

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Ryan v. Fuentes

Ryan · No. 2:25-cv-0925-DJC-JDP (PS) · Decided April 29, 2025

OPINION

(PS) Ryan v. Fuentes

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 NATASHA J. RYAN, Case No. 2:25-cv-0925-DJC-JDP (PS) 12 Plaintiff, 13 v. ORDER 14
CARLOS FUENTES, et al., 15 Defendants. 16 17 18 19 Plaintiff Natasha Ryan has filed a
complaint against Judge Alan Cassidy; mediator 20 Morgan Kramer; defense attorney Carlos
Fuentes; the father of plaintiff’s children, Vincent 21 Contreras III; Katherine Tynsdale,
Contreras’s girlfriend; several employees of the Modesto City 22 School District and Modesto
Police Department, and the Stanislaus County Community Services 23 Agency. At its core,
plaintiff’s complaint is about her losing custody of her children. Her 24 complaint, however,
cannot proceed past screening because this court lacks jurisdiction over the 25 issues plaintiff
raises in her complaint. I will give plaintiff a chance to amend her complaint 26 before
recommending dismissal of this case. I will also grant her application to proceed in forma 27
pauperis, ECF No. 2, which makes the showing required by 28 U.S.C. §§ 1915(a)(1) and (2). 28 1
Screening and Pleading Requirements 2 A complaint must contain a short and plain statement that
plaintiff is entitled to relief, 3 Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to
relief that is plausible on its 4 face,” Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007). The
plausibility standard does not 5 require detailed allegations, but legal conclusions do not suffice.
See Ashcroft v. Iqbal, 556 U.S. 6 662, 678 (2009). If the allegations “do not permit the court to
infer more than the mere 7 possibility of misconduct,” the complaint states no claim. Id. at 679.
The complaint need not 8 identify “a precise legal theory.” Kobold v. Good Samaritan Reg’l Med.
Ctr., 832 F.3d 1024, 9 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set
of “allegations that 10 give rise to an enforceable right to relief.” Nagrampa v. MailCoups, Inc.,
469 F.3d 1257, 1264 11 n.2 (9th Cir. 2006) (en banc) (citations omitted). 12 The court must
construe a pro se litigant’s complaint liberally. See Haines v. Kerner, 404 13 U.S. 519, 520 (1972)
(per curiam). The court may dismiss a pro se litigant’s complaint “if it 14 appears beyond doubt
that the plaintiff can prove no set of facts in support of his claim which 15 would entitle him to
relief.” Hayes v. Idaho Corr. Ctr., 849 F.3d 1204, 1208 (9th Cir. 2017). 16 However, ““a liberal

