

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

**Marian Anthony v. Francisco Sanchez, in his Individual and Official
Capacity as Hearing Officer, Superior Court of California; Emily
Bray, in her individual capacity**

Case No. 3:25-cv-1548-CAB-AHG (S.D. Cal. Feb. 5, 2026) · No. 3:25-cv-1548-CAB-AHG · Decided February
5, 2026

SUMMARY

The United States District Court for the Southern District of California denied Marian Anthony’s motion for reconsideration of the dismissal with prejudice of his complaint. The court held that hearing transcripts were not newly discovered evidence and did not alter its prior conclusions concerning judicial immunity, interference with state-court proceedings, and failure to state a claim. The court also denied leave to file a second amended complaint and instructed the clerk to strike additional filings.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cathy Ann Bencivengo
JURISDICTION	United States District Court for the Southern District of California
DECIDED	February 5, 2026
DOCKET	3:25-cv-1548-CAB-AHG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rules of Civil Procedure 59(e) and 60(b)(2) for reconsideration of the dismissal with prejudice of his first amended complaint and also sought leave to file a second amended complaint.
STANDARD OF REVIEW	A motion under Rule 59(e) may be granted for newly discovered evidence, clear error, or an intervening change in controlling law. Relief under Rule 60(b) requires satisfaction of one of the grounds identified in that rule, including qualifying newly discovered evidence. The movant bears the burden of demonstrating that reconsideration is proper.

PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Marian Anthony v. Francisco Sanchez, in his Individual and Official Capacity as Hearing Officer, Superior Court of California, Emily Bray, in her individual capacity

TOPICS

motion for reconsideration

motion to amend

civil procedure

section 1983

family law

PRACTICE AREAS

civil procedure

civil rights

family law

QUESTIONS PRESENTED

1. Whether certified transcripts of state-court hearings constituted newly discovered evidence warranting relief from the prior dismissal under Federal Rules of Civil Procedure 59(e) or 60(b)(2).
2. Whether Anthony established any other basis, including fraud or extraordinary circumstances, for reconsideration.
3. Whether Anthony should be granted leave to file a second amended complaint after dismissal of his first amended complaint with prejudice.

HOLDINGS

1. The transcripts did not constitute newly discovered evidence because Anthony was present at the hearings and the underlying facts were known to him or could have been discovered through reasonable diligence; therefore, reconsideration was not warranted under Rules 59(e) or 60(b)(2).
2. The transcripts did not alter the prior findings that Sanchez was absolutely judicially immune, that Anthony improperly sought to void or stay state-court proceedings, and that Anthony failed to state a claim against Bray. Anthony also failed to explain why his asserted fraud and extraordinary-circumstances grounds applied.
3. Leave to file a second amended complaint was denied because the first amended complaint had been dismissed with prejudice, which barred Anthony from bringing the action again in federal court.

KEY QUOTATIONS

“The transcripts, however, do not constitute newly discovered evidence given that Anthony was present at the hearing; the facts that form the basis of his claim were known to him at the time or could have been discovered through reasonable diligence.” (at 2)

“Thus, the Court finds Anthony fails to carry his burden of demonstrating that reconsideration is proper.” (at 2)

“dismissal ‘with prejudice’ means that Plaintiff will not be able to bring this action in federal court again[.]” (at 2)

FACTUAL BACKGROUND

Anthony's federal action challenged conduct connected to state-court family-law proceedings and alleged, among other things, a conspiracy under 42 U.S.C. § 1983 and RICO. After the court dismissed his first amended complaint with prejudice, Anthony obtained or filed certified transcripts of June 4, 2025, and September 29, 2025 state-court hearings. He argued that the transcripts constituted newly discovered evidence showing a conspiracy, although he had been present at the hearings and submitted approximately 196 pages of exhibits.

PROCEDURAL HISTORY

The court previously dismissed Anthony's complaint with prejudice, finding that his claims were conclusory and that he sought improper federal interference with state-court family-law decisions and proceedings. Anthony moved for reconsideration based primarily on certified transcripts of state-court hearings and separately requested leave to file a second amended complaint. The court denied reconsideration, denied leave to amend, and instructed the Clerk to strike additional filings by Anthony.

