

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

Phoebe Dacha v. Medical Board of California and Reji Varghese

Dacha · No. 2:25-cv-3122 DAD AC PS · Decided January 7, 2026

OPINION

Phoebe Dacha v. Medical Board of California and Reji Varghese

PER CURIAM.

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7 UNITED STATES DISTRICT COURT

8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9

10 PHOEBE DACHA, No. 2:25-cv-3122 DAD AC PS

11 Plaintiff, 12 v. ORDER and

13 MEDICAL BOARD OF CALIFORNIA FINDINGS AND RECOMMENDATIONS

and REJI VARGHESE, 14 Defendants. 15 16 17 Plaintiff is proceeding in this action pro se, and the case was accordingly referred to the 18 undersigned for pretrial purposes by E.D. Cal. 302(c) (21). Plaintiff has filed a request for leave 19 to proceed in forma pauperis (“IFP”), and has submitted the affidavit required by that statute. See 20 28 U.S.C. § 1915(a)(1). The motion to proceed IFP (ECF No. 2) will therefore be granted. 21 I. Screening 22 A. Standards 23 The federal IFP statute requires federal courts to dismiss a case if the action is legally 24 “frivolous or malicious,” fails to state a claim upon which relief may be granted, or seeks 25 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). A 26 claim is legally frivolous when it lacks an arguable basis either in law or in fact. Neitzke v. 27 Williams, 490 U.S. 319, 325 (1989). In reviewing a complaint under this standard, the court will 28 (1) accept as true all of the factual allegations contained in the complaint, unless they are clearly 1 baseless or fanciful, (2) construe those allegations in the light most favorable to the plaintiff, and 2 (3) resolve all doubts in the plaintiff’s favor. See Neitzke, 490 U.S. at 327; Von Saher v. Norton 3 Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 4 1037 (2011). 5 The court applies the same rules of construction in determining whether the complaint 6 states a claim on which relief can be granted. Erickson v. Pardus, 551 U.S. 89, 94 (2007) (court 7 must accept the allegations as true); Scheuer v. Rhodes, 416 U.S. 232, 236 (1974) (court must 8 construe the complaint in the light most favorable to the plaintiff). Pro se pleadings are held to a 9 less stringent standard than those drafted by lawyers. Haines v. Kerner, 404 U.S. 519, 520 10 (1972). However, the court need not accept as true conclusory allegations, unreasonable 11 inferences, or unwarranted deductions of fact. Western Mining Council v. Watt, 643 F.2d 618, 12

624 (9th Cir. 1981). A formulaic recitation of the elements of a cause of action does not suffice 13 to state a claim. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-57 (2007); *Ashcroft v. Iqbal*, 14 556 U.S. 662, 678 (2009). 15 To state a claim on which relief may be granted, the plaintiff must allege enough facts “to 16 state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has 17 facial plausibility when the plaintiff pleads factual content that allows the court to draw the 18 reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 19 678. A pro se litigant is entitled to notice of the deficiencies in the complaint and an opportunity 20 to amend unless the complaint’s deficiencies could not be cured by amendment. See *Noll v. 21 Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987), superseded on other grounds by statute as stated in 22 *Lopez v. Smith*, 203 F.3d 1122 (9th Cir.2000)) (en banc). 23 B. The Complaint 24 Plaintiff sues the Medical Board of California and its executive director, Reji Varghese. 25 ECF No. 1 at 2. As a basis for jurisdiction, plaintiff marks “Federal Question” and lists “42 26 U.S.C. § 1983 (Due Process and Equal Protection Violations),” “5 U.S.C. § 706 (Administrative 27 Procedures Act),” and “28 U.S.C. §1361 (Mandamus jurisdiction)” as the federal claims at issue.

28 *Id.* at 4.

