

**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

OPINION

Card v. County of Alameda

PER CURIAM.

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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 repled 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 repled.”). 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