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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

LANA WILLIAMS,

Plaintiff,

v.

MADERA SUPERIOR COURT, SIERRA  
JUSTIC COURT, BRUCE F. KENNEDY,  
RICHARD E. HUBER, and NANCY  
STAGGS,

Defendants.

**Case No. 1:14-cv-01135-LJO-SKO**

**FINDINGS AND RECOMMENDATIONS  
THAT PLAINTIFF’S COMPLAINT BE  
DISMISSED WITH PREJUDICE**

(Doc. No. 1)

**OBJECTIONS DUE: 28 DAYS**

**I. INTRODUCTION**

On July 21, 2014, Plaintiff Lana Williams (“Plaintiff”), proceeding pro se and *in forma pauperis*, filed this action against Defendants Madera Superior Court, Sierra Justice Court, Bruce F. Kennedy, Richard E. Huber, and Nancy Staggs (“Defendants”). (Doc. 1.) For the reasons set forth below, the Court RECOMMENDS that Plaintiff’s complaint be DISMISSED with prejudice and without leave to amend.

**II. SCREENING STANDARD**

In cases where the plaintiff is proceeding *in forma pauperis*, the Court is required to screen each case, and must dismiss the case at any time if the Court determines that the allegation of

1 poverty is untrue, or the Court determines that the action or appeal is frivolous or malicious, fails  
2 to state a claim upon which relief may be granted, or seeks monetary relief against a defendant  
3 who is immune from such relief. 28 U.S.C. § 1915(e)(2). If the Court determines that the  
4 complaint fails to state a claim, leave to amend may be granted to the extent that the deficiencies  
5 of the complaint are capable of being cured by amendment. *Lopez v. Smith*, 203 F.3d 1122, 1130  
6 (9th Cir. 2000) (en banc).

7 A complaint must contain a “short and plain statement of the claim showing that the  
8 pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are not required,  
9 but “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory  
10 statements, do not suffice.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v.*  
11 *Twombly*, 550 U.S. 544, 555 (2007)). A complaint may not simply allege a wrong has been  
12 committed and demand relief. The pleading standard “demands more than an unadorned, the-  
13 defendant-unlawfully-harmed-me accusation[;]” the complaint must contain “sufficient factual  
14 matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Id.* (quoting  
15 *Twombly*, 550 U.S. at 555, 570). Further, while factual allegations are accepted as true, legal  
16 conclusions are not. *Id.* (quoting *Twombly*, 550 U.S. at 555).

### 17 III. PLAINTIFF’S COMPLAINT

18 Plaintiff filed this action for damages and injunctive relief on behalf of herself against a  
19 number of individual and governmental defendants. (Doc. 1, 1-3.) So far as can be discerned  
20 from the complaint, Plaintiff was an interested party in the Estate of Noble L. Tiller (the “Estate”),  
21 which entered probate in Madera County Superior Court nearly a decade ago. (Doc. 1, 2-3.)  
22 Under the supervision of the state probate court and a court-appointed probate referee, over the  
23 course of some eight years, the contents and proceeds of the Estate were sold off, debts were paid,  
24 and the remainder was ordered divided amongst the heirs. (Doc. 1, 2-3.)

25 At various times during the eight years that the probate case was pending before the state  
26 court, Plaintiff filed motions and objected to several of the state court’s orders: the court denied  
27 Plaintiff’s request for change of venue, ordered certain parcels of land to be sold at prices Plaintiff  
28 believed to be “under market value,” denied Plaintiff access to one of the parcels “for viewing,”

1 and denied Plaintiff’s request for an itemized accounting list of costs charged to the estate. (Doc.  
2 1, 2-3.)