1 Plaintiff alleges she is a formerly licensed California physician who began a residency 2 program at Geisinger Health in Danville, PA when she was approximately six weeks postpartum. 3 *Id.* at 5. In 2004, she took time off to complete her U.S. Medical Licensing Examination Step 3. 4 *Id.* When she returned to Geisinger, she experienced unfair treatment by a few faculty members 5 and her supervisors. *Id.* Plaintiff was re-assigned to non-clinical duties and not allowed to 6 resume patient care, but the separation from the program was administrative, not disciplinary, and 7 the parties reached a confidential settlement resolving the matter. *Id.* at 7. Plaintiff alleges that a 8 July 3, 2017 letter from Dr. Michelle Thompson, the Associate Chief Academic Officer for 9 Graduate Medical Education at Geisinger Health System, confirms that plaintiff was not involved 10 in any event requiring reporting to the Joint Commission and successfully completed six clinical 11 and one self-study rotations. *Id.* 12 Despite the Geisinger settlement’s non-disciplinary nature, the Medical Board of 13 California relied on the Geisinger record to justify imposing a probationary license upon plaintiff 14 on December 28, 2020. *Id.* Between 2018 and 2020, the Board’s actions forced plaintiff’s 15 removal from residency for over 18 months and required re-entry under restrictive conditions. *Id.*

16 In 2023, the Board filed a Petition to Revoke Probation. *Id.* During negotiations, plaintiff 17 “was informed that signing a Stipulated Surrender of License would ‘end probation and conclude 18 the matter.’” *Id.* Plaintiff understood this to be a non-disciplinary resolution. *Id.* Without a 19 hearing, the Board accepted plaintiff’s surrender on October 24, 2023, and later reported the 20 surrender to the National Practitioner Data Bank (NPDB) as a disciplinary action, which plaintiff 21 alleges is contrary to 45 C.F.R. Part 60 and the board’s own representations. *Id.* at 7-8. 22 The Board’s “misclassification and republication of this false disciplinary designation”

23 has caused plaintiff to lose licensing and face reciprocal action in other states. *Id.* at 8. Plaintiff 24 seeks a writ of mandamus ordering defendants to correct the 2023 NPDB classification and notify 25 all recipients, injunctive relief prohibiting further dissemination of the false disciplinary notation, 26 and alternatively, an award of damages. 27 C. Analysis 28 It is clear from the outset that, based on the facts alleged, this case cannot proceed. The 1 undersigned recommends dismissal for the reasons that follow. 2

1. Plaintiff's §1983 Claims are Barred by the Eleventh Amendment 3 First, plaintiff's claims for damages are barred by the Eleventh Amendment, which bars 4 any suit for monetary relief against a state or state agency absent a valid waiver or abrogation of 5 its sovereign immunity. See *Seminole Tribe of Florida v. Florida*, 517 U.S. 44, 54 (1996); *Hans v. Louisiana*, 134 U.S. 1, 10 (1890); *Native Vill. of Noatak v. Blatchford*, 38 F.3d 1505, 1511 7 (9th Cir. 1994), overruled in part on other grounds by *Bd. of Trs. of Glazing Health & Welfare 8 Tr. v. Chambers*, 941 F.3d 1195 (9th Cir. 2019) (the Eleventh Amendment does not bar injunctive 9 relief). The Medical Board of California is a state agency to which the Eleventh Amendment 10 applies. *Yoonessi v. Albany Med. Ctr.*, 352 F. Supp. 2d 1096, 1104 (C.D. Cal. 2005) ("the 11 Medical Board of California, as a state agency, is entitled to sovereign immunity."). 12 "The State of California has not waived its Eleventh Amendment immunity with respect 13 to claims brought under § 1983 in federal court." *Dittman v. California*, 191 F.3d 1020, 1025-26 14 (9th Cir. 1999). Accordingly, plaintiff's constitutional claims brought pursuant to §1983 cannot 15 proceed against the Medical Board of California. Nor can the claims proceed against defendant 16 Reji Varghese, the Executive Director of the Medical Board. A state official sued in his official 17 capacity is also entitled to Eleventh Amendment immunity. *Eaglesmith v. Ward*, 73 F.3d 857, 18 859 (9th Cir. 1995), as amended (Jan. 23, 1996). "In determining whether a suit is an individual- 19 or official-capacity suit, the court must consider the 'essential nature' of the proceeding." *Id.* 20 "[W]hen the action is in essence one for the recovery of money from the state, the state is the real, 21 substantial party in interest and is entitled to invoke its sovereign immunity from suit even though 22 individual officials are nominal defendants." *Ford Motor Co. v. Dep't of Treasury of Indiana*, 23 323 U.S. 459, 464 (1945), overruled in part on other grounds by *Lapides v. Bd. of Regents of 24 Univ. Sys. of Georgia*, 535 U.S. 613 (2002). Here, though plaintiff does not expressly state 25 whether Varghese is sued in his individual or official capacity, there are no allegations 26 specifically mentioning Varghese in the complaint; he appears to be named in the suit only as a 27 proxy for the Board itself. ECF No. 1 at 2. Accordingly, the undersigned concludes that 28 plaintiff's claims for damages under §1983 are barred by the Eleventh Amendment. 1

