

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Larry Sermenov. Jeff Macomber, et al.

Sermenov. Macomber · No. 2:25-CV-02377-TLN-DMC · Decided November 25, 2025

SUMMARY

The United States District Court for the Eastern District of California partially adopts and partially declines magistrate judge findings and recommendations concerning Larry Sermenov’s civil action against Jeff Macomber and others. The court dismisses claims for declaratory and injunctive relief without prejudice under the Younger abstention doctrine but allows damages claims to proceed. The case and remaining motions are referred to the magistrate judge for further proceedings, including consideration of a possible stay.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Troy L. Nunley
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 25, 2025
DOCKET	2:25-CV-02377-TLN-DMC
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations to dismiss the action under Younger abstention after the plaintiff failed to file objections.
STANDARD OF REVIEW	The magistrate judge's factual findings were presumed correct, while conclusions of law were reviewed de novo.
PRECEDENTIAL VALUE	Unknown
PARTIES	Larry Sermenov. Jeff Macomber, et al.

TOPICS

- federalism
- injunctions
- federal habeas corpus
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Younger abstention required dismissal of Plaintiff's claims for declaratory and injunctive relief because they would interfere with pending state proceedings.
2. Whether Younger abstention permitted dismissal of Plaintiff's damages claims or instead required that those claims proceed or be stayed.

HOLDINGS

1. The court dismissed Plaintiff's claims for declaratory and injunctive relief without prejudice under the Younger abstention doctrine because those claims sought federal relief that would interfere with pending state habeas and appellate proceedings.
2. The court declined to dismiss Plaintiff's damages claims on the basis of Younger abstention; damages claims should be stayed until the related state proceedings are completed rather than dismissed.

KEY QUOTATIONS

"Younger abstention is concerned with overlapping principles of equity, comity, and federalism and directs federal courts to abstain from granting injunctive or declaratory relief that would interfere with pending state or local court proceedings in certain situations." (at 1)

"However, federal courts should not dismiss actions where damages are at issue; rather, damages actions should be stayed until the state proceedings are completed." (at 1)

FACTUAL BACKGROUND

Larry Sermeno was pursuing state habeas and appellate proceedings related to an underlying criminal conviction while bringing this federal civil action. His complaint sought declaratory and injunctive relief as well as damages. The district court determined that Younger abstention applied to the equitable claims but that Ninth Circuit precedent required damages claims to be stayed rather than dismissed.

PROCEDURAL HISTORY

Plaintiff filed a civil action seeking declaratory, injunctive, and monetary relief, along with several related motions. The matter was referred to a magistrate judge, who recommended dismissal based on Younger abstention because Plaintiff was pursuing state habeas and appellate proceedings concerning his criminal conviction. The district court declined to dismiss the damages claims, adopted the recommendation as to the declaratory and injunctive claims, denied the injunction motion as moot, and referred the remaining matters back to the magistrate judge.

DISPOSITION

other

REMAND INSTRUCTIONS

The remaining motions and claims were referred back to the magistrate judge for further proceedings, including any necessary review under 28 U.S.C. § 1915(e)(2)(B) and assessment of whether the action should be stayed under Ninth Circuit precedent.

CASES CITED

- Orand v. United States, 602 F.2d 207, 208 (9th Cir.)
- Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir.)
- Younger v. Harris, 401 U.S. 37 (1971)
- Arevalo v. Hennessy, 882 F.3d 763, 765 (9th Cir.)
- Gilbertson v. Albright, 381 F.3d 965, 973 (9th Cir.)
- Gilbertson v. Albright, 381 F.3d 965, 968 (9th Cir.)
- Rhoden v. Mayberg, 361 F. App'x 895, 896 (9th Cir.)