3 The complaint also alleges legal malpractice and fraud were committed by two California  
4 attorneys involved with the underlying probate case. Plaintiff alleges Defendant Kennedy “sold  
5 properties under market value[.]” failed to comply procedurally by filing his fees and presenting a  
6 check to the Plaintiff, and unnecessarily prolonged the probate proceedings. (Doc. 1, 2.) Plaintiff  
7 also alleges Defendant Huber, who appears to have served as the court-appointed probate referee,  
8 mismanaged or abused Estate assets by transferring funds without a court order, failed to register  
9 certain vehicles and thereby incurred penalties against the Estate, and at some point committed  
10 some form of tax fraud. (Doc. 1, 2-3.)

11 Plaintiff alleges that the interim orders and ultimate disposition of the state probate case  
12 harmed her interests, and claims damages of \$5 million for “property” and \$5 million for her pain  
13 and suffering and to serve as punitive damages against the Defendants. (Doc. 1, 3.) Plaintiff also  
14 seeks in monetary damages an unknown “filed default amount” against “Sierra Justice” and  
15 “Judge Allen – Madera[.]” (Doc. 1, 3.)

16 Plaintiff also requests injunctive relief. She alleges that “incriminating” documents in the  
17 possession of the state court are to be destroyed by the court without her consent, and asks that  
18 they be preserved from routine destruction.<sup>1</sup> (Doc. 1, 1.) Plaintiff also asks that the continued sale  
19 or development of any parcels considered part of the Estate be enjoined, to comply with an  
20 unnamed and uncited ruling by “the U.S. Supreme Court at San Francisco” allegedly ordering “the  
21 agencies shut down and all properties returned to the estates (*sic*)[.]” (Doc. 1, 2.) She finally  
22 requests that this Court – after invalidating the sales already made – order the state court to only  
23 permit “court appraisers” to appraise the parcels being sold as part of the Estate. (Doc. 1, 3.)

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27 <sup>1</sup> This particular claim appears to be moot, as Plaintiff apparently requested the state court preserve these documents  
28 on July 21, 2014, until she could retrieve them. (Doc. 1, 6-8.) The state court’s notice made it clear that it was  
Plaintiff’s duty to arrange for retrieval of any documents associated with the closed case file by a particular deadline.  
(Doc. 1, 7-8.) Even if this Court possessed jurisdiction to hear this claim for injunctive relief, the issue is moot.

1 **IV. DISCUSSION**

2 **A. Plaintiff's Complaint Should Be Dismissed**

3 **1. Plaintiff's Claims for Relief from the Probate Court's Determinations Have**  
4 **Been Previously Dismissed With Prejudice For Lack of Jurisdiction**

5 To the extent Plaintiff is again seeking an accounting of her inheritance and/or the Estate,  
6 Plaintiff has been repeatedly informed that such claims are not within the jurisdiction of the  
7 federal courts.

8 In 2004, Plaintiff filed *Williams v. Madera Municipal Court, et al.*, 1:04-cv-5414-OWW-  
9 LJO, requesting the Estate probate action be removed to federal court, alleging state claims for  
10 legal malpractice and fraud, personal injury, defamation, and elder abuse, and demanding this  
11 Court order her inheritance paid to her. The complaint was filed against the Madera Municipal  
12 Court and Judge Thomas L. Bender, though it mentioned several other judges and individuals.  
13 The complaint was dismissed with prejudice, because the defendants were shielded by Eleventh  
14 Amendment immunity and the Court lacked jurisdiction over state probate matters.

15 In 2007, Plaintiff filed a case almost identical to the one currently before this Court,  
16 *Williams, et al. v. Moffat, et al.*, 1:07-cv-953-OWW-TAG, naming Judge Edward P. Moffat and  
17 Trustees Bruce F. Kennedy, Richard E. Huber, and Mitchell Rigby. Plaintiff alleged the state  
18 judge, administrators, trustees, and attorneys had deprived her of her expected inheritance from the  
19 Estate, denied her request for an itemized list of the Estate's assets, and failed to properly marshal,  
20 account for, or distribute the Estate's assets. The amended complaint was dismissed with  
21 prejudice and further amendment was denied because the defendants were shielded by Eleventh  
22 Amendment immunity and the Court lacked jurisdiction over state probate matters and state law  
23 claims for malpractice, fraud, and libel. Plaintiff appealed to the Ninth Circuit, but the appeal was  
24 dismissed due to Plaintiff's failure to prosecute and to pay the court fees as ordered.

