

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Eustice v. Colin

Eustice · No. 23-cv-00846-CRB (PR) · Decided March 3, 2023

SUMMARY

The United States District Court for the Northern District of California dismissed a pretrial detainee’s 42 U.S.C. § 1983 complaint against his appointed public defender. The court held that the public defender was not acting under color of state law while performing traditional legal functions and dismissed the complaint under 28 U.S.C. § 1915A(b) for failure to state a claim.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Charles R. Breyer
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 3, 2023
DOCKET	23-cv-00846-CRB (PR)
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pretrial detainee filed a pro se action under 42 U.S.C. § 1983 against his appointed public defender. The district court screened the complaint under 28 U.S.C. § 1915A and dismissed it for failure to state a claim.
STANDARD OF REVIEW	Preliminary screening under 28 U.S.C. § 1915A; dismissal is required if the complaint is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant.
PRECEDENTIAL VALUE	Unknown; district court dismissal order with no reported citation.

TOPICS

- section 1983
- prisoners rights
- civil rights
- motions to dismiss
- civil procedure

PRACTICE AREAS

- Civil rights
- Prisoner litigation
- Section 1983 litigation
- Federal civil procedure

QUESTIONS PRESENTED

1. Whether the complaint stated a claim under 42 U.S.C. § 1983 against an appointed public defender for allegedly incompetent representation.
2. Whether an appointed public defender acts under color of state law when performing traditional functions of defense counsel.

HOLDINGS

1. An appointed public defender does not act under color of state law, an essential element of a § 1983 claim, when performing a lawyer's traditional functions.
2. The complaint failed to state a claim under § 1983 because dissatisfaction with the public defender's defense of the plaintiff is not actionable under § 1983.

KEY QUOTATIONS

“It matters not that the public defender failed to exercise independent judgment or that he was employed by a public agency; it is the nature and context of the function performed by the public defender that is determinative under Polk County.” (at 2)

“Plaintiff's dissatisfaction with his public defender's defense of plaintiff is regrettable but not actionable under § 1983.” (at 2)

FACTUAL BACKGROUND

Eddie Eustice was a pretrial detainee at the Santa Clara County Jail facing state criminal proceedings. He alleged that his appointed public defender, Enrique Colin, was incompetent because counsel pursued a mental-competency evaluation rather than obtaining video evidence that Eustice believed would exonerate him. Eustice sought \$1,000,000 in damages under 42 U.S.C. § 1983.

PROCEDURAL HISTORY

Plaintiff, a pretrial detainee facing state criminal proceedings, filed a complaint seeking \$1,000,000 in damages based on dissatisfaction with his appointed public defender's representation. The district court conducted statutory screening and dismissed the complaint under 28 U.S.C. § 1915A(b).

DISPOSITION

dismissed

CASES CITED

- *Balistreri v. Pacifica Police Department*, 901 F.2d 696, 699 (9th Cir. 1990)
- *West v. Atkins*, 487 U.S. 42
- *Polk County v. Dodson*, 454 U.S. 312, 318-19 (1981)
- *Miranda v. Clark County, Nevada*, 319 F.3d 465, 468 (9th Cir. 2003) (en banc)

OPINION

Eustice v. Colin

PER CURIAM.

1 2

3 UNITED STATES DISTRICT COURT

4 NORTHERN DISTRICT OF CALIFORNIA

5 6 EDDIE EUSTICE, DTX028, Case No. 23-cv-00846-CRB (PR) 7 Plaintiff,

ORDER OF DISMISSAL

8 v. 9 ENRIQUE COLIN, Public Defender, 10 Defendant(s). 11 Plaintiff, a pretrial detainee at the Santa Clara County Jail facing state criminal proceedings 12 in Santa Clara County Superior Court, has filed a pro se complaint under 42 U.S.C. § 1983 13 alleging that his appointed public defender is incompetent. Plaintiff specifically takes issue with 14 his public defender's decision to pursue plaintiff's mental competency to stand trial rather than 15 obtain video evidence exonerating plaintiff. Plaintiff seeks \$1,000,000 in damages.

16 DISCUSSION

17 A. Standard of Review 18 Federal courts must engage in a preliminary screening of cases in which prisoners seek 19 redress from a governmental entity or officer or employee of a governmental entity. 20 U.S.C. § 1915A(a). The court must identify cognizable claims or dismiss the complaint, or any portion of 21 the complaint, if the complaint "is frivolous, malicious, or fails to state a claim upon which relief 22 may be granted," or "seeks monetary relief from a defendant who is immune from such relief." Id. 23 § 1915A(b). Pro se pleadings must be liberally construed, however. *Balistreri v. Pacifica Police* 24 Dep't, 901 F.2d 696, 699 (9th Cir. 1990). 25 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two elements: (1) that a 26 right secured by the Constitution or laws of the United States was violated, and (2) that the alleged 27 violation was committed by a person acting under the color of state law. *West v. Atkins*, 487 U.S.] B. Legal Claims 2 It is well established that a public defender does not act under the color of state law, an 3 essential element of an action under § 1983, when performing a lawyer's traditional functions, 4 || such as entering pleas, making motions, objecting at trial, cross-examining witnesses, and making 5 closing arguments. See *Polk County v. Dodson*, 454 U.S. 312, 318-19 (1981). It matters not that 6 || the public defender failed to exercise independent judgment or that he was employed by a public 7 || agency; it is the nature and context of the function performed by the public defender that is 8 determinative under *Polk County*. See *Miranda v. Clark County, Nevada*, 319 F.3d 465, 468 (9th 9 || Cir. 2003) (en banc). 10 Plaintiff's dissatisfaction with his public defender's defense of plaintiff is regrettable but 1] not actionable under § 1983. See *Polk County*, 454 U.S. at 318-19; *Miranda*, 319 F.3d at 468. 12 || The relief plaintiff seeks must be sought in the state courts via a malpractice action, if at all.

13 CONCLUSION

14 For the foregoing reasons, the complaint is DISMISSED under 28 U.S.C. § 1915A(b) for 3 15

failure to state a claim upon which relief may be granted. 16 IT ISSO ORDERED. i 17 Dated:
March 3, 2023 18 x 5 —
CHARLES R. BREYER
19 United States District Judge 20 21 22 23 24 25 26 27 28