

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Simon v. Bostic; Simon v. Washington; Simon v. Cumba

No. 3:24-CV-01665-CAB-MSB; 3:25-CV-00109-CAB-MSB; 3:25-CV-00107-CAB-MSB, United States District Court for the Southern District of California (March 6, 2025)

SUMMARY

The United States District Court for the Southern District of California dismissed three related cases brought by Phillip W. Simon with prejudice. The court applied the Rooker-Feldman doctrine to one case, Younger abstention to another involving an ongoing child-support proceeding, and judicial immunity to claims against judicial officers and court employees. Dismissal was entered under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

CASE DETAILS

COURT	United States District Court for the Southern District of California
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 6, 2025
DOCKET	3:24-CV-01665-CAB-MSB; 3:25-CV-00109-CAB-MSB; 3:25-CV-00107-CAB-MSB
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court held a hearing on pending motions to dismiss in three cases brought by Plaintiff Phillip W. Simon. After explaining its tentative ruling and analysis, the court dismissed all three cases with prejudice under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).
STANDARD OF REVIEW	The court resolved the defendants' motions to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), applying subject-matter-jurisdiction and failure-to-state-a-claim principles.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation
PARTIES	Phillip W. Simon v. Tanisha Bostic, Michael D. Washington, Deborah A. Cumba, et al.

TOPICS

- subject matter jurisdiction
- motions to dismiss
- civil procedure
- child support
- civil rights

PRACTICE AREAS

civil procedure

civil rights

family law

QUESTIONS PRESENTED

1. Whether the Rooker-Feldman doctrine deprived the district court of subject-matter jurisdiction over the action challenging a state-court decision affecting Plaintiff's benefits.
2. Whether Younger abstention required dismissal of the action seeking to interfere with an ongoing state child support proceeding.
3. Whether judicial immunity barred claims against judicial officers and court employees arising from acts performed in their official or judicial capacities.
4. Whether the three actions should be dismissed with prejudice under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

HOLDINGS

1. The Rooker-Feldman doctrine barred subject-matter jurisdiction because Plaintiff alleged an erroneous state-court decision and sought injunctive relief that would fundamentally alter the family court's judgment.
2. Younger abstention was appropriate because federal interference with the ongoing state child support proceeding would amount to a de facto injunction, and Plaintiff failed to show that he could not raise his federal claims in the state proceedings.
3. Judicial immunity barred the claims against judicial officers and persons performing judge-like functions for acts performed in their official capacities, and the court rejected Plaintiff's contention that immunity does not apply to an officer sued in an individual capacity.
4. All three actions were dismissed with prejudice under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

KEY QUOTATIONS

"If a federal plaintiff asserts as a legal wrong an allegedly erroneous decision by a state court[] and seeks relief from a state court judgment based on that decision, Rooker–Feldman bars subject matter jurisdiction in federal district court." (at 1)

"Judges and those performing judge-like functions are absolutely immune from damage liability for acts performed in their official capacities." (at 2)

FACTUAL BACKGROUND

The three actions arose from Plaintiff's disputes involving a family court decision affecting his benefits and an ongoing state child support proceeding. The complaints asserted claims against judicial officers and court employees, including a theory of judicial collusion and claims against a judicial officer presiding over Plaintiff's ongoing state case. Plaintiff sought federal relief that would interfere with or alter the state-court proceedings.

PROCEDURAL HISTORY

Simon filed three federal lawsuits involving state-court proceedings, judicial officers, and court employees. The court held a March 6, 2025 hearing on the pending motions to dismiss, at which Simon appeared telephonically and proceeded pro se. The court dismissed all three actions with prejudice.

DISPOSITION

dismissed

CASES CITED

- Noel v. Hall, 341 F.3d 1148, 1164 (9th Cir. 2003)
- Kitchens v. Bowen, 825 F.2d 1337, 1341-1342 (9th Cir. 1987)
- Ashelman v. Pope, 793 F.2d 1072, 1075 (9th Cir. 1986) (en banc)
- Jackson v. United States, 896 F.2d 1370 (9th Cir. 1/1990)

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