2. Plaintiff's Process-Based Claims Fail as a Matter of Law 2 Plaintiff asserts that her property interest in her "license and professional reputation" was 3 denied when "without adequate notice, hearing, or opportunity to respond, in violation of the 4 Fourteenth Amendment and the Administrative Procedures Act" the Medical Board accepted the 5 voluntary surrender of her license and then reported that surrender to the National Practitioner 6 Data Bank ("NPDB") as a disciplinary action, which she alleges is contrary to 45 C.F.R. Part 60. 7 ECF No. 1 at 7-8. First,

the court notes that 45 C.F.R. Part 60.9(a)(3) actually requires the 8 Medical Board to report to the NPDB any “loss of license . . . whether by operation of law, 9 voluntary surrender, nonrenewal . . . or otherwise.” Second, plaintiff points to no authority 10 indicating that she was entitled to any kind of hearing upon her decision to voluntarily surrender 11 her license, and the court is aware of no such authority. Third, 5 U.S.C. § 706, the Administrative 12 Procedures Act, applies to federal agency actions; it does not apply to state agencies such as the 13 Medical Board of California. *Black Dog Outfitters, Inc. v. Idaho Outfitters & Guides Licensing Bd.*, 873 F. Supp. 2d 1290, 1298 (D. Idaho 2012) (quoting *Southwest Williamson County 15 Community Ass’n, Inc. v. Slater*, 173 F.3d 1033, 1035 (6th Cir.1999) (“By its own terms, the 16 APA does not apply to state agencies.”)). 17 Finally, even if plaintiff could point to some colorable claim related to the Medical 18 Board’s acceptance of the surrender of her license and the subsequent required reporting thereof, 19 the California Medical Board and the associated individuals processing the disciplinary action 20 against plaintiff that resulted in the voluntary surrender of her license are immune from suit. 21 There is a line of “well-established case law holding medical board officials entitled to absolute 22 immunity for their quasi-judicial and quasi-prosecutorial functions.” *Olsen v. Idaho State Bd. of 23 Med.*, 363 F.3d 916, 923–24 (9th Cir. 2004). Accordingly, plaintiff’s claims cannot succeed. 24

3. Plaintiff’s Mandamus Act Claims Fail to State a Plausible Claim 25

A writ of mandamus is available “to compel an officer or employee of the United States or 26 any agency thereof to perform a duty owed to the plaintiff.” 28 U.S.C. § 1361. Here, plaintiff 27 impermissibly seeks to compel action by a state entity, the California Medical Board. This court 28 cannot use the writ of mandamus to compel the California Medical Board to alter its records or 1 reports regarding plaintiff. See *Demos v. United States Dist. Court*, 925 F.2d 1160, 1161-1162 2 (9th Cir. 1991) (“Thus, to the extent that [plaintiff] attempts to obtain a writ in this court to 3 compel a state court to take or refrain from some action, the petitions are frivolous as a matter of 4 law.”); *Robinson v. Cal. Bd. of Prison Terms*, 997 F. Supp. 1303, 1308 (C.D. Cal. 1998) (“Nor 5 can this Court treat the plaintiff’s complaint as a request for writ of mandamus since federal 6 courts are without power to issue writs of mandamus to direct state agencies in the performance 7 of their duties.”). Accordingly, as a matter of law, this claim cannot proceed. 8

II. Leave to Amend is Not Appropriate 9

Leave to amend is not appropriate in this case. Ordinarily, pro se litigants are granted 10 liberal leave to amend. “Valid reasons for denying leave to amend include undue delay, bad faith, 11 prejudice, and futility.” *California Architectural Bldg. Prod. v. Franciscan Ceramics*, 818 F.2d 12 1466, 1472 (9th Cir. 1988). Here, given the defects described above, the undersigned finds that 13 leave to amend would be futile and should therefore not be granted. 14