interpretation of a civil rights complaint may not supply essential elements 17 of the claim that were not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 18 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 19 Analysis 20 The complaint alleges a myriad of grievances plaintiff has with several unrelated 21 defendants. However, the overarching theme of her complaint is her child custody arraignment. 22 According to the complaint, plaintiff had a custody hearing at the Stanislaus Superior Court in 23 March of this year. ECF No. 1 at 5. When she arrived at the courthouse, she learned that the 24 hearing was occurring online. *Id.* at 12. However, when she attempted to join the hearing, she 25 had technical difficulties and was unable to participate. *Id.* Plaintiff lost custody of her children 26 following the hearing. *Id.* 27 This court does not have jurisdiction over child custody claims, which are exclusively 28 matters of state law. See *Ankenbrandt v. Richards*, 504 U.S. 689, 702-04 (1992) (holding that the 1 domestic relations exception to federal subject matter jurisdiction “divests the federal courts of 2 power to issue divorce, alimony and child custody decrees”); see also *Peterson v. Babbitt*, 708 3 F.2d 465, 466 (9th Cir. 1983) (stating that “federal courts have uniformly held that they should 4 not adjudicate cases involving domestic relations, including ‘the custody of minors and a fortiori, 5 right of visitation[’;] the whole subject of domestic relations and particularly child custody 6 problems is generally considered a state law matter”). “Even when a federal question is 7 presented, federal courts decline to hear disputes [that] would deeply involve them in adjudicating 8 domestic matters.” *Thompson v. Thompson*, 798 F.2d 1547, 1558 (9th Cir. 1986). 9 Further, this court lacks subject matter jurisdiction to review final determinations of state 10 court custody proceedings. See *Worldwide Church of God v. McNair*, 805 F.2d 888, 890 (9th Cir. 11 1986) (“The United States District Court . . . has no authority to review the final determinations 12 of a state court in judicial proceedings.”). Under the Rooker-Feldman doctrine, a federal district 13 court does not have subject matter jurisdiction to hear an appeal from the judgment of a state 14 court. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 283-84 (2005); see also 15 *Dist. of Columbia Ct. of Appeals v. Feldman*, 460 U.S. 462, 476 (1983); *Rooker v. Fidelity Trust 16 Co.*, 263 U.S. 413, 415 (1923). To determine whether the Rooker-Feldman doctrine bars a case, a 17 court must first determine if the federal action contains a forbidden de facto appeal of a state court 18 judicial decision. *Noel v. Hall*, 341 F.3d 1148, 1156 (9th Cir. 2003). If it does not, “the Rooker- 19 Feldman inquiry ends.” *Bell v. City of Boise*, 709 F.3d 890, 897 (9th Cir. 2013). If a court 20 determines that the action is a “forbidden de facto appeal,” the court cannot hear the de facto 21 appeal portion of the case, and, “[a]s part of that refusal, it must also refuse to decide any issue 22 raised in the suit that is ‘inextricably intertwined’ with an issue resolved by the state court in its 23 judicial decision.” *Noel*, 341 F.3d at 1158; see also *Bell*, 709 F.3d at 897 (“The ‘inextricably 24 intertwined’ language from Feldman is not a test to determine whether a claim is a de facto 25 appeal, but is rather a second and distinct step in the Rooker-Feldman analysis.”). A complaint is 26 a “de facto appeal” of a state court decision where the plaintiff “complains of a legal wrong 27 allegedly committed by the state

court[t] and seeks relief from the judgment of that court.” Noel, 28 341 F.3d at 1163. 1 Plaintiff asks this court to invalidate a state court decision granting custody of her children 2 to her children’s father, defendant Contreras—a type of review that Rooker-Feldman squarely 3 prohibits. See *In re Gruntz*, 202 F.3d 1074, 1079 (9th Cir. 2000). A request to vacate a family 4 court order is generally considered a de facto appeal and barred by Rooker-Feldman. See *Moore v. Cnty. of Butte*, 547 F. App’x 826, 829 (9th Cir. 2013); *Riley v. Knowles*, No. 1:16-CV-0057- 6 JLT, 2016 WL 259336, at *3 (E.D. Cal. Jan. 21, 2016). Plaintiff’s action constitutes a “forbidden 7 de facto appeal,” and the court lacks subject matter jurisdiction. See *Davis v. California Dep’t of 8 Child Servs.*, No. 2:20-cv-01393-TLN-AC (PS), 2020 WL 5039243, at *2 (E.D. Cal. Aug. 26, 9 2020) (finding that plaintiff’s civil action regarding a state court’s child custody determination 10 constituted a forbidden “de facto appeal” that was barred by the Rooker-Feldman doctrine). 11 In addition, plaintiff’s complaint names several defendants who are not adequately alleged 12 to have acted under the color of state law or who are otherwise not proper defendants. For 13 example, plaintiff names her children’s father, defendant Contreras, and his girlfriend, defendant 14 Tynsdale, neither of whom were acting under the color of state law. “The traditional definition of 15 acting under color of state law requires that the defendant in a § 1983 action have exercised 16 power ‘possessed by virtue of state law and made possible only because the wrongdoer is clothed 17 with the authority of state law.’” *West v. Atkins*, 487 U.S. 42, 49 (1988) (quoting *United States v. 18 Classic*, 313 U.S. 299, 326 (1941)). 19 Defendant Judge Cassidy, defense attorney Carlos Fuentes, and mediator Kramer are also 20 not proper defendants. “[J]udges are absolutely immune from civil liability for damages for their 21 judicial acts.” *Mullis v. U.S. Bankr. Crt. for Dist. of Nevada*, 828 F.2d 1385, 1388 (9th Cir. 22 1987). Mediators enjoy the quasi-judicial immunity while acting within the scope of their 23 authority. See *Sacks v. Dietrich*, 663 F.3d 1065 (9th Cir. 2011); *Davenport v. Winley*, 314 F. 24 App’x 982 (9th Cir. 2009); *Secress v. Ullman*, 147 F. App’x 636, 638 (9th Cir. 2005) (finding 25 that the district court properly dismissed the private mediator appointed by the court because the 26 mediator enjoyed quasi-judicial immunity). 27 And criminal defense lawyers are not subject to liability under § 1983 for their handling of 28 criminal cases. See *Polk Cnty. v. Dodson*, 454 U.S. 312, 325 (1982) (public defenders do not act 1 under color of law for purposes of § 1983 liability); *Briley v. California*, 564 F.2d 849, 855 (9th

