

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CLIFTON WILLIAMS, JR.,

Case No. 1:22-cv-00532-AWI-SAB

Plaintiff.

FINDINGS AND RECOMMENDATIONS RECOMMENDING DISMISSING ACTION FOR FAILURE TO STATE A COGNIZABLE CLAIM

THE PEOPLE OF THE STATE OF
CALIFORNIA, et al.,

(ECF No. 1)

Defendants.

OBJECTIONS DUE WITHIN FOURTEEN DAYS

L.

INTRODUCTION

Clifton Williams, Jr. (“Plaintiff”), proceeding pro se and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. Currently before the Court is Plaintiff’s complaint filed on May 4, 2022. (ECF No. 1.) For the reasons discussed herein, it is recommended that Plaintiff’s complaint be dismissed for failure to state a cognizable claim.

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II.

SCREENING REQUIREMENT

3 Notwithstanding any filing fee, the court shall dismiss a case if at any time the Court
4 determines that the complaint “(i) is frivolous or malicious; (ii) fails to state a claim on which
5 relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from
6 such relief.” 28 U.S.C. § 1915(e)(2); see Lopez v. Smith, 203 F.3d 1122, 1129 (9th Cir. 2000)
7 (section 1915(e) applies to all in forma pauperis complaints, not just those filed by prisoners);
8 Calhoun v. Stahl, 254 F.3d 845 (9th Cir. 2001) (dismissal required of in forma pauperis
9 proceedings which seek monetary relief from immune defendants); Cato v. United States, 70
10 F.3d 1103, 1106 (9th Cir. 1995) (district court has discretion to dismiss in forma pauperis
11 complaint under 28 U.S.C. § 1915(e)); Barren v. Harrington, 152 F.3d 1193 (9th Cir. 1998)
12 (affirming sua sponte dismissal for failure to state a claim). The Court exercises its discretion to
13 screen the plaintiff’s complaint in this action to determine if it “(i) is frivolous or malicious; (ii)
14 fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a
15 defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2).

16 In determining whether a complaint fails to state a claim, the Court uses the same
17 pleading standard used under Federal Rule of Civil Procedure 8(a). A complaint must contain “a
18 short and plain statement of the claim showing that the pleader is entitled to relief. . . .” Fed. R.
19 Civ. P. 8(a)(2). Detailed factual allegations are not required, but “[t]hreadbare recitals of the
20 elements of a cause of action, supported by mere conclusory statements, do not suffice.”
21 Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (citing Bell Atlantic Corp. v. Twombly, 550 U.S.
22 544, 555 (2007)).

23 In reviewing the pro se complaint, the Court is to liberally construe the pleadings and
24 accept as true all factual allegations contained in the complaint. Erickson v. Pardus, 551 U.S. 89,
25 94 (2007). Although a court must accept as true all factual allegations contained in a complaint,
26 a court need not accept a plaintiff's legal conclusions as true. Iqbal, 556 U.S. at 678. “[A]
27 complaint [that] pleads facts that are ‘merely consistent with’ a defendant’s liability . . . ‘stops
28 short of the line between possibility and plausibility of entitlement to relief.’” Id. (quoting

1 Twombly, 550 U.S. at 557). Therefore, the complaint must contain sufficient factual content for
2 the court to draw the reasonable conclusion that the defendant is liable for the misconduct
3 alleged. Iqbal, 556 U.S. at 678.

4 **III.**

5 **COMPLAINT ALLEGATIONS**

6 Plaintiff filed this complaint while incarcerated. The allegations described occurred in
7 relation to court proceedings related to a probation review hearing. Plaintiff is not challenging
8 his conditions of confinement. The Court accepts Plaintiff's allegations in the complaint as true
9 *only* for the purpose of the *sua sponte* screening requirement under 28 U.S.C. § 1915.

10 Plaintiff brings this action against Defendants: (1) The People of the State of California;
11 and (2) County of Stanislaus Superior Court Judge Dawna F. Reeves. (Compl. 1,¹ ECF No. 1.)
12 The Clerk of the Court entered the County of Stanislaus as a separate Defendant on the docket,
13 however, it appears the Plaintiff wrote the County of Stanislaus as a term connected to the named
14 judge. (Compl. 1.)