III. Plaintiff’s Additional Motions 15

A. Motions for Restraining Order/Shortening Time 16

The court recommends that plaintiff’s motions for a temporary restraining order and 17 motion for an order shortening time (ECF No. 4, 5) be DENIED as MOOT in light of the analysis 18 above and the recommendation that this case be dismissed. 19

B. Motion to Proceed Under a Pseudonym 20

Plaintiff moves to proceed under a pseudonym. ECF No. 3. Ordinarily, the title of a 21 complaint

must name all the parties. Fed. R. Civ. P. 10(a). “The normal presumption in litigation is that parties must use their real names.” *Doe v. Kamehameha Sch.*, 596 F.3d 1036, 1042 (9th Cir. 2010). However, courts “allow parties to use pseudonyms in the ‘unusual case’ when nondisclosure of the party’s identity ‘is necessary to protect a person from harassment, injury, ridicule or personal embarrassment.’” *Doe I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067-68 (9th Cir. 2000) (quoting *United States v. Doe*, 655 F.2d 920, 922 n.1 (9th Cir. 27 1981)). To determine whether a party may proceed under a pseudonym, the court balances “the party’s need for anonymity” with the “prejudice to the opposing party and the public’s interest in knowing the party’s identity.” *Id.* at 1068. Here, there is no need for anonymity. As plaintiff acknowledges in her motion, her name is already publicly linked to her medical license and the surrender thereof. ECF No. 3 at 2. Though plaintiff contends that publicly filing this case under her name would “invite renewed or increased harassment,” the public nature of the issues in this case is already established and accordingly there is no benefit to concealing plaintiff’s identity here. There being no need for anonymity, the motion is denied. C. Motion to E-File Plaintiff moves to file documents electronically. ECF No. 4. The undersigned has reviewed the filing and denies the motion in part. Although the Eastern District of California is an electronic management/filing district, unrepresented persons are required to file and serve paper documents unless the assigned District Judge or Magistrate Judge grants leave to utilize electronic filing. L.R. 133(a), (b)(2). Although the motion is denied with respect to utilizing the CM/ECF system to file documents and plaintiff will continue to file paper documents with the Court through conventional means, the motion is granted with respect to electronic service of documents. Plaintiff consents to receive service of documents electronically and waives the right to receive service by first class mail pursuant to FRCP 5(b)(2)(D). IV. Pro Se Plaintiff’s Summary The Magistrate Judge has granted your request to proceed without paying filing fees but is recommending that your case be dismissed. Dismissal is recommended because the Medical Board and its offices acting in their official capacities are immune from suits for damages under § 1983, and because your allegations do not support any legal claim that can proceed in federal court. You may object to this recommendation within 21 days if you wish to do so. The District Judge will make the final decision. V. Conclusion It is HEREBY ORDERED as follows: 1. Plaintiff’s motion to proceed IFP (ECF No. 2) is GRANTED; 2. Plaintiff’s motion to proceed under a pseudonym (ECF No. 3) is DENIED; and 3. Plaintiffs motion to e-file (ECF No. 4) is DENIED in part and GRANTED in part. The Clerk is DIRECTED to configure plaintiff’s account so that plaintiff will receive immediate email notifications when documents are filed in the case. Plaintiff consents to receive service of documents electronically and waives the right to receive service by first class mail pursuant to FRCP 5(b)(2)(D). 6 Further, IT IS HEREBY RECOMMENDED that that the complaint (ECF No. 1) be DISMISSED, that the motion for a temporary restraining order (ECF No. 5) and an order shortening time (ECF No. 6) be DENIED as MOOT, and that this case be closed. These

findings and recommendations are submitted to the United States District Judge 10 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty one days 11 | after being served with these findings and recommendations, plaintiff may file written objections 12 || with the court and serve a copy on all parties. Id.; see also Local Rule 304(b). Such a document 13 || should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Failure 14 | to file objections within the specified time may waive the right to appeal the District Court’s 15 | order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153, 16 | 1156-57 (9th Cir. 1991). 17 | DATED: January 6, 2026 tit a (A /,

18 ALLISON CLAIRE

19 UNITED STATES MAGISTRATE JUDGE

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