

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Ermilo Vasquez Paredes v. Jasmin Khoshn

Paredes v. Khoshn · No. 2:25-cv-02498-SB-JC · Decided May 1, 2025

SUMMARY

The United States District Court for the Central District of California dismissed without prejudice a pretrial detainee’s pro se complaint against his public defender. The court held that the public defender was not acting under color of state law for purposes of 42 U.S.C. § 1983 and that the complaint did not plausibly allege disability discrimination under the ADA. The court concluded that amendment would be futile.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stanley Blumenfeld, Jr.
JURISDICTION	United States District Court for the Central District of California
DECIDED	May 1, 2025
DOCKET	2:25-cv-02498-SB-JC
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pretrial detainee proceeding pro se and seeking in forma pauperis status brought a 42 U.S.C. § 1983 action against his assigned public defender. The district court screened the complaint under 28 U.S.C. § 1915(e)(2) and dismissed it without prejudice for failure to state a claim.
STANDARD OF REVIEW	The court applied the Rule 12(b)(6) failure-to-state-a-claim standard through the screening requirement of 28 U.S.C. § 1915(e)(2).
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- section 1983
- ada / disability
- motions to dismiss
- civil procedure
- fourteenth amendment

PRACTICE AREAS

- civil procedure
- civil rights
- constitutional law
- disability discrimination
- prisoner litigation

QUESTIONS PRESENTED

1. Whether a county public defender acts under color of state law when performing traditional functions as counsel to a criminal defendant, such that the defendant may be sued under 42 U.S.C. § 1983.
2. Whether the complaint plausibly alleged that the public defender refused to act because of plaintiff's disability, as required for an ADA claim.
3. Whether the complaint stated a claim under Article I, section 17 of the California Constitution based on the alleged legal malpractice and bail-related conduct.
4. Whether leave to amend should be granted.

HOLDINGS

1. A county public defender does not act under color of state law when performing a lawyer's traditional functions as counsel to a criminal defendant. Plaintiff therefore could not state a § 1983 claim against defendant based on her alleged refusal to seek dismissal or bail reduction.
2. The complaint failed to state an ADA claim because it alleged that defendant refused to file the requested motions because of the seriousness of plaintiff's conduct, not because of his disability.
3. The claim under Article I, section 17 of the California Constitution failed because that provision concerns cruel and unusual punishment and excessive fines and was irrelevant to plaintiff's allegation of legal malpractice.
4. The complaint was dismissed without prejudice, but leave to amend was not warranted because it was absolutely clear that amendment would be futile.

KEY QUOTATIONS

“a county public defender does not act under color of state law “when performing a lawyer’s traditional functions as counsel to a defendant in a criminal proceeding”” (Order at 1)

“Because it is “absolutely clear” that amendment would be futile, the complaint is dismissed without prejudice.” (Order at 2)

FACTUAL BACKGROUND

Plaintiff was a pretrial detainee housed in the medical unit of a Ventura County jail because of his disabilities. He alleged that his assigned public defender, Jasmin Khoshn, refused to seek dismissal of the charges or reduction of his \$1 million bail, stating that what plaintiff had done was really bad. Plaintiff characterized the alleged conduct as legal malpractice resulting in false imprisonment and unaffordable excessive bail, and asserted claims under § 1983, the ADA, several constitutional amendments, and the California Constitution.

PROCEDURAL HISTORY

Plaintiff alleged that his public defender committed legal malpractice by refusing to seek dismissal of the criminal charges or reduction of his \$1 million bail. Because plaintiff requested leave to proceed in forma pauperis, the court screened the complaint under 28 U.S.C. § 1915(e)(2). The court dismissed the complaint

without prejudice, finding that the public defender was not acting under color of state law for purposes of § 1983, that the ADA claim lacked disability-based causation, and that amendment would be futile.

DISPOSITION

dismissed

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1129 (9th Cir. 2000)
- Hebrard v. Nofziger, 90 F.4th 1000, 1007 (9th Cir. 2024)
- Polk Cnty. v. Dodson, 454 U.S. 312, 319-25 (1981)
- Miranda v. Clark Cnty., 319 F.3d 465, 468 (9th Cir. 2003)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Univ. of Texas Sw. Med. Ctr. v. Nassar, 570 U.S. 338, 350 (2013)
- Reddy v. Litton Indus., Inc., 912 F.2d 291, 296-97 (9th Cir. 1990)
- Rosati v. Igbinoso, 791 F.3d 1037, 1039 (9th Cir. 2015)