

**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

OPINION

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 its 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 Itis 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