

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

David Weston Cramer v. City of Auburn, Placer County Superior
Court, Placer County, Placer County Public Defender

Cramer · No. No. 2:24-cv-2235 DJC AC PS · Decided April 3, 2025

SUMMARY

The document contains findings and recommendations by a United States magistrate judge in a pro se civil rights action against the City of Auburn and other entities. The court concludes that the First Amended Complaint fails to state a claim, including because it lacks allegations supporting municipal liability and asserts claims barred by judicial immunity or state-action requirements. The magistrate judge recommends dismissal without further leave to amend and closure of the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 3, 2025
DOCKET	No. 2:24-cv-2235 DJC AC PS
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff proceeding in forma pauperis filed a First Amended Complaint asserting constitutional, civil-rights, tort, and conspiracy claims against municipal entities, a county superior court, and a private homeowners association. A magistrate judge screened the amended complaint under 28 U.S.C. § 1915(e)(2) and recommended dismissal without further leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court must dismiss an in forma pauperis action that is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. In evaluating failure to state a claim, the court accepts factual allegations as true unless clearly baseless or fanciful, construes them in the plaintiff's favor, and applies the plausibility standard under Twombly and Iqbal. Pro se pleadings are construed liberally but must still comply with the Federal Rules of Civil Procedure.

PRECEDENTIAL VALUE	nonprecedential
PARTIES	David Weston Cramer v. City of Auburn, Placer County Superior Court, Placer County, Placer County Public Defender

TOPICS

civil procedure section 1983 government liability sovereign immunity pleadings

PRACTICE AREAS

civil procedure civil rights constitutional law municipal law

QUESTIONS PRESENTED

1. Whether the First Amended Complaint stated a claim for relief under 42 U.S.C. § 1983 against municipal entities without alleging an unconstitutional policy or custom.
2. Whether claims based on judges' or courts' actions in connection with judicial or criminal proceedings were barred by judicial immunity.
3. Whether plaintiff could assert constitutional claims under § 1983 against the Auburn Lake Trails HOA, a private entity, based on its acceptance of a state-court ruling.
4. Whether the pleading defects could be cured by further amendment.

HOLDINGS

1. A municipality cannot be held liable under § 1983 solely for the actions of its employees; a plaintiff must identify an official policy, custom, pattern, or practice that caused the constitutional injury. Because the First Amended Complaint alleged no such policy, custom, pattern, or practice, it failed to state a municipal-liability claim.
2. Judges are immune from suit for actions taken in their judicial capacity, except when the actions are nonjudicial or taken in the complete absence of all jurisdiction. The First Amended Complaint did not allege facts bringing plaintiff's claims within either exception, and claims against the court based on its judges' actions were likewise unavailable.
3. A private entity generally cannot be sued under § 1983 absent applicable state action, and an HOA's acceptance of a state-court ruling does not itself create a constitutional cause of action. Plaintiff therefore failed to state a § 1983 claim against the Auburn Lake Trails HOA.
4. Dismissal without further leave to amend was appropriate because plaintiff had already received an opportunity to amend with clear instructions, yet the First Amended Complaint did not cure the identified defects and further amendment would be futile.

KEY QUOTATIONS

“A municipal entity cannot be held liable for the actions of its employees under §1983; it may only be held liable “when execution of a government’s policy or custom, whether made by its lawmakers or by those whose

edicts or acts may fairly be said to represent official policy, inflicts the injury.”” (at 1)

“Like other forms of official immunity, judicial immunity is an immunity from suit, not just from ultimate assessment of damages.” (at 2)

“Here, plaintiff was given an opportunity to amend with clear instructions on how to submit an amended complaint. The contents of the First Amended Complaint, which do not cure the defects identified in the original complaint, make it clear that plaintiff cannot state a claim upon which relief can be granted and that further amendment would be futile.” (at 3)

FACTUAL BACKGROUND

Plaintiff's allegations arose from several prior incidents and state-court proceedings, including a 2014 arrest in Auburn, criminal and small-claims proceedings, an inheritance dispute, and a dispute concerning lumber and a neighbor in El Dorado County. He alleged that municipal employees, prosecutors, judges, court personnel, and others violated his constitutional rights, conspired against him, and committed related torts. The First Amended Complaint again asserted § 1983 claims against municipal entities based on alleged employee conduct, without identifying an unconstitutional policy, custom, pattern, or practice.