25 Finally, in 2009, Plaintiff filed *Williams v. State of California*, 1:09-cv-01675-OWW-DLB,  
26 alleging fraud in the accounting and dissolution of the Estate. In her objections to the Magistrate  
27 Judge's findings and recommendation that her complaint be dismissed without leave to amend,  
28 Plaintiff named additional defendants "Federal Government, President Obama, State of California,

1 Governor Schwarzenegger (*sic*), Controller John Chiang, Edmund G. Brown, [and the] Internal  
2 Revenue Service.” Construing her objections as an amendment to her complaint, the Court  
3 allowed Plaintiff to file an amended complaint in which she demanded a check plus interest in  
4 excess of \$900 million, and an accounting of her inheritance and of the Estate. After reminding  
5 Plaintiff that it lacked jurisdiction over state probate matters, the Court dismissed her amended  
6 complaint with prejudice for failure to state a claim. Plaintiff appealed to the Ninth Circuit, which  
7 summarily affirmed the district court’s judgment.

8 This is Plaintiff’s *fourth* attempt to overturn the state court’s handling of her father’s estate  
9 -- a matter over which this Court has no jurisdiction. *Marshall v. Marshall*, 547 U.S. 293, 298-99  
10 (2006) (state probate courts have sole exclusive jurisdiction over the probate or annulment of a  
11 will and the administration of a decedent’s estate); *Harris v. Zion’s Bank Co.*, 317 U.S. 447, 450  
12 (1943) (the settlement, inheritance, and distribution of estates are peculiarly state law matters, and  
13 federal courts lack probate jurisdiction to hear them, *even* when there is complete diversity  
14 between the parties).

15 **2. This Court Lacks Jurisdiction to Review the Underlying Judicial**  
16 **Determinations of the State Court, or to Declare the State Court’s Orders**  
17 **Unenforceable.**

18 Even if Plaintiff’s claims regarding the probate proceedings were not exclusively within the  
19 province of the state court and were not otherwise barred under the doctrine of claim preclusion,  
20 the Court has no jurisdiction over collateral attacks on state court judgments.

21 Liberally construed, Plaintiff’s complaint alleges that she was detrimentally affected by the  
22 final orders and judgments of the state probate court, including orders issued at various points by  
23 several judges of the Madera and Sierra Courthouses and actions undertaken by the court-  
24 appointed probate referee during the dissolution of the Estate. (Doc. 1, 1-3.) Plaintiff’s complaint  
25 seeks to vacate the decrees and judgments of the state court, and to re-adjudicate the probate of the  
26 Estate to Plaintiff’s satisfaction. As Plaintiff has been instructed many times, this Court can do  
27 neither.

