

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Christopher Lee Card v. County of Alameda, et al.

Card v. County of Alameda · No. 24-cv-04760-AMO (PR) · Decided April 18, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed Christopher Lee Card’s 42 U.S.C. § 1983 complaint seeking monetary and punitive damages against Alameda County and various prosecutors, public defenders, psychologists, and county counsel. The court held that the individual defendants were protected by absolute immunity or were not state actors, and that Card had not adequately alleged municipal liability against Alameda County. The dismissal was without leave to amend, and the court certified that an in forma pauperis appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Araceli Martinez-Olguin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	April 18, 2025
DOCKET	24-cv-04760-AMO (PR)
DISPOSITION	dismissed
PROCEDURAL POSTURE	A self-represented prisoner brought an action under 42 U.S.C. § 1983 seeking punitive and monetary damages, and injunctive relief, against Alameda County and individual county officials. The district court conducted mandatory prisoner screening under 28 U.S.C. § 1915A and dismissed the complaint without leave to amend.
STANDARD OF REVIEW	Mandatory preliminary screening under 28 U.S.C. § 1915A; the court must identify cognizable claims and dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. The court also liberally construes pleadings filed by self-represented plaintiffs.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Christopher Lee Card v. County of Alameda, Kevin Ikuma, Amy Watt, Marlin Griffith, Brendon Woods, Youseef Elias, Joshi Valentine, Sue

TOPICS

section 1983

prisoners rights

civil rights

government liability

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional torts

federal civil procedure

criminal procedure

QUESTIONS PRESENTED

1. Whether the claims against the deputy district attorney were barred by absolute prosecutorial immunity.
2. Whether the claims against the public defenders stated a claim under 42 U.S.C. § 1983 when the public defenders were performing traditional functions of defense counsel.
3. Whether the claims against the court-appointed psychologists were barred by absolute witness immunity.
4. Whether the claims against the deputy county counsel were barred by absolute immunity for prosecutorial or quasi-judicial functions.
5. Whether the complaint stated a claim for municipal liability against Alameda County under § 1983.
6. Whether the court should dismiss the claims without leave to amend and certify that an in forma pauperis appeal would not be taken in good faith.

HOLDINGS

1. A prosecutor is absolutely immune from damages liability for conduct undertaken in the advocate's role in initiating and pursuing a criminal case; therefore, Card's claims against Deputy District Attorney Ikuma were dismissed.
2. A public defender does not act under color of state law when performing a lawyer's traditional functions, including representation related to a client's mental competency; therefore, Card's § 1983 claims against the public defenders were dismissed.
3. Witnesses are absolutely immune from liability for testimony in state or federal court proceedings, including allegedly perjured testimony; therefore, Card's claims against the court-appointed psychologists were dismissed.
4. Absolute immunity extends to government officials performing prosecutorial or judicial functions, including analogous functions in administrative or adversarial proceedings; to the extent the deputy county counsels acted in a prosecutorial role, they were absolutely immune, and the claims against them were dismissed.
5. A local government cannot be held liable under § 1983 solely on a respondeat superior theory; because Card alleged no other basis for municipal liability, his claim against Alameda County was dismissed.
6. All claims for punitive and monetary damages were dismissed without leave to amend, and the court certified under 28 U.S.C. § 1915(a)(3) that an in forma pauperis appeal would not be taken in good faith.

KEY QUOTATIONS

“A public defender does not act under color of state law, an essential element of a claim under section 1983, when performing a lawyer’s traditional functions, such as entering pleas, making motions, objecting at trial, cross-examining witnesses, and making closing arguments, or even in the initial representation to determine a client’s mental competency, as alleged by Card.” (at 2)

“Finally, Card has not alleged grounds for municipal liability against Alameda County based on any theory other than that of respondeat superior. This is not a sufficient ground for municipal liability.” (at 3)

FACTUAL BACKGROUND

Card was incarcerated at Santa Rita Jail and filed a handwritten civil-rights complaint concerning state criminal competency proceedings, evaluations by psychologists, and alleged conduct by a judge, prosecutor, public defenders, county counsel, and psychologists. He alleged due-process violations, conspiracy, misconduct, perjury, falsification, and related claims, and sought damages and injunctive relief. The complaint also named Alameda County, but alleged municipal liability primarily through respondeat superior.