PROCEDURAL HISTORY

The court granted plaintiff leave to proceed in forma pauperis and rejected the initial complaint during statutory screening, granting leave to amend. Plaintiff filed a First Amended Complaint, but the magistrate judge concluded that it continued to fail to state a claim, sought relief from immune defendants, and asserted claims against a private entity that did not constitute state action. The magistrate judge recommended dismissal and closure of the case, subject to objections and final review by the assigned district judge.

DISPOSITION

other

CASES CITED

- *Neitzke v. Williams*, 490 U.S. 319, 325, 327 (1989)
- *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011)
- *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)
- *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974)
- *Haines v. Kerner*, 404 U.S. 519, 520 (1972)
- *Western Mining Council v. Watt*, 643 F.2d 618, 624 (9th Cir. 1981)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-57, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Noll v. Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987), superseded on other grounds by statute as stated in *Lopez v. Smith*, 203 F.3d 1122 (9th Cir. 2000) (en banc)

- Monell v. Department of Social Services of City of New York, 436 U.S. 658, 694 (1978)
- Miranda v. Clark County, Nevada, 319 F.3d 465, 470 (9th Cir. 2003)
- Trevino v. Gates, 99 F.3d 911, 918 (9th Cir. 1996)
- Mireles v. Waco, 502 U.S. 9, 11 (1991)
- Forrester v. White, 484 U.S. 219, 227-29 (1988)
- Stump v. Sparkman, 435 U.S. 349, 356-57 (1978)
- Tsao v. Desert Palace, Inc., 698 F.3d 1128, 1139 (9th Cir. 2012)
- Lopez v. Smith, 203 F.3d 1122, 1130-31 (9th Cir. 2000) (en banc)
- Cato v. United States, 70 F.3d 1103, 1105-06 (9th Cir. 1995)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991)

OPINION

(PS) Cramer v. City of Auburn

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 DAVID WESTON CRAMER, No. 2:24-cv-2235 DJC AC PS

12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 CITY OF AUBURN, PLACER COUNTY

SUPERIOR COURT, PLACER COUNTY,

15 PLACER COUNTY PUBLIC

DEFENDER,

16 Defendants. 17

18 19 Plaintiff is proceeding in this action pro se. This matter was accordingly referred to the 20 undersigned by E.D. Cal. 302(c)(21). Plaintiff previously filed a request for leave to proceed in 21 forma pauperis (“IFP”) and submitted the affidavit required by that statute. See 28 U.S.C. 22 § 1915(a)(1). That motion was granted, and the initial complaint was rejected pursuant to the 23 screening process discussed below. ECF No. 4. Plaintiff was given leave to amend, and 24 plaintiff’s First Amended Complaint is now before the court for screening. ECF No. 5.

25 I. SCREENING

26 A. Legal Standard 27 The federal IFP statute requires federal courts to dismiss a case if the action is legally 28 “frivolous or malicious,” fails to state a claim upon which relief may be granted or seeks 1 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). 2 Plaintiff must assist the court in determining whether the complaint is frivolous, by