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1           It is well-settled that federal district courts lack “subject matter jurisdiction to hear a direct  
2 appeal from the final judgment of a state court. The United States Supreme Court is the only  
3 federal court with jurisdiction to hear such an appeal.” *Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir.  
4 2003) (citing *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923), and *District of Columbia Court of*  
5 *Appeals v. Feldman*, 460 U.S. 462 (1983)). This Court is one of limited jurisdiction; the district  
6 courts of the United States are *not* courts of appeals for state-court decisions and *may not* directly  
7 review the decrees and judgments of a state court. *MacKay v. Pfeil*, 827 F.2d 540, 543 (9th Cir.  
8 1987) (“Federal district courts, as courts of original jurisdiction, may not serve as appellate  
9 tribunals to review errors allegedly committed by state courts.”); *see also Bianchi v. Rylaarsdam*,  
10 334 F.3d 895, 898 (9th Cir. 2003) (district court lacks subject matter jurisdiction where federal  
11 plaintiff “essentially asked the federal court to review the ‘state court’s denial in a judicial  
12 proceeding’” of his constitutional claim); *Doe & Assocs. Law Offices v. Napolitano*, 252 F.3d  
13 1026, 1030 (9th Cir. 2000) (“...district courts lack power to hear direct appeals from state court  
14 decisions[ and] they must decline jurisdiction whenever they are in essence being called upon to  
15 review the state court decision.”); *Allah v. Superior Court*, 871 F.2d 887, 891 (9th Cir. 1989)  
16 (district court lacks subject matter jurisdiction where federal plaintiff “requested the district court  
17 to conduct a direct review of the state court’s judgment and to scrutinize the state court’s  
18 application of various rules and procedures pertaining to his case[.]”); *Worldwide Church of God*  
19 *v. McNair*, 805 F.3d 888, 892-93 (9th Cir. 1986) (district court lacks subject matter jurisdiction  
20 over *de facto* appeal where federal plaintiffs sought to directly challenge the correctness of a state  
21 court decision).

22           Federal district courts are absolutely barred from hearing a case where a plaintiff  
23 dissatisfied by the ruling of a state court – whether erroneous or not – brings suit in federal district  
24 court “and seeks to vacate or set aside the judgment of that court[.]” *Noel*, 341 F.3d at 1156.  
25 Only claims for injuries alleged to have been caused by a state court’s decree or judgment are  
26 barred under this doctrine; if the federal plaintiff claims injury as the result of “an allegedly illegal  
27 act or omission by an adverse party,” her claim is not barred. *Id.* at 1164; *see also Arroyo ex rel.*  
28 *Arroyo-Garcia v. County of Fresno*, No. C 07-1443-AWI, 2008 WL 540653, at \*5 (E.D. Cal. Feb.

1 25, 2008) (“At the core of the forbidden de facto appeal is an allegation of an erroneous *ruling by*  
2 *the state court* that leads to the withholding of a benefit from, or imposes a detriment on the  
3 federal plaintiff, or in some other way causes harm to the federal plaintiff.”) (emphasis added).  
4 This Court is charged to determine whether the injuries Plaintiff claims were caused by an adverse  
5 party or a state court’s adverse ruling. If the former, this Court is not barred from hearing her  
6 claims; if the latter, this Court must dismiss her claims. *Noel*, 341 F.3d at 1163-64.

7 The wrongs Plaintiff alleges were committed against her are inarguably injuries caused by  
8 the final decrees and judgments of the state court in the underlying probate action. Plaintiff  
9 alleges that her interests were harmed by the *state court’s* denial of her request for change of  
10 venue, order for certain parcels of land to be sold at prices she believed to be “under market  
11 value,” and denial of her request for an itemized list of accounting costs to the Estate. (Doc. 1, 2-  
12 3.) The claims for damages and injunctive relief sought in the complaint flow from and attempt to  
13 remedy the harms Plaintiff believes resulted from the final orders and judgments of the state court,  
14 *not* from actions by an adverse party.

15 Plaintiff’s complaint seeks review of a state court decision, and this Court has no discretion  
16 to hear her claims. *See Noel*, 341 F.3d at 1156. Even if Plaintiff’s claims were not construed as  
17 de facto appeals of the state court’s decisions, probate matters fall within the exclusive jurisdiction  
18 of the state court. *Marshall*, 547 U.S. at 298-99, 311-12. Though disappointed by the probate  
19 proceedings in the Madera County Superior Court, Plaintiff is absolutely barred from seeking  
20 reversal of the state court’s final orders and decisions in this Court.