PROCEDURAL HISTORY

Card filed the action on January 25, 2024 and was granted leave to proceed in forma pauperis. The court screened the complaint under 28 U.S.C. § 1915A, concluded that the claims were barred by absolute immunity, lack of state action, or failure to plead a municipal-liability basis, and dismissed all claims for punitive and monetary damages without leave to amend. The court also certified that an in forma pauperis appeal would not be taken in good faith and directed the clerk to close the file.

DISPOSITION

dismissed

CASES CITED

- *Balistreri v. Pacifica Police Department*, 901 F.2d 696, 699 (9th Cir. 1988)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994)
- *Younger v. Harris*, 401 U.S. 37, 43-54 (1971)
- *Buckley v. Fitzsimmons*, 509 U.S. 259, 272-73 (1993)
- *Imbler v. Pachtman*, 424 U.S. 409, 431 (1976)
- *Polk County v. Dodson*, 454 U.S. 312, 318-19 (1981)
- *Briscoe v. LaHue*, 460 U.S. 325, 329-46 (1983)
- *Holt v. Castaneda*, 832 F.2d 123, 127 (9th Cir. 1987)
- *Burns v. County of King*, 883 F.2d 819 (9th Cir. 1989)
- *Butz v. Economou*, 438 U.S. 478, 513-15 (1978)
- *Monell v. Department of Social Services*, 436 U.S. 658, 691 (1978)

- Lacey v. Maricopa County, 693 F.3d 896, 928 (9th Cir. 2012) (en banc)
- Coppedge v. United States, 369 U.S. 438, 445 (1962)
- Gardner v. Pogue, 558 F.2d 548, 550 (9th Cir. 1977)

OPINION

Card v. County of Alameda

PER CURIAM.

1 2

3 UNITED STATES DISTRICT COURT

4 NORTHERN DISTRICT OF CALIFORNIA

5 6 CHRISTOPHER LEE CARD, Case No. 24-cv-04760-AMO (PR) 7 Plaintiff,

ORDER OF DISMISSAL

v. 8 9 COUNTY OF ALAMEDA, et al., Defendants. 10

11 I. INTRODUCTION

12 Plaintiff Christopher Lee Card, who is in custody at the Santa Rita Jail (“SRJ”), filed the 13 instant civil rights action pursuant to 42 U.S.C. § 1983, representing himself. He has been granted 14 leave to proceed in forma pauperis. Dkt. 7. In the case at bar, Card seeks punitive and monetary 15 damages. Dkt. 1 at 21.1 The Court now reviews Card’s complaint pursuant to 28 U.S.C. § 1915. 16 For the reasons set forth below, the Court DISMISSES the complaint.

17 II. DISCUSSION

18 A. Standard of Review 19 A federal court must conduct a preliminary screening in any case in which a prisoner seeks 20 redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. 21 § 1915A(a). In its review, the Court must identify any cognizable claims and dismiss any claims 22 that are frivolous, malicious, fail to state a claim upon which relief may be granted or seek 23 monetary relief from a defendant who is immune from such relief. Id. § 1915A(b)(1), (2). 24 Pleadings submitted by self-represented plaintiffs must be liberally construed. Balistreri v. 25 Pacifica Police Dep’t, 901 F.2d 696, 699 (9th Cir. 1988). 26 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: 27 1 (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that 2 the alleged violation was committed by a person acting under the color of state law. West v. 3 Atkins, 487 U.S. 42, 48 (1988). 4 B. Card’s Claims 5 1. Background 6 This is not Card’s first action before the Court. Card has filed multiple actions, including a 7 civil right action against the Union City Police Department and two Union City Officers, Card v. 8 Union City Police Department, Case No. 23-cv-05613-AMO (PR), in which he alleged that 9 Defendants violated his constitutional rights by illegally arresting him or conducting an illegal 10 search. See Case No. 23-cv-05613-AMO (PR), Dkt. 1. On May 7, 2024, the Court dismissed the 11 federal claims in that matter as barred by Heck v. Humphrey, 512 U.S. 477, 486-87 (1994). See 12 id., Dkt. 10. 13 Meanwhile, in another of Card’s previous actions, Card v. Judge Jason Chin, et al., Case