drafting the 3 complaint so that it complies with the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”). The 4 Federal Rules of Civil Procedure are available online at www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure. 6 Under the Federal Rules of Civil Procedure, the complaint must contain (1) a “short and 7 plain statement” of the basis for federal jurisdiction (that is, the reason the case is filed in this 8 court, rather than in a state court), (2) a short and plain statement showing that plaintiff is entitled 9 to relief (that is, who harmed the plaintiff, and in what way), and (3) a demand for the relief 10 sought. Fed. R. Civ. P. 8(a). Plaintiff’s claims must be set forth simply, concisely and directly. 11 Fed. R. Civ. P. 8(d)(1). Forms are available to help pro se plaintiffs organize their complaint in 12 the proper way. They are available at the Clerk’s Office, 501 I Street, 4th Floor (Rm. 4-200), 13 Sacramento, CA 95814, or online at www.uscourts.gov/forms/pro-se-forms. 14 A claim is legally frivolous when it lacks an arguable basis either in law or in fact. 15 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). In reviewing a complaint under this standard, the 16 court will (1) accept as true all of the factual allegations contained in the complaint, unless they 17 are clearly baseless or fanciful, (2) construe those allegations in the light most favorable to the 18 plaintiff, and (3) resolve all doubts in the plaintiff’s favor. See *Neitzke*, 490 U.S. at 327; *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir. 2010), cert. 20 denied, 564 U.S. 1037 (2011). 21 The court applies the same rules of construction in determining whether the complaint 22 states a claim on which relief can be granted. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (court 23 must accept the allegations as true); *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974) (court must 24 construe the complaint in the light most favorable to the plaintiff). Pro se pleadings are held to a 25 less stringent standard than those drafted by lawyers. *Haines v. Kerner*, 404 U.S. 519, 520 26 (1972). However, the court need not accept as true conclusory allegations, unreasonable 27 inferences, or unwarranted deductions of fact. *Western Mining Council v. Watt*, 643 F.2d 618, 28 624 (9th Cir. 1981). A formulaic recitation of the elements of a cause of action does not suffice 1 to state a claim. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-57 (2007); *Ashcroft v. Iqbal*, 2 556 U.S. 662, 678 (2009). 3 To state a claim on which relief may be granted, the plaintiff must allege enough facts “to 4 state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has 5 facial plausibility when the plaintiff pleads factual content that allows the court to draw the 6 reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 7 678. A pro se litigant is entitled to notice of the deficiencies in the complaint and an opportunity 8 to amend, unless the complaint’s deficiencies could not be cured by amendment. See *Noll v. 9 Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987), superseded on other grounds by statute as stated in 10 *Lopez v. Smith*, 203 F.3d 1122 (9th Cir.2000)) (en banc). 11 B. The Initial Complaint 12 Plaintiff’s initial complaint named multiple entities as defendants and alleged civil rights 13 violations under 28 U.S.C. § 1983, as well as various criminal acts and tortious conduct. The 14 events giving rise to the complaint occurred during an arrest by a City of Auburn police officer on 15 January 25, 2014, and in relation to the subsequent trial. ECF No. 1 at 2. As to the City of

16 Auburn, plaintiff alleged false arrest by a police officer without a warrant or probable cause. Id.
17 Plaintiff further alleged “Felony Tampering with Evidence Penal Code 141” against the City of
18 Auburn. Id. As to the County of Placer, plaintiff alleged a due process violation by the Placer
19 County District Attorney. Id. at 3. As to Placer County Superior Court, plaintiff alleged a due
20 process violation based on improper actions by judges and court clerks. Id. Plaintiff alleged that
21 the City of Auburn committed the tort of libel in relation to a press release regarding plaintiff’s
22 arrest. Id. Finally, plaintiff alleged that defendants are part of a “Criminal Conspiracy” in 23
violation of the California Penal Code, asserting that “[a]ll defendants criminally conspired to 24
send the Plaintiff to jail for a crime they know or should have known he didn’t commit.” Id. at 3.
25 On screening, the court explained to plaintiff that his complaint could not be served for 26
several reasons. First, court explained the complaint did not contain a “short and plain” statement
27 setting forth the basis for federal jurisdiction, plaintiff’s entitlement to relief, or the relief that is
28 sought, even though those things are required by Fed. R. Civ. P. 8(a)(1) (3). The exact nature of
1 what happened to plaintiff was unclear from the complaint, which contained insufficient facts. 2
The court could not tell from examining the complaint what legal wrong was done to plaintiff, by
3 whom and when, or how any alleged harm is connected to the relief plaintiff seeks. 4 Relevant
here, the court explained that plaintiff’s first, third, and fifth causes of action 5 under 42 U.S.C.
§1983 were improperly brought against municipal entities for the actions of their 6 employees. A
municipal entity cannot be held liable for the actions of its employees under 7 §1983; it may only
be held liable “when execution of a government’s policy or custom, whether 8 made by its
lawmakers or by those whose edicts or acts may fairly be said to represent official 9 policy, inflicts
the injury.” *Monell v. Dep’t of Soc. Servs. of City of New York*, 436 U.S. 658, 10 694 (1978);
Miranda v. Clark County, Nevada, 319 F.3d 465, 470 (9th Cir. 2003). A plaintiff 11 seeking to
impose liability on a municipality due to an official policy must establish the existence 12 of a
formal policy pursuant to which the defendant was acting when he or she violated the 13 plaintiff’s
rights. See *Trevino v. Gates*, 99 F.3d 911, 918 (9th Cir. 1996). In the complaint, 14 plaintiff’s
causes of action under §1983 were all brought against municipal entities (the City of 15 Auburn,
the County of Placer, the Public Defender’s Office, and the Placer County Superior 16 Court) for
actions allegedly taken by their employees. There was no allegation of any 17 unconstitutional
municipal policy, pattern, or practice. The court explained that if plaintiff wishes 18 to bring a
§1983 claim against such entities, he must identify a specific policy or custom that 19 resulted in a
constitutional violation. The court went on to explain that if plaintiff wishes to hold 20 individual
state actors liable, he must name them as defendants and explain what each did to 21 violate
plaintiff’s rights. 22 Additionally, the court explained that insofar as plaintiff seeks to sue judges,
or a court for 23 the actions of judges taken in connection with the prosecution of criminal claims
against him, he 24 cannot do so because judges are immune from suit. “Like other forms of
official immunity, 25 judicial immunity is an immunity from suit, not just from ultimate
assessment of damages.” 26 *Mireles v. Waco*, 502 U.S. 9, 11 (1991). Judicial immunity is

