

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PRECEDENTIAL VALUE	unpublished, nonprecedential district court order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)