 judicial role and thus cannot be protected from suit by judicial immunity. Id. Plaintiff also 8 argues that defendant is a person within the meaning of § 1983 because she sued him in his 9 official capacity. Id. at 4. Finally, plaintiff argues that she has sufficiently pled facts to plausibly 10 establish entitlement. Id. 11 Defendant is entitled to judicial immunity. "It is well settled that judges are generally 12 immune from civil liability under [§ 1983]." *Meek v. Cnty. Of Riverside*, 183 F.3d 962, 965 (9th

13 Cir. 1999) (citing *Mireles v. Waco*, 502 U.S. 9, 9-10 (1991) (per curiam)). The Supreme Court 14 has explained this immunity by reasoning that "a judicial officer, in exercising the authority 15 vested in him, shall be free to act upon his own convictions, without apprehension of personal 16 consequences to himself." *Bradley v. Fisher*, 80 U.S. 335, 347 (1871). A judge's errors should 17 be corrected on appeal, not by subsequent civil litigation, because civil liability "would contribute 18 not to principled and fearless decisionmaking but to intimidation." *Pierson v. Ray*, 386 U.S. 547, 19 554 (1967); *In re Thomas*, 508 F.3d 1225, 1227 (9th Cir. 2007) (per curiam). Indeed, judicial 20 immunity is so firmly grounded in our jurisprudence that it cannot be defeated by procedural error 21 or malicious, biased, or controversial actions. *Mireles*, 502 U.S. at 11 (malicious action does not 22 defeat judicial immunity); *Stump v. Sparkman*, 435 U.S. 349, 359, 363-64 (1978) (procedural 23 error does not defeat judicial immunity); *Ashelman v. Pope*, 793 F.2d 1072, 1078 (9th Cir. 1986) 24 (en banc) (conspiracy and bribery do not defeat judicial immunity); *Lopez v. Vanderwater*, 620 25 F.2d 1229, 1234 (7th Cir. 1980) (prejudice does not defeat judicial immunity). 26 There are two exceptions to judicial immunity: (1) allegations arising from "actions not 27 taken in the judge's judicial capacity," and (2) judicial actions taken "in the complete absence of 28 all jurisdiction." *Mireles*, 502 U.S. at 11-12; *In re Complaint of Judicial Misconduct*, 366 F.3d 1 963, 965 (9th Cir. 2004). A judge acting in "excess of his jurisdiction" still receives immunity 2 "so long as the acts themselves were judicial." *Rosenthal v. Justices of the Supreme Ct. of Cal.*, 3 910 F.2d 561, 565-66 (9th Cir. 1990) (citing *Stump*, 435 U.S. at 355-57, and *Bradley*, 80 U.S. at 4 351). 5 Plaintiff's complaint specifically alleges that defendant operated within his judicial 6 capacity and with jurisdiction when performing the allegedly unconstitutional acts. See ECF No. 7 1 at 3-5. Plaintiff alleges that defendant violated her constitutional rights during trial by allowing 8 only the other side to put on a case, barring

plaintiff from presenting her own case and evidence, 9 and overruling her objection to certain witness testimony. Each of these allegations confirms that 10 the alleged violations occurred when defendant was performing his core judicial duties, within 11 jurisdictional boundaries. Defendant is therefore protected by absolute immunity from all of 12 plaintiff's claims.¹ See *Palken v. Olds*, No. 3:20-cv-129-BLW, 2020 WL 3451687, at *1 (D. 13 Idaho June 24, 2020) (find that the plaintiff's claims against the defendant judge for ignoring her 14 evidence and being hostile to the plaintiff's case did not overcome judicial immunity); *Seifert v. 15 Pritchard*, No. 1:24-cv-1097-KES-CDB, 2025 WL 745852, at *6 (E.D. Cal. Mar. 7, 2025) 16 (finding that the defendant judge who presided over the plaintiff's small claim court trial was 17 judicial immune from plaintiff's § 1983 claims). 18 Accordingly, plaintiff's complaint should be dismissed for lack of jurisdiction. Given that 19 the jurisdictional deficiencies cannot be cured by amendment, I recommend dismissal without 20 leave to amend. See *Noll v. Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987) (holding that while the 21 court ordinarily would permit a pro se plaintiff leave to amend, leave to amend should not be 22 granted where it appears amendment would be futile); *Silva v. Di Vittorio*, 658 F.3d 1090, 1105 23 (9th Cir. 2011) ("Dismissal of a pro se complaint without leave to amend is proper only if it is 24 absolutely clear that the deficiencies of the complaint could not be cured by amendment.") 25 (internal quotation marks omitted). 26 27 1 As defendant is protected by judicial immunity, the court need not consider defendant's 28 remaining arguments. 1 Accordingly, it is hereby RECOMMENDED that: 2 1. Defendant's motion to dismiss, ECF No. 8, be GRANTED. 3 2. Judgment be entered in defendant's favor. 4 3. The Clerk of Court be directed to close this case. 5 These findings and recommendations are submitted to the United States District Judge 6 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(). Within fourteen days 7 | after being served with these findings and recommendations, any party may file written 8 | objections with the court and serve a copy on all parties. Such a document should be captioned 9 | "Objections to Magistrate Judge's Findings and Recommendations." Any response to the 10 | objections shall be served and filed within fourteen days after service of the objections. The 11 | parties are advised that failure to file objections within the specified time may waive the right to 12 || appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez 13 | v. Yist*, 951 F.2d 1153 (9th Cir. 1991). 14 1s IT IS SO ORDERED. 16 | q Sty —

Dated: _ March 21, 2025 Q———

17 JEREMY D. PETERSON

18 UNITED STATES MAGISTRATE JUDGE

19 20 21 22 23 24 25 26 27 28