overcome only when a judge's actions are either (1) nonjudicial in nature, i.e., not taken in the judge's judicial capacity, 28 *Forrester v. White*, 484 U.S. 219, 227–29 (1988), or (2) taken in the complete absence of all jurisdiction, *Stump v. Sparkman*, 435 U.S. 349, 356–57 (1991). Plaintiff did not make any allegations that indicate one of these exceptions applies. Further, to the extent plaintiff intends to sue the court on which a judge serves, a court cannot be civilly liable for the actions of its judges under any theory of which this court is aware. The court told plaintiff he cannot proceed on these claims. C. The First Amended Complaint The first amended complaint asks the court to award damages based on the rulings in several state court cases; plaintiff alleges these court actions and decisions involved conspiracies and violations of his constitutional rights. ECF No. 5. The complaint references several incidents, some related to each other and some apparently unrelated. First, plaintiff states that his siblings are both attorneys and they are inheritance thieves who conspired to steal the estate of his parents in Santa Clara Superior Court. ECF No. 5 at 3. Second, plaintiff recounts an incident at the Ashley Dog Park in the City of Auburn in which an “alleged victim injured her head prior to the incident” and lied that plaintiff tried to kill her. *Id.* Plaintiff was subsequently arrested without a warrant and the officers lied on their report and tampered with evidence. *Id.* Plaintiff alleges the Placer County Superior Court conspired with the officers in violation of his constitutional rights. Plaintiff alleges a Placer County Superior Court judge presided over a criminal case involving plaintiff and violated his constitutional rights. *Id.* at 5. Plaintiff alleges that Commissioner Michael Jacques violated his constitutional rights in a case he brought to small claims court. *Id.* Plaintiff also sues Placer County because a District Attorney maliciously prosecuted him in a criminal case. *Id.* at 5. He sues El Dorado county because a sheriff's deputy improperly allowed his neighbor to compost used lumber that she stole from his property, and the El Dorado County Superior Court ruled that the lumber had no value. *Id.* Finally, plaintiff sues Auburn Lake Trails HOA for accepting the ruling of the El Dorado Superior Court. ECF No. 5 at 7. D. The First Amended Complaint Cannot be Served The First Amended Complaint does not solve several of the problems that prevented the initial complaint from being served. Plaintiff again sues municipal entities, which can only be held liable under § 1983 “when execution of a government's policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, inflicts the injury.” *Monell v. Dep't of Soc. Servs. of City of New York*, 436 U.S. 658, 694 (1978); *Miranda v. Clark County, Nevada*, 319 F.3d 465, 470 (9th Cir. 2003). A plaintiff seeking to impose liability on a municipality due to an official policy must establish the existence of a formal policy pursuant to which the defendant was acting when he or she violated the plaintiff's rights. See *Trevino v. Gates*, 99 F.3d 911, 918 (9th Cir. 1996). The First Amended Complaint, like the initial complaint, alleges causes of action under §1983 against municipal entities (the City of Auburn, the Placer County, the El Dorado County, and the Placer County Superior Court) for actions allegedly taken by their employees, including judges. There is no allegation of any unconstitutional

