

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Coffer v. Kliszewski

Coffer · No. 25-cv-04213-EKL · Decided June 25, 2025

OPINION

Coffer v. Kliszewski

PER CURIAM.

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4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 JONATHAN CHRISTOPHER COFFER, Case No. 25-cv-04213-EKL 8 Plaintiff,

ORDER OF DISMISSAL

v. 9 Re: Dkt. No. 2 10 MARK KLISZEWSKI, et al., Defendants. 11 12 13 Plaintiff, a state
prisoner, filed a pro se civil rights complaint under 42 U.S.C. § 1983, 14 seeking money damages
against the judge who sentenced him in his criminal case and the district 15 attorney who
prosecuted him. Court records indicate that plaintiff filed an earlier case raising the 16 same claim
against the judge. See Coffer v. Judge Kliszewski, Case No. 25-cv-1464 EKL. In a 17 concurrent
order, that complaint was dismissed with leave to file an amended complaint. 18 This case will be
dismissed as duplicative. Plaintiff must identify all his claims and 19 defendants in an amended
complaint in the earlier case. The earlier case did not name the district 20 attorney as a defendant.
Plaintiff may present allegations against her in an amended complaint in 21 that case. 22 Plaintiff
is informed that a state prosecuting attorney enjoys absolute immunity from 23 liability under
Section 1983 for her conduct in “pursuing a criminal prosecution” insofar as she 24 acts within
her role as an “advocate for the State” and her actions are “intimately associated with 25 the
judicial phase of the criminal process.” Imbler v. Pachtman, 424 U.S. 409, 430-31 (1976). 26 But
prosecutors are entitled only to qualified immunity when they perform investigatory or 27
administrative functions or are essentially functioning as police officers or detectives. Buckley v. 1
or administrative, courts look at “the nature of the function performed, not the identity of the actor
2 who performed it.” Kalina v. Fletcher, 522 U.S. 118, 127 (1997). 3 This case is DISMISSED as
duplicative. See Adams v. Cal. Dept. of Health Servs., 487 4 F.3d 684, 688 (9th Cir. 2007).
Plaintiff should bring all his claims and name all defendants in the 5 || earlier filed case. The
pending motion to file by mail (ECF No. 2) is VACATED. To the extent 6 || plaintiff seeks relief
regarding self-harm, he should talk to staff at his prison, and may file a case 7 in the Eastern
District of California where he is incarcerated. 8 IT IS SO ORDERED. 9 Dated: June 25 ,2025 10
11 Eumi K. Lee 12 United States District Judge © 15 16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28