OPINION

1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 LARRY SERMENO, No. 2:25-CV-02377-TLN-DMC 12 Plaintiff, 13 v.
ORDER 14 JEFF MACOMBER, et al., 15 Defendants. 16 17 Plaintiff Larry Sermeno
("Plaintiff"), who is proceeding pro se, brings this civil action. 18 Pending before the Court is
Plaintiff's original complaint (ECF No. 1), motion to appoint counsel 19 (ECF No. 3), motion for
preliminary and permanent injunction (ECF No. 4), motion for expedited 20 review and relief
(ECF No. 5), motion for expedited settlement conference (ECF No. 8), request 21 for judicial
notice (ECF No. 10), and request for criminal referral (ECF No. 11).

22 This matter was referred to a United States Magistrate Judge pursuant to pursuant to 28 23
U.S.C. § 636(b)(1)(B) and Local Rule 302. Thereafter, the magistrate judge reviewed Plaintiff's 24
complaint in accordance with 28 U.S.C. §1951(e)(2) and issued findings and recommendations to
25 dismiss the action. (ECF No. 13.)

The findings and recommendations were served on Plaintiff, 26 including notice that Plaintiff may
file objections within fourteen days of service. (ECF No. 13.) 27 The time to object has elapsed
and Plaintiff has not filed any objections to the findings and 28 recommendations. 1 The Court
presumes that the magistrate judge's findings of fact are correct. See Orand v. 2 United States, 602
F.2d 207, 208 (9th Cir.

1979). The magistrate judge's conclusions of law are 3 reviewed de novo. See Robbins v. Carey,
481 F.3d 1143, 1147 (9th Cir. 2007). 4 The magistrate judge recommends dismissing this action
based on the Younger abstention 5 doctrine because Plaintiff also sought relief through a state
habeas petition and appeal of his 6 underlying criminal conviction. Younger v. Harris, 401 U.S. 37
(1971).

As the magistrate judge 7 correctly states: “Younger abstention is concerned with overlapping principles of equity, comity, 8 and federalism and directs federal courts to abstain from granting injunctive or declaratory relief 9 that would interfere with pending state or local court proceedings in certain situations.” (ECF No. 10 13 at 3 (citing *Arevalo v. Hennessy*, 882 F.3d 763, 765 (9th Cir. 2018); *Gilbertson v. Albright*, 11 381 F.3d 965, 973 (9th Cir. 2004))).) “However, federal courts should not dismiss actions where 12 damages are at issue; rather, damages actions should be stayed until the state proceedings are 13 completed.” *Gilbertson*, 381 F.3d at 968; see e.g., *Rhoden v. Mayberg*, 361 F. App’x 895, 896 14 (9th Cir. 2010) (vacating district court’s dismissal and remanding for entry of a stay on action for 15 damages).

16 In his complaint, Plaintiff seeks declaratory and injunctive relief as well as damages. 17 (ECF No. 1 at 14–15.) Under Ninth Circuit precedent, the Court declines to dismiss Plaintiff’s 18 claims for damages on the basis of Younger abstention. 19 Accordingly, IT IS HEREBY ORDERED as follows: 20 1.

The findings and recommendations filed October 24, 2025 (ECF No. 13) are 21 declined in part: Plaintiff’s claims for damages may proceed. 22 2. The findings and recommendations filed October 24, 2025 (ECF No. 13) are 23 adopted in part: Plaintiff’s claims for declaratory and injunctive relief are 24 dismissed without prejudice on the basis of Younger abstention doctrine.

25 3. As a result, Plaintiff’s motion for preliminary and permanent injunction (ECF No. 26 4) is denied as moot. 27 4. The case and remaining motions (ECF Nos. 3, 5, 8, 10, 11) are referred back to the 28 magistrate judge for further proceedings, including any further 28 U.S.C. 1 § 1915(e)(2) (B) review, if necessary, and assessment of whether it is appropriate 2 to enter a stay of this action based on Ninth Circuit precedent.

3 IT IS SO ORDERED. 4 | Date: November 25, 2025 6 TROY L. NUNLEY 7 CHIEF UNITED STATES DISTRICT JUDGE 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28