14 No. 23-cv-05760-AMO (PR), Card named Alameda County Superior Court Judge Jason Chin, 15 Alameda County Deputy District Attorney Ikuma, Alameda County Public Defenders Ra and 16 Valentine, and Alameda County Psychologists Drs. Watt and Griffith, many of whom are named 17 in this current suit. See Case No. 23-cv-05760-AMO (PR), Dkt. 1. In that action, the Court 18 dismissed his claims for injunctive relief because Younger abstention was warranted as to those 19 claims. See *id.*, Dkt. 8 at 3-5 (citing *Younger v. Harris*, 401 U.S. 37, 43-54 (1971)). The Court 20 dismissed without leave to amend all remaining claims for monetary damages against Judge Chin, 21 the deputy district attorney, the public defenders, and the court-appointed psychologists. See *id.* at 22 5-6. 23 Since the time that Card filed the present action on January 25, 2024 and to date, he has 24 been incarcerated at SRJ. Card's 20-page complaint is handwritten and, at times, difficult to 25 decipher. See generally Dkt. 1. From what the Court could make out, this action is similar to 26 Case No. 23-cv-05760-AMO (PR) in that it does not involve Card's challenge to the conditions of 27 his confinement. See *id.* This is confirmed by his statement under the section he has entitled, 1 "(I) The above do not regard Santa Rita Jail, thus, [e]xhaustion of remedies don't [sic] apply." *Id.* 2 at 7. In addition, the present complaint asserts numerous claims about the criminal case against 3 him and his issues with the evaluations regarding his mental competency. See *id.* at 8-10. 4 Since the background of the instant matter is identical to that in Case No. 23-cv-05760- 5 AMO (PR), the Court includes its summary of Card's 8-page complaint below: 6 Card alleges that on June 16, 2023, he faced unspecified charges in the Alameda County Superior Court, but the judge either removed his 7 public defender or allowed Card to represent himself. [Case No. 23- cv-05760-AMO (PR), Dkt. 1] at 5. Sometime in either June, July, or 8 October 2023, Card was interviewed by two different psychologists:

Dr. Amy Watt and Dr. Marlin Griffith. *Id.* After various court 9 proceedings involving Card's mental competency, Alameda County Judge Jason Chin found Card incompetent to stand trial on an 10 unspecified date. *Id.* at 6. Card additionally claims the following: 11 Being that Judge Chin said "on the record" that he had [Dr.] Watt's report that found me competent, 12 then on 8/11/23 he began a collusion with Joshi Valentine, Sue Ra, Kevin Ikuma, and [Dr.] Amy 13 Watt to deprive [Card] of [his] right to have . . . due process of law, when [the judge] negate[d] [Card's] 14 7/10 evaluation with Watt citing a false claim that "[Card] refused to meet with Watt." when [the judge] 15 was the person who told the court on 7/28/23 that "he had [the report]" and "Dr. Watt found [Card] 16 competent." 17 *Id.* Thus, Card seeks monetary damages and 18 an injunction to stop the deprivation of [his] civil rights, and to force Judge Chin to honor [Card's] due 19 process . . . rights regarding [Dr.] Amy Watt's first report that [the judge] claimed to have received and 20 stated [Card] being competent to stand trial, [and] because of both [Dr.] Watt and Dr. Griffith's false 21 reports of [Card] being incompetent, [Card is] now "unlawfully" being scheduled for placement in a 22 mental institution on 11/3/23; and it is illegal . . . 23 *Id.*[FN 2] Card also requests the Court "please make Judge Chin stop any placement orders or trying to force [Card] to take medication that 24 [he] does not need . . ." *Id.* Card also seeks punitive damages. *Id.* 25 [FN