15 Plaintiff claims that at a probation review hearing held on November 17, 2021, he tried to
16 bring to the court's attention that he had just discovered he was given an illegal sentence under
17 the three strikes law. Plaintiff claims that Judge Reeves got mad and told him not to talk, and
18 that Plaintiff wasn't going to tell her what to do in her courtroom. (Compl. 3-4.) Plaintiff states
19 that rather than listen to him, she sentenced him to 272 days, the remainder of the alleged illegal
20 sentence, because he would not admit to a violation of 90 days, which Plaintiff states would have
21 also been illegal. (Compl. 4.)

22 Although named in similar actions to the instant, Assistant District Attorney Hogan is not
23 named in this action. However, Plaintiff's complaint alleges Judge Reeves has allowed Assistant
24 District Attorney Hogan to use this illegal sentence as probable cause to hold him to answer
25 knowing that it would be an illegal search and seizure, and continues a malicious prosecution.
26 (Compl. 5.) Plaintiff also requests that Judge Reeves and Assistant District Attorney Hogan be

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¹ All references to pagination of specific documents pertain to those as indicated on the upper right corners via the
28 CM/ECF electronic court docketing system.

1 disqualified as the judge and prosecutor in his pending cases in state court, as he does not believe
2 he will get a fair trial.²

3 **IV.**

4 **DISCUSSION**

5 **A. Habeas Relief**

6 “Federal law opens two main avenues to relief on complaints related to imprisonment: a
7 petition for writ of habeas corpus, 28 U.S.C. § 2254, and a complaint under . . . 42 U.S.C. §
8 1983.” Muhammad v. Close, 540 U.S. 749, 750 (2004) (per curiam). “Challenges to the validity
9 of any confinement or to particulars affecting its duration are the province of habeas corpus;
10 requests for relief turning on circumstances of confinement may be presented in a § 1983
11 action.” Id. (internal citation omitted). It has long been established that state prisoners cannot
12 challenge the fact or duration of their confinement in a section 1983 action and their sole remedy
13 lies in habeas corpus relief. Wilkinson v. Dotson, 544 U.S. 74, 78 (2005). Often referred to as
14 the favorable termination rule or the Heck bar, this exception to section 1983’s otherwise broad
15 scope applies whenever state prisoners “seek to invalidate the duration of their confinement—
16 either directly through an injunction compelling speedier release or indirectly through a judicial
17 determination that necessarily implies the unlawfulness of the State’s custody.” Wilkinson, 544
18 U.S. at 81; Heck v. Humphrey, 512 U.S. 477, 482, 486-487 (1994); Edwards v. Balisok, 520
19 U.S. 641, 644 (1997).

20 In Heck v. Humphrey, 512 U.S. 477 (1994), the Supreme Court held that in order to
21 recover damages for alleged “unconstitutional conviction or imprisonment, or for other harm
22 caused by actions whose unlawfulness would render a conviction or sentence invalid, a § 1983
23 plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged
24 by executive order, declared invalid by a state tribunal authorized to make such determination, or

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26 ² Plaintiff acknowledges that he has two other pending cases in this Court that have named Assistant District
27 Attorney Hogan as a defendant. See Case Nos. 1:21-cv-01810-DAD-SAB; 1:22-cv-00044-DAD-SAB. Currently,
28 there are pending findings and recommendations in both these actions recommending such actions be dismissed for
failure to state a claim. Those actions were deemed related given the same prosecutor and police officer were
named in both actions. The Court does not find this case to be sufficiently related to those cases to recommend the
need for relation.

1 called into question by a federal court's issuance of a writ of habeas corpus, 28 U.S.C. § 2254."
2 512 U.S. at 486. Thus, "a state prisoner's § 1983 action is barred (absent prior invalidation)-no
3 matter the relief sought (damages or equitable relief), no matter the target of the prisoner's suit
4 (state conduct leading to conviction or internal prison proceedings)-*if* success in that action
5 would necessarily demonstrate the invalidity of confinement or its duration." Wilkinson, 544
6 U.S. at 81-82.