municipal policy, pattern, or practice. 12 Further, as the court previously explained, judges and courts are immune from suit with 13 respect to actions taken against a person in connection with the prosecution of criminal claims. 14 “Like other forms of official immunity, judicial immunity is an immunity from suit, not just from 15 ultimate assessment of damages.” *Mireles v. Waco*, 502 U.S. 9, 11 (1991). Judicial immunity is 16 overcome only when a judge’s actions are either (1) nonjudicial in nature, i.e., not taken in the 17 judge’s judicial capacity, *Forrester v. White*, 484 U.S. 219, 227–29 (1988), or (2) taken in the 18 complete absence of all jurisdictions, *Stump v. Sparkman*, 435 U.S. 349, 356–57 (1991). Plaintiff 19 did not make any allegations that indicate one of these exceptions applies. Further, to the extent 20 plaintiff intends to sue the court on which a judge serves, a court cannot be civilly liable for the 21 actions of its judges under any theory of which this court is aware. The court told plaintiff he 22 could not proceed on these claims, but he continued to re-allege them in his First Amended 23 Complaint. 24 Finally, insofar as plaintiff attempts to sue the Auburn Lake Trails HOA for constitutional 25 violations, he cannot do so under § 1983, which, with narrow exceptions not applicable here, does 26 not apply to private entities. See, *Tsao v. Desert Palace, Inc.*, 698 F.3d 1128, 1139 (9th Cir. 27 2012). Further, plaintiff’s only claim against the HOA is that it followed a State Court ruling, 28 which plainly does not give rise to any legal cause of action. ECF No. 5 at 7.

1 II. NO FURTHER LEAVE TO AMEND

2 Leave to amend should be granted if it appears possible that the defects in the complaint 3 || could be corrected, especially if a plaintiff pro se. *Lopez v. Smith*, 203 F.3d 1122, 1130-31 4 | (9th Cir. 2000) (en banc). However, if it is clear that a complaint cannot be cured by amendment, 5 || the court may dismiss without leave to amend. *Cato v. United States*, 70 F.3d 1103, 1105-06 6 || (OthCir. 1995). Here, plaintiff was given an opportunity to amend with clear instructions on how 7 || to submit an amended complaint. The contents of the First Amended Complaint, which do not 8 | cure the defects identified in the original complaint, make it clear that plaintiff cannot state a 9 || claim upon which relief can be granted and that further amendment would be futile. Accordingly, 10 || dismissal should be without leave to amend.

1] II]. PRO SE PLAINTIFF’S SUMMARY

12 The Magistrate Judge is recommending that your case be dismissed because the court does 13 || not have jurisdiction to hear the case. You have 21 days to object to this recommendation if you 14 || wish to do so. The District Judge will make the final decision.

15 IV. CONCLUSION

16 It is RECOMMENDED that the First Amended Complaint (ECF No. 5) be DISMISSED 17 || and that this case be closed. 18 These findings and recommendations are submitted to the United States District Judge 19 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days 20 || after being served with these findings and recommendations, plaintiff may file written objections 21 | with the court and serve a copy on all parties. *Id.*; see also Local Rule 304(b). Such a document 22 || should be captioned “Objections to Magistrate Judge’s

Findings and Recommendations.” Failure 23 || to file objections within the specified time may waive the right to appeal the District Court’s 24 || order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. YIst*, 951 F.2d 1153, 25 | 1156-57 (9th Cir. 1991). 26 | DATED: April 3, 2025 ~ 27 Hhthtin— Clare

ALLISON CLAIRE

28 UNITED STATES MAGISTRATE JUDGE