21 **3. There is No Separate Due Process Claim Conferring Jurisdiction Over**  
22 **Plaintiff’s Claims.**

23 To the extent Plaintiff is alleging a violation of her constitutional rights by Defendants,  
24 courts must “look[ ] to the essence of the action, not to how the Plaintiff chooses to frame the  
25 action.” *Arroyo*, 2008 WL 540653 at \*6 (citing *Feldman*, 460 U.S. at 483 (federal constitutional  
26 claims are “inextricably intertwined” with a state court’s judicial proceedings where district court  
27 is, in essence, being asked to review the state court’s decision)). “[A] losing party in state court is  
28 barred from seeking what in substance would be appellate review of the state judgment in a United

1 States District Court, based on the losing party’s claim that the state judgment itself violates the  
2 loser’s federal rights.” *Johnson v. DeGrandy*, 512 U.S. 997, 1005-06 (1994); *see also Jensen v.*  
3 *Foley*, 295 F.3d 745, 747-48 (7th Cir. 2002) (just as a federal plaintiff is barred from seeking  
4 review of a state court’s decision in federal district court, she is barred “from bringing a § 1983  
5 suit to remedy an injury *inflicted by the state court’s decision....*”).

6 Plaintiff’s complaint clearly seeks “to vacate the state courts’ judgments and decrees and  
7 substitute in their place this court’s judgments and decrees,” *Arroyo*, 2008 WL 540653 at \*6,  
8 leading to the inescapable conclusion that this action is *not* a civil rights action but is really a *de*  
9 *facto* appeal from the final judgment of a state court. As discussed above, this Court is expressly  
10 prohibited from reviewing the final judgment of a state court.

11 This Court absolutely lacks jurisdiction to review the underlying state court action, and  
12 there is no separate federal claim providing a basis for subject matter jurisdiction. An attempt at  
13 amendment is futile, because there is no conceivable set of facts Plaintiff could allege in an  
14 amended complaint to invoke this Court’s jurisdiction. This Court should dismiss Plaintiff’s  
15 claims for damages and injunctive relief as to the probate court decrees and judgment, with  
16 prejudice.

#### 17 **4. This Court Lacks Jurisdiction Over Plaintiff’s Other State Claims**

18 Although Plaintiff’s claims for malpractice and fraud against the attorney Defendants are  
19 arguably not barred as “inextricably intertwined” with the unreviewable state court action, this  
20 Court lacks jurisdiction to hear them all the same. To be within this Court’s subject matter  
21 jurisdiction, Plaintiff’s complaint must either arise under federal law or diversity jurisdiction  
22 requirements must be met. 28 U.S.C. §§ 1331 and 1332. Here, Plaintiff’s state law claims for  
23 malpractice and fraud do not arise under federal law; thus, jurisdiction hinges on complete  
24 diversity between the parties.

25 Under 28 U.S.C. § 1332, federal district courts maintain original jurisdiction over all civil  
26 actions where the matter in controversy exceeds \$75,000 *and* is between “citizens of a State and  
27 citizens or subjects of a foreign state.” Here, Plaintiff alleges an amount in controversy of over  
28 \$10 million, which exceeds the \$75,000 threshold. (Doc. 1, p. 3.) While Plaintiff’s complaint



1 provides no facts or calculations establishing how she arrived at the \$10 million demand or  
2 explaining what proportion of this amount is attributable to any individual defendant, *see*  
3 *Campbell v. Vitran Express, Inc.*, No. C 10-04442-RGK-SHX, 2010 WL 4971944, at \*3 (C.D.Cal.  
4 Aug.16, 2010) (estimates by a party cannot be based on calculations that are “devoid of any  
5 concrete evidence...”), the more critical defect is that Plaintiff’s complaint fails to establish  
6 diversity of citizenship between the parties.

7 “Subject matter jurisdiction based upon diversity of citizenship requires that no defendant  
8 have the same citizenship as any plaintiff.” *Tosco Corp. v. Communities for a Better Env’t*, 236  
9 F.3d 495, 499 (9th Cir. 2001) (per curiam), *abrogated on other grounds by Hertz Corp. v. Friend*,  
10 59 U.S. 77 (2010). Plaintiff is a citizen of California, and it is clear from the complaint that the  
11 named Defendants are all either governmental entities of the State of California, judicial officers  
12 of the California Superior Court of Madera County, or attorneys residing in Madera County,  
13 California.<sup>2</sup> (Doc. 1, 1-3.) As all named Defendants are California entities or residents, and  
14 Plaintiff is also domiciled in California, this Court lacks diversity jurisdiction over this matter.

