

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Simon v. Cumba

Simon · No. 3:24-CV-01665-CAB-MSB; 3:25-CV-00109-CAB-MSB; 3:25-CV-00107-CAB-MSB · Decided
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 concluded that the Rooker-Feldman doctrine barred claims concerning a state-court decision, Younger abstention applied to an ongoing state child-support proceeding, and judicial immunity barred claims against judicial officers and court employees. The dismissals were 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
WRITING FOR THE COURT	Cathy Ann Bencivengo
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 three related federal cases and, after considering the pending motion to dismiss and its tentative ruling, dismissed all three cases with prejudice.
STANDARD OF REVIEW	The opinion does not expressly state a standard of review; the dismissals were entered under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).
PRECEDENTIAL VALUE	Unknown; district-court order with no reporter citation or stated precedential designation.
PARTIES	Phillip W. Simon v. Tanisha Bostic, et al., Michael D. Washington, et al., Deborah A. Cumba

TOPICS

subject matter jurisdiction

motions to dismiss

civil procedure

federalism

child support

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 Simon's challenge to a state family-court decision.
2. Whether Younger abstention required dismissal of Simon's federal claims seeking to interfere with an ongoing state child-support proceeding.
3. Whether judicial immunity barred Simon's claims against judicial officers and court employees, including claims asserted against an officer in an individual capacity.
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 the district court from exercising subject-matter jurisdiction over the action seeking injunctive relief that would fundamentally alter the state family court's decision affecting Simon's benefits.
2. Abstention was appropriate because Simon's federal action sought to interfere with an ongoing state child-support proceeding and would operate as a de facto injunction, while Simon identified no facts showing that he could not raise his federal claims in the state proceedings.
3. Judicial immunity barred Simon's claims against judicial officers and court employees based on acts performed in their official capacities, and the court held that the immunity applied despite Simon's assertion that an officer was sued in an individual capacity.

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.” (1)

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

FACTUAL BACKGROUND

Simon brought three federal lawsuits arising from state family-court matters. One action sought injunctive relief that would have altered a family-court decision affecting his benefits, another asserted a judicial-collusion theory against judicial officers and court employees, and the third challenged conduct by a judicial officer presiding over an ongoing state child-support proceeding. Simon appeared pro se and telephonically at the dismissal hearing.

PROCEDURAL HISTORY

Phillip W. Simon, proceeding pro se, brought three federal actions involving a family-court benefits decision, an alleged judicial-collusion theory, and an ongoing state child-support proceeding. The district court held a consolidated hearing on March 6, 2025, explained its ruling on the record, and dismissed all three actions with prejudice under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

DISPOSITION

dismissed

CASES CITED

- Noel v. Hall, 341 F.3d 1148, 1164 (9th Cir. 2003)
- Kitchens v. Bowen, 825 F.2d 1337, 1341–42 (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. 1990)

OPINION

Simon v. Cumba

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