

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)

OPINION

Simon v. Bostic

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10

11 PHILLIP W. SIMON, Case No: 3:24-CV-01665-CAB-MSB

Case No. 3:25-CV-00109-CAB-MSB 12 Plaintiff, Case No. 3:25-CV-00107-CAB-MSB 13 v.

ORDER DISMISSING CASES WITH

14 TANISHA BOSTIC, et al.,

PREJUDICE

15 Defendants, 16

17 PHILLIP W. SIMON,

18 Plaintiff, 19 v. 20 MICHAEL D. WASHINGTON, et al., 21 Defendants, 22 23 24 25 26 27 28 1

1 PHILLIP W. SIMON,

2 Plaintiff, 3 v.

4 DEBORAH A. CUMBA,

5 Defendant, 6 7 8 On March 6, 2025 this Court held a hearing on the three above-captioned cases to 9 discuss the Court’s tentative ruling and the pending motion to dismiss. Plaintiff, 10 proceeding pro se, appeared telephonically. The Court explained its ruling on the record 11 and dismissed all three cases with prejudice. As explained to Plaintiff, the Court’s analysis 12 tracks with is prior orders. 13 First, as for 24-CV-01665, the Rooker-Feldman doctrine applies. The Court cannot 14

enter injunctive relief that will fundamentally alter the family court's decision affecting his 15 benefits. *Noel v. Hall*, 341 F.3d 1148, 1164 (9th Cir. 2003) ("If a federal plaintiff asserts 16 as a legal wrong an allegedly erroneous decision by a state court[] and seeks relief from a 17 state court judgment based on that decision, *Rooker-Feldman* bars subject matter 18 jurisdiction in federal district court."). 19 *Simon III*, 25-CV-00107, involves an ongoing state child support proceeding. 20 Pursuant to the *Younger* abstention doctrine, this Court's interference with that proceeding 21 would amount to a *de facto* injunction. Plaintiff has failed to supply any facts indicating 22 that he cannot raise his federal claims in those proceedings. Abstention is appropriate in 23 this case. See *Kitchens v. Bowen*, 825 F.2d 1337, 1341-42 (9th Cir. 1987). 24 Moreover, all three cases involve claims against judicial officers and/or court 25 employees. *Simon II*, 25-CV-00109, is based on a "judicial collusion" theory against 26 various judicial officers and employees. [See Doc. No. 1 at 2-3.] *Simon III* involves a 27 28 2 1 ||lawsuit against a judicial officer who presided over Plaintiff's ongoing case. Judicial 2 ||immunity bars such claims. *Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir. 1986) (en 3 banc) ("Judges and those performing judge-like functions are absolutely immune from 4 || damage liability for acts performed in their official capacities.) And contrary to Plaintiff's 5 ||representations at the hearing, judicial immunity applies even when a judicial officer is 6 in their individual capacity. See *Jackson v. United States*, 896 F.2d 1370 (9th Cir. 7 1/1990). 8 The Court explained these (and additional) reasons for dismissal at the hearing. 9 || Plaintiff's above-captioned lawsuits are dismissed with prejudice pursuant to Fed. R. Civ. 10 ||P. 12(b)(1) and 12(b)(6). 11 12 It is SO ORDERED. 13 14 || Dated: March 6, 2025 € 15 Hon. Cathy Ann Bencivengo 16 United States District Judge 17 18 19 20 21 22 23 24 25 26 27 28 Case No: 3:24-CV-01665-CAB-MSB Case No. 3:25-CV-00109-CAB-MSB