

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.

OPINION

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 Procedure 59(e) or 60(b).” Wilson v. Segovia, No. 19-CV-2254-TWR-MDD, 2020 WL 66685026, at *1 (S.D.

Cal. Nov. 12, 2020). Rule 59(e) allows a court to amend a judgment where newly discovered evidence is presented, the court committed clear error, or there is an intervening change in controlling law. See Sch. Dist. No. 1J v. ACandS, Inc., 5 F.3d 912, 915 (9th Cir. 1993). Rule 60(b) provides relief from a final judgment upon a showing of: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.

Under either standard, Anthony fails to carry his burden. He argues that the certified transcripts contain “the very evidence that would have defeated the motion to dismiss.” [Doc. No. 49 at 5.] 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.

See Baumann v. United States, 692 F.2d 565, 580 (9th Cir. 1982). Moreover, the transcripts do not change the Court’s previous findings that (1) Defendant Sanchez has absolute judicial immunity, (2) Anthony improperly seeks to void state court decisions and stay 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 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 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.]

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