DISPOSITION

other

CASES CITED

- Wilson v. Segovia, No. 19-CV-2254-TWR-MDD, 2020 WL 6685026, at *1 (S.D. Cal. Nov. 12, 2020)
- Sch. Dist. No. 1J v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993)
- Baumann v. United States, 692 F.2d 565, 580 (9th Cir. 1982)
- Adams v. Cal. Dep't of Corr., No. 221-CV-06903-JAK-SHK, 2023 WL 3549719, at *10 (C.D. Cal. Feb. 24, 2023)

OPINION

Anthony
PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 MARIAN ANTHONY, Case No.: 3:25-cv-1548-CAB-AHG 12 Plaintiff,

ORDER DENYING MOTION FOR

13 v. RECONSIDERATION

14 FRANCISCO SANCHEZ, in his [Doc. No. 49] Individual and Official Capacity as 15 Hearing
Officer, Superior Court of 16 California; EMILY BRAY, in her individual capacity, 17 Defendants.
18 19 20 On November 17, 2025, the Court dismissed Plaintiff Marian Anthony's complaint 21
with prejudice. [Doc. No. 47.] The Court found Anthony's claims were conclusory and 22 that he
sought for this Court to improperly interfere with state court family law decisions 23 and

proceedings. [Id. at 2–5.] Anthony now seeks reconsideration of the Court’s decision 24 pursuant to Fed. R. Civ. P. 59(e) and 60(b)(2). [Doc. No. 49.] Anthony argues 25 reconsideration is warranted because the San Diego Superior Court has since released 26 certified transcripts of June 4, 2025, and September 29, 2025 hearings, which allegedly 27 show, inter alia, that Defendant Judge Sanchez and opposing counsel Defendant Bray 28 conspired against Anthony. [Id. at 2.] Anthony further argues that the fact that these 1 transcripts were released on the same day that this Court dismissed his case shows that 2 there is “coordinated suppression of evidence . . . that directly proves the § 1983 and RICO 3 conspiracy alleged in the complaint.” [Id. at 3.] 4 “A motion for reconsideration may be brought under Federal Rules of Civil 5 [P]rocedure 59(e) or 60(b).” *Wilson v. Segovia*, No. 19-CV-2254-TWR-MDD, 2020 WL 6 6685026, at *1 (S.D. Cal. Nov. 12, 2020). Rule 59(e) allows a court to amend a judgment 7 where newly discovered evidence is presented, the court committed clear error, or there is 8 an intervening change in controlling law. See *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 9 1255, 1263 (9th Cir. 1993). Rule 60(b) provides relief from a final judgment upon a 10 showing of: 11 (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been 12 discovered in time to move for a new trial under Rule 59(b); (3) fraud 13 (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment 14 has been satisfied, released, or discharged; it is based on an earlier judgment 15 that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief. 16 17 Under either standard, Anthony fails to carry his burden. He argues that the certified 18 transcripts contain “the very evidence that would have defeated the motion to dismiss.” 19 [Doc. No. 49 at 5.] The transcripts, however, do not constitute newly discovered evidence 20 given that Anthony was present at the hearing; the facts that form the basis of his claim 21 were known to him at the time or could have been discovered through reasonable diligence. 22 See *Baumann v. United States*, 692 F.2d 565, 580 (9th Cir. 1982). Moreover, the transcripts 23 do not change the Court’s previous findings that (1) Defendant Sanchez has absolute 24 judicial immunity, (2) Anthony improperly seeks to void state court decisions and stay 25 26 27 28 1 court proceedings, and (3) Anthony fails to state a claim against Defendant Bray.’! [Doc. 2 || No. 47 at 3-5.] Anthony also lists other bases for reconsideration, including fraud and 3 || extraordinary circumstances, yet he does not provide any reasoning as to why they apply. 4 || Thus, the Court finds Anthony fails to carry his burden of demonstrating that 5 reconsideration is proper. The Court DENIES the motion for reconsideration. 6 Anthony also seeks leave to file a second amended complaint. The Court previously 7 || dismissed his first amended complaint with prejudice, [Doc. No. 47 at 6], which means he 8 cannot bring this action in federal court again. See *Adams v. Cal. Dep’t of Corr.*, No. 221- 9 || CV-06903-JAK-SHK, 2023 WL 3549719, at *10 (C.D. Cal. Feb. 24, 2023) (“Dismissal 10 || ‘with prejudice’ means that Plaintiff will not be able to bring this action in federal court 11 || again[.]”). The Court DENIES Anthony’s request for leave. 12 The Court of Clerk is instructed to STRIKE

any additional filings by Anthony. 13 It is SO ORDERED. 14 Dated: February 5, 2026 € 15 Hon. Cathy Ann Bencivengo 16 United States District Judge 17 18 19 20 21 22 23 24 25 26 || 27 ||! The Court also notes that Anthony does not explain how, or where exactly, the transcripts show what ||he claims. He merely filed 196 pages of exhibits, presumably for the Court to sift through and make sense of. [Doc. No. 5.]