15 **B. Leave to Amend Should Not Be Granted**

16 Plaintiff’s complaint is essentially a *de facto* appeal from the judgments or decrees of a  
17 state court, and this court is absolutely barred from sitting as a court of appeals to a state probate  
18 action. No additional set of facts can invoke this Court’s jurisdiction over Plaintiff’s claims for  
19 damages and for injunctive relief to remedy harms caused by the judgments and decrees of the  
20 probate court.

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23 <sup>2</sup> Because the allegations of the complaint are not entirely clear, the Court dispenses with an exhaustive analysis of  
24 the immunity to which several Defendants would likely be entitled. Plaintiff’s claims for damages against the Madera  
25 Superior Court and the Sierra Justice Court are barred by the Eleventh Amendment. *See, e.g., Simmons v. Sacramento*  
26 *County Superior Court*, 318 F.3d 1156, 1161 (9th Cir. 2003) (“Plaintiff cannot state a claim against the Sacramento  
27 County Superior Court (or its employees), because such suits are barred by the Eleventh Amendment.”). Plaintiff also  
28 makes allegations against Judge Charles Wieland, Nancy Staggs, and probate examiner Richard Huber involving  
decisions and valuations made during the probate proceedings. These Defendants are likewise shielded by judicial or  
quasi-judicial immunity and “insulated...from vexatious prosecut[ion] by disgruntled litigants.” *See Forrester v.*  
*White*, 484 U.S. 219, 225 (citing *Bradley v. Fisher*, 13 Wall. 335, 347 (1872)); *see also CMLS Management, Inc. v.*  
*Fresno County Superior Court*, No. C 11-1756 AWI SKO, 2012 WL 2931407, at \*4 (July 18, 2012) (“Judicial  
immunity applies when the conduct at issue is judicial in nature and is performed in the clear absence of all  
jurisdiction. Here, the orders at issue are judicial acts. Further, the acts as alleged amount to an abuse of the power to  
issue orders. They do not reflect the absence of all jurisdiction. Thus, the judges are entitled to judicial immunity.”).

1 As to the remaining claims, there is no diversity jurisdiction over the complaint because all  
2 named parties to this action are entities or individuals domiciled in the same state. No additional  
3 set of facts can establish complete diversity between the parties.

4 Regardless of whether Plaintiff has in fact been injured or harmed by the state court action  
5 or conduct of the attorney defendants, there is no possible set of facts that Plaintiff could present  
6 to this Court to cure the defects of her complaint and provide this Court with some basis for  
7 subject matter jurisdiction. For the above reasons, Plaintiff's claims should be dismissed with  
8 prejudice and without leave to amend.

9 **V. CONCLUSION AND RECOMMENDATION**

10 Accordingly, IT IS HEREBY RECOMMENDED that Plaintiff's complaint be  
11 DISMISSED with prejudice and without leave to amend.

12 These findings and recommendations are submitted to the district judge assigned to this  
13 action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 304. Within twenty-eight  
14 (28) days of service of this recommendation, any party may file written objections to these  
15 findings and recommendations with the Court and serve a copy on all parties. The document  
16 should be captioned "Objections to Magistrate Judge's Findings and Recommendations." The  
17 district judge will review the magistrate judge's findings and recommendations pursuant to  
18 28 U.S.C. § 636(b)(1)(C). Plaintiff is advised that failure to file objections within the specified  
19 time may waive the right to appeal the district judge's order. *See, e.g., Martinez v. Ylst*, 951 F.2d  
20 1153 (9th Cir. 1991).

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IT IS SO ORDERED.

Dated: November 3, 2014

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE