

**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.

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).