

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)

