

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

OPINION

Anthony

PER CURIAM.

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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.]