2:] As mentioned above Card is still in custody at Santa Rita Jail as indicated in his latest filing, see [Case No. 23-cv-05760-AMO 26 (PR),] Dkt. 7, and thus, contrary to his allegations, there is no indication that he had been transferred to any “mental institution” on 27 November 3, 2023.

County Deputy District Attorney Ikuma; Alameda County Public 1 Defenders Ra and Valentine; and Alameda County Psychologists Drs. Watt and Griffith. Id. at 2-3. Card claims that these aforementioned 2 Defendants participated in “conspiracy; judicial misconduct; collusion resulting in deprivation of civil rights; perjury; falsification 3 of documents; abuse of process; [and] attorney misconduct.” Id. at 4. 4 Case No. 23-cv-05760-AMO (PR), Dkt. 8 at 2-3 (footnotes and brackets in original). 5 Meanwhile, it seems that the instant action stems from events that occurred in “Alameda 6 County, Rene C. Davidson Superior Court Judge Jason Chin’s [Penal Code (“PC”)] 13682 7 hearings, and at [SRJ],” and Card sues the County of Alameda alongside eleven named defendants 8 in their individual capacities, including: Alameda County Deputy District Attorney Kevin Ikuma; 9 Alameda County Psychologists Drs. Amy Watt and Marlin Griffith; Alameda County Public 10 Defender Brendon Woods; Alameda County Chief Deputy Public Defender Youseef Elias; 11 Alameda County Deputy Public Defenders Joshi Valentine, Sue Young Ra, Aundrea Brown and 12 Daniel Duvernay; Deputy County Counsel Jill Sazama and Donna Ziegler. See Dkt. 1. Card has 13 sued these named defendants individually, stating as follows, “ALL STATE OFFICIALS are 14 being sued in their INDIVIDUAL CAPACITIES” and, therefore, are being named as 15 Defendants” Id. at 7. Card, however, clarifies that all Defendants, other than the County of 16 Alameda, are only liable for “their roles that resulted in the ‘deprivation’ of [his] ‘federally- 17 protected’ ‘Civil Rights.’” Id. Among his claims are: “[18 U.S.C. §] 242: Deprivation of Rights 18 Under the Color of Law”; 3 “[18 U.S.C. §§] 241&242 ‘Conspiracy Against Rights’ & 19 “Deprivation of Rights Under the Color of Law.” Id. Further, Card sues Deputy County Counsel 20 Jill Sazama for “a separate civil rights violation[] of “negligence per se” and “[r]espondeat 21 superior” liabilities under the California Tort Laws. Id. 22 2 California Penal Code § 1368 sets forth California law as to a defendant’s mental competency to 23 stand trial. See Cal. Pen. Code § 1368. 24 3 18 U.S.C. § 242 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. See 18 25 U.S.C. § 242. 26 4 18 U.S.C. § 241 makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment 27 of any right or privilege secured to him/her by the Constitution or the laws of the United States,

2. Analysis of Claims

1 First, Card’s claims against Defendant Ikuma are DISMISSED because they arise from 2 acts Ikuma undertook in their role as a prosecutor. A prosecutor performs an advocate’s role as an 3 officer of the court, conduct for which they are entitled to absolute immunity. See *Buckley v. 4 Fitzsimmons*, 509 U.S. 259, 272-73 (1993). This absolute immunity covers a prosecutor’s conduct

