

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PRECEDENTIAL VALUE	Unpublished district court order; not identified in the source as precedential.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)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 11 ANGEL FELIPE ALEMAN, Case No. 5:24-cv-01053-HDV (MAR) 12
Plaintiff, ORDER ACCEPTING FINDINGS 13 v. AND RECOMMENDATIONS OF UNITED
STATES MAGISTRATE 14 AGUA CALIENTE CASINO, PALM JUDGE SPRINGS, et al., 15 16
Defendants. 17 18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings, the 19
records on file, and the Report and Recommendation of the United States 20 Magistrate Judge
("Report").

Further, the Court has engaged in a de novo review of 21 those portions of the Report to which
objections have been made. 22 The Report recommends the dismissal of Plaintiff's First Amended
23 Complaint without further leave to amend for failure to state a claim and the 24 dismissal of
this action with prejudice. (ECF No. 19.) Plaintiff's objections to the 25 Report (ECF No. 20) do
not warrant a change to the Report's findings or 26 recommendations.

27 Plaintiff objects that Defendants, a casino and its officers, were acting under 28 color of state
law for purpose of his civil rights claims arising from Plaintiff's 1 |} incident with security at the
casino. (ECF No. 20 at 1-5.) Defendants allegedly are 2 || state actors because they act in
conjunction with the police, who patrol the casino's 3 || parking areas or who are called to arrest
trespassers. (/d. at 2, 7.)

As the Report 4 || found, however, Plaintiff failed to allege facts that showed a substantial degree
of 5 || cooperative action between Defendants and the police such that Defendants' actions 6 ||
were under color of state law. (ECF No. 19 at 8.) Allegations that the police 7 || performed patrols
of the parking areas or were called to arrest people at the casino 8 || fail to allege state action by
private parties.

See Coffy v. Wal-Mart, 2022 WL 9 | 16952185, at *4 (D. S.C. Sept. 23, 2022) ("Just because
employees of a private 10 |] entity call the police to investigate suspicious activity or allow police
officers to 11 || patrol its parking lots or common areas and/or arrest individuals on its property, 12
|| does not make the private entity a public actor for purposes of a § 1983 claim.") 13 || (citation
omitted).

Otherwise, Plaintiff's allegations of joint action are conclusory 14 || and therefore insufficient to
allege state action. (ECF No. 20 at 1-5.) 15 Plaintiff objects that he has stated valid due process
and Fourth Amendment 16 || claims. (ECF No. 20 at 5-7.)

As the Report found, however, because Plaintiff 17 || failed to allege that Defendants are state actors, Plaintiff failed to state a valid due 18 || process or Fourth Amendment claim. (ECF No. 19 at 12.)! 13 IT IS ORDERED that (1) the Report and Recommendation is accepted and 20 || adopted; and (2) Judgment will be entered dismissing this action with prejudice.

21 22 || DATED: March 21, 2025 GEA 24 UNITED STATES DISTRICT JUDGE 26 || ——— 37
1 Although it is unnecessary to the resolution of this action, it also is possible that Defendants are immune from suit under the doctrine of tribal sovereign immunity. See *Bonds v. Grubbe*, 2013 WL 28 || 12136581, at *1 (C.D. Cal. Sept. 4, 2013) (*Agua Caliente* and its tribal officials are immune from suit), affirmed sub nom.

ABBA Bail Bonds, Inc. v. Grubbe, 643 F. App'x 634 (9th Cir. 2016).