2 Cir. 1977) (privately retained attorneys do not act under color of law for purposes of § 1983

3 liability). 4 Finally, plaintiff names several defendants that appear to have no relation to her child 5 custody dispute. For example, plaintiff names a retired superintendent of the Modesto City 6 School District for failing to protect her sons from emotional harm, mental stress, and possible 7 post-traumatic stress disorder from an unknown situation. *Id.* at 8. Plaintiff also names Modesto 8 Police Officers for failing to arrest defendant Contreras after she reported him for domestic 9 violence. *Id.* at 10. Under Rule 20 of the Federal Rules of Civil Procedure, a plaintiff cannot 10 bring unrelated claims against different defendants. See *George v. Smith*, 507 F.3d 605, 607 (7th

11 Cir. 2007) (“Unrelated claims against unrelated defendants belong in different suits.”). In other
12 words, a plaintiff cannot join claims against defendant B that have nothing to do with those 13
brought against defendant A. 14 I will allow plaintiff a chance to amend her complaint before
recommending that this 15 action be dismissed. Plaintiff should also take care to add specific
factual allegations against each 16 defendant. If plaintiff decides to file an amended complaint, the
amended complaint will 17 supersede the current one. See *Lacey v. Maricopa Cnty.*, 693 F.3d 896,
907 n.1 (9th Cir. 2012) 18 (en banc). This means that the amended complaint will need to be
complete on its face without 19 reference to the prior pleading. See E.D. Cal. Local Rule 220.
Once an amended complaint is 20 filed, the current one no longer serves any function. Therefore,
in an amended complaint, as in 21 the original, plaintiff will need to assert each claim and allege
each defendant’s involvement in 22 sufficient detail. The amended complaint should be titled
“First Amended Complaint” and refer 23 to the appropriate case number. If plaintiff does not file
an amended complaint, I will 24 recommend that this action be dismissed. 25 Accordingly, it is
hereby ORDERED that: 26 1. Plaintiff’s motion to proceed in forma pauperis, ECF No. 2, is
GRANTED. 27 2. Plaintiff’s complaint, ECF No. 1, is DISMISSED with leave to amend. 28 3.
Within thirty days from service of this order, plaintiff shall file either (1) an amended 1 | complaint
or (2) notice of voluntary dismissal of this action without prejudice. 2 4. Failure to timely file
either an amended complaint or notice of voluntary dismissal may 3 | result in the imposition of
sanctions, including a recommendation that this action be dismissed 4 | with prejudice pursuant to
Federal Rule of Civil Procedure 41(b). 5 5. The Clerk of Court shall send plaintiff a complaint
form with this order. 6 7 IT IS SO ORDERED. Dated: _ April 29, 2025 q———

9 JEREMY D. PETERSON

10 UNITED STATES MAGISTRATE JUDGE

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