

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

State of California v. Phillip Del Rosa, et al.

No. 2:23-cv-00743-KJM-SCR (E.D. Cal. May 16, 2025) · No. No. 2:23-cv-00743-KJM-SCR · Decided May 19,
2025

SUMMARY

The United States District Court for the Eastern District of California denies defendants’ motion to stay proceedings pending their interlocutory appeal concerning qualified immunity. The court holds that the automatic stay applies only to the PACT Act claims implicated by the appeal, not to the CCTA and civil RICO claims against defendants in their personal capacities. The court also directs the clerk to remove Wendy Del Rosa from the caption and orders the parties to file a joint pretrial scheduling statement.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 19, 2025
DOCKET	No. 2:23-cv-00743-KJM-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to stay the district court proceedings, excluding proceedings to supervise compliance with a standing preliminary injunction, pending resolution of their interlocutory appeal to the Ninth Circuit.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation

TOPICS

- appellate jurisdiction
- interlocutory appeal
- civil procedure
- appellate procedure
- tribal sovereignty

PRACTICE AREAS

- civil procedure
- appellate procedure
- federal courts
- tribal law

QUESTIONS PRESENTED

1. What claims and issues were subject to the automatic stay resulting from defendants' interlocutory appeal of the denial of qualified immunity?
2. Whether the district court should stay the remaining proceedings, including the CCTA and civil RICO claims, pending resolution of the interlocutory appeal.

HOLDINGS

1. The automatic stay applied only to questions related to California's PACT Act claims because those were the only claims addressed by the appealed order and defendants had not asserted or obtained a ruling on qualified immunity as to the CCTA or civil RICO claims.
2. The motion to stay the proceedings was denied.

KEY QUOTATIONS

“It is well established that an appeal “confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.”” (II)

“Here, because the defendants appealed this court’s order on the motion to dismiss the original complaint, only those questions related to the PACT Act are subject to the automatic stay.” (III)

“The motion to stay is denied.” (IV)

FACTUAL BACKGROUND

Phillip Del Rosa and Daren Rose were tribal officers of the federally recognized Alturas Indian Rancheria. California alleged that a corporation owned by the Tribe sold cigarettes in violation of the Contraband Cigarette Trafficking Act, the Prevent All Cigarette Trafficking Act, and the Racketeer Influenced and Corrupt Organizations Act. After the district court denied qualified immunity on personal-capacity PACT Act and state-law claims, defendants filed an interlocutory appeal and later sought to stay proceedings involving California's CCTA and civil RICO claims as well.

PROCEDURAL HISTORY

The district court previously denied defendants qualified immunity on personal-capacity PACT Act and state-law claims and granted leave to amend certain claims. Defendants appealed that ruling, and the interlocutory appeal remained pending. Defendants then sought a stay of the entire case, while California argued that only the PACT Act claims were subject to the automatic stay. The district court denied the stay, directed correction of the caption to remove Wendy Del Rosa, and ordered the parties to file a joint pretrial scheduling statement.

DISPOSITION

other

CASES CITED

- Mitchell v. Forsyth, 472 U.S. 511, 526, 530 (1985)

- Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982)
- United States v. Pitner, 307 F.3d 1178, 1183 n.5 (9th Cir. 2002)
- Plotkin v. Pac. Tel. & Tel. Co., 688 F.2d 1291, 1293 (9th Cir. 1982)
- Alice L. v. Dusek, 492 F.3d 563, 564-65 (5th Cir. 2007)
- Andrade Rico v. Beard, No. 17-1402, 2019 WL 4127206, at *2 (E.D. Cal. Aug. 30, 2019)
- Cabral v. Cnty. of Glenn, No. 0800029, 2009 WL 1911692, at *1 (E.D. Cal. July 1, 2009)
- Behrens v. Pelletier, 516 U.S. 299, 312 (1996)
- Landis v. N. Am. Co., 299 U.S. 248, 254-55 (1936)

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