5 as “advocates” during the initiation of a criminal case, and so Ikuma cannot be held liable for the
6 claim alleged by Card. See *id.*; *Imbler v. Pachtman*, 424 U.S. 409, 431 (1976). 7 Additionally,
Card cannot state a claim for relief under section 1983 against Defendants 8 Woods, Elias,
Valentine, Ra, Brown, and Duvernay for their allegedly deficient representation of 9 Card because
none of them are state actors, and thus such claims are DISMISSED. A public 10 defender does
not act under color of state law, an essential element of a claim under section 1983, 11 when
performing a lawyer’s traditional functions, such as entering pleas, making motions, 12 objecting
at trial, cross-examining witnesses, and making closing arguments, or even in the initial 13
representation to determine a client’s mental competency, as alleged by Card. See *Polk County v.*
14 *Dodson*, 454 U.S. 312, 318-19 (1981). 15 Additionally, Card names Defendants Watt and
Griffith in his suit. Dkt. 1 at 7. However, 16 the court-appointed psychologists who examined Card
have absolute immunity for the alleged 17 perjury in their statements to the superior court, and all
claims against them are DISMISSED. A 18 witness is absolutely immune from liability for his
testimony in earlier state or federal court 19 proceedings even if he committed perjury. See
Briscoe v. LaHue, 460 U.S. 325, 329-46 (1983) 20 (police officer witness at trial); *Holt v.*
Castaneda, 832 F.2d 123, 127 (9th Cir. 1987) (police 21 officer witness at probable cause hearing);
Burns v. County of King, 883 F.2d 819 (9th Cir. 1989) 22 (social worker preparing affidavit for
use at bail revocation proceeding). 23 Card also names Defendants Sazama and Ziegler, who are
both deputy county counsel, in 24 the current suit. Dkt. 1 at 7. Absolute immunity extends to
federal and state agency officials 25 when they preside over hearings, initiate agency adjudication,
or otherwise perform functions 26 analogous to judges and prosecutors. See *Butz v. Economou*,
438 U.S. 478, 514-15 (1978). 27 Absolute immunity is extended to agency officials who perform
prosecutorial and judicial 1 functions because administrative proceedings are usually adversarial in
nature and provide many 2 || of the same features and safeguards that are provided in court. See *id.*
at 513. To the extent that 3 || Defendants Sazama and Ziegler were acting in a prosecutorial role, a
prosecutor performing an 4 || advocate’s role is an officer of the court entitled to absolute
immunity. See *Buckley*, 509 U.S. at 5 || 272-73. As such, Card’s complaint fails to state a claim
under Section 1983 against these 6 Defendants, and his claims against them are DISMISSED. 7
Finally, Card has not alleged grounds for municipal liability against Alameda County 8 || based on
any theory other than that of respondeat superior. This is not a sufficient ground for 9 || municipal
liability. See *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 691 (1978) (local 10 || governments
cannot be liable under section 1983 under respondeat superior theory). Accordingly, 11 Card’s
claim against Alameda County is DISMISSED.

12 || IL CONCLUSION

13 For the reasons set forth above, the Court DISMISSES without leave to amend all claims 14 ||
for punitive and monetary damages against all named defendants. See *Lacey v. Maricopa County*,
3 15 693 F.3d 896, 928 (9th Cir. 2012) (en banc) (“For claims dismissed with prejudice and
without a 16 || leave to amend, we will not require that they be repleaded in a subsequent amended

complaint to 3 17 preserve them for appeal. But for any claims voluntarily dismissed, we will consider those claims 18 || to be waived if not replied.”). 19 Further, the Court CERTIFIES that any in forma pauperis appeal from this Order would 20 || not be taken “in good faith” pursuant to 28 U.S.C. § 1915(a)(3). See *Coppedge v. United States*, 21 369 U.S. 438, 445 (1962); *Gardner v. Pogue*, 558 F.2d 548, 550 (9th Cir. 1977) (indigent 22 appellant is permitted to proceed IFP on appeal only if appeal would not be frivolous). 23 The Clerk of the Court shall close the file. 24 IT IS SO ORDERED. 25 || Dated: April 18, 2025 26 □ mn Qascebe Mocs~S

ARACELI MARTINEZ-OLGUIN

28 United States District Judge