

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Angel Felipe Aleman v. Agua Caliente Casino, Palm Springs, et al.

No. 5:24-cv-01053-HDV (MAR), United States District Court for the Central District of California (March 21, 2025)

SUMMARY

The United States District Court for the Central District of California accepted and adopted a magistrate judge’s Report and Recommendation recommending dismissal of Angel Felipe Aleman’s First Amended Complaint. The court held that the casino defendants were not sufficiently alleged to be state actors under 42 U.S.C. § 1983, and therefore the due process and Fourth Amendment claims failed. The action was dismissed with prejudice.

CASE DETAILS

COURT	United States District Court for the Central District of California
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 21, 2025
DOCKET	5:24-cv-01053-HDV (MAR)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's Report and Recommendation recommending dismissal of Plaintiff's First Amended Complaint for failure to state a claim and dismissal of the action with prejudice.
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's Report and Recommendation to which objections were made.
PRECEDENTIAL VALUE	Unpublished district court order; not identified in the source as precedential.
PARTIES	Angel Felipe Aleman v. Agua Caliente Casino, Palm Springs, et al.

TOPICS

- section 1983
- state action
- motions to dismiss
- due process
- tribal sovereignty

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff adequately alleged that the private casino and its officers acted under color of state law for purposes of claims under 42 U.S.C. § 1983.
2. Whether Plaintiff adequately stated due process and Fourth Amendment claims.
3. Whether the magistrate judge's recommendation to dismiss the First Amended Complaint with prejudice should be adopted.

HOLDINGS

1. Allegations that police patrolled the casino's parking areas or were called to investigate or arrest people at the casino do not, without more, establish state action by private parties. Conclusory allegations of joint action are insufficient to plead that the defendants acted under color of state law.
2. Plaintiff failed to state valid due process or Fourth Amendment claims because he failed to adequately allege that the defendants were state actors.
3. The Report and Recommendation was accepted and adopted, and the action was ordered dismissed with prejudice.

KEY QUOTATIONS

“Just because employees of a private entity call the police to investigate suspicious activity or allow police officers to patrol its parking lots or common areas and/or arrest individuals on its property, does not make the private entity a public actor for purposes of a § 1983 claim.” (at 1)

FACTUAL BACKGROUND

Plaintiff alleged civil rights violations arising from an incident involving security at Agua Caliente Casino. He alleged that the casino and its officers were state actors because they acted in conjunction with police who patrolled casino parking areas or were called to arrest trespassers. The court concluded that the allegations did not show a substantial degree of cooperative action between the defendants and police.

PROCEDURAL HISTORY

The magistrate judge recommended dismissal without further leave to amend for failure to state a claim. Plaintiff objected, arguing that the casino and its officers acted under color of state law and that he had stated due process and Fourth Amendment claims. After conducting de novo review of the portions of the Report to which objections were made, the district court accepted and adopted the Report and ordered that judgment be entered dismissing the action with prejudice.

DISPOSITION

dismissed

CASES CITED

- Coffy v. Wal-Mart, 2022 WL 16952185, at *4 (D. S.C. Sept. 23, 2022)
- Bonds v. Grubbe, 2013 WL 12136581, at *1 (C.D. Cal. Sept. 4, 2013)
- ABBA Bail Bonds, Inc. v. Grubbe, 643 F. App'x 634 (9th Cir. 2016)

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