7 Plaintiff's complaint centers on a challenge to a sentence related to a probation violation
8 hearing. If Plaintiff has not had his sentence of probation declared invalid, or if Plaintiff is
9 challenging any part of his sentence that has not been declared invalid, the proper avenue to seek
10 relief is by way of habeas corpus petition filed pursuant to 28 U.S.C. § 2254. See Chico Scrap
11 Metal, Inc. v. Robinson, 560 F. App'x 650 (9th Cir. 2014) ("In addition, *Heck* bars the claims
12 because Plaintiffs were sentenced to compliance with the challenged cleanup orders as a
13 condition of their probation in the criminal case, as specifically directed by the state court in its
14 criminal judgment. . . . Indeed, many of Plaintiffs' disputes are the subject of state court litigation
15 seeking to revoke their probation in the criminal case, further demonstrating the *Heck* bar.");
16 Maciel v. Taylor, No. CV 11-3599-DMG (RNB), 2013 WL 12474062, at *7 (C.D. Cal. Jan. 31,
17 2013) ("The favorable termination rule of Heck also applies to claims implicating the validity of
18 a parole or probation revocation.") (collecting cases), report and recommendation adopted, No.
19 CV 11-3599-AG (RNB), 2013 WL 12474074 (C.D. Cal. Sept. 4, 2013); Travis v. Monnier, No.
20 2:19-CV-02133-TLN-AC, 2021 WL 2042617, at *4 (E.D. Cal. May 21, 2021) ("If Plaintiff's §
21 1983 claims were successful, it would necessarily call into question the validity of the Placer
22 County Superior Court's order granting the First Amended Petition for Revocation of
23 Probation.").

24 Accordingly, to the extent Plaintiff wishes to challenge his sentence which has not been
25 declared invalid by the state court, he must file a habeas corpus petition.

26 **B. Abstention**

27 Under principles of comity and federalism, a federal court should not interfere with
28 ongoing state criminal proceedings by granting injunctive or declaratory relief except under

1 special circumstances. Younger v. Harris, 401 U.S. 37, 43-54 (1971). Younger abstention is
2 required when: (1) state proceedings, judicial in nature, are pending; (2) the state proceedings
3 involve important state interests; and (3) the state proceedings afford adequate opportunity to
4 raise the constitutional issue. Middlesex County Ethics Comm. V. Garden State Bar Ass'n, 457
5 U.S. 423, 432 (1982); Dubinka v. Judges of the Superior Court, 23 F.3d 218, 223 (9th Cir. 1994).
6 The rationale of Younger applies throughout the appellate proceedings, requiring that state
7 appellate review of a state court judgment be exhausted before federal court intervention is
8 permitted. Dubinka, 23 F.3d at 223. This Court will not interfere in the on-going criminal
9 proceedings currently pending against Plaintiff in state court.

10 Plaintiff appears to request this Court intervene in other ongoing trials yet to occur in
11 state court before the same Judge Reeves that handled the probation review hearing in question
12 here. Accordingly, to the extent Plaintiff seeks relief pertaining to state court proceedings that
13 are ongoing and that provide their own review and procedures for addressing any constitutional
14 violations that have not been exhausted, the Court will not interfere in such ongoing proceedings.

15 **C. Malicious Prosecution and Prosecutorial/Judicial Immunity**

16 Although Plaintiff does not name the assistant district attorney in this action, the Court
17 provides the standards for both prosecutorial and judicial immunity, given the allegations and
18 requested relief.

19 A claim for malicious prosecution or abuse of process is not generally cognizable under
20 Section 1983 if a process is available within the state judicial system to provide a remedy. Usher
21 v. City of Los Angeles, 828 F.2d 556, 561 (9th Cir. 1987) (citations omitted). The exception is
22 “when a malicious prosecution is conducted with the intent to deprive a person of equal
23 protection of the laws or is otherwise intended to subject a person to denial of constitutional
24 rights.” Id. (citations omitted). In order to prevail on a Section 1983 claim of malicious
25 prosecution, a plaintiff “must show that the defendants prosecuted [him] with malice and without
26 probable cause, and that they did so for the purpose of denying [him] equal protection or another
27 specific constitutional right.” Freeman v. City of Santa Ana, 68 F.3d 1180, 1189 (9th Cir. 1995)
28 (citations omitted); see also Awabdy v. City of Adelanto, 368 F.3d 1062, 1066 (9th Cir. 2004);

1 Lacey v. Maricopa County, 693 F.3d 896, 919 (9th Cir. 2012). A malicious prosecution claim
2 may be brought against prosecutors or against the individuals who wrongfully caused the
3 prosecution. Smith v. Almada, 640 F.3d 931, 938 (9th Cir. 2011). Probable cause is an absolute
4 defense to malicious prosecution. Lassiter v. City of Bremerton, 556 F.3d 1049, 1054 (9th Cir.
5 2009).

6 In order to state a malicious prosecution claim, Plaintiff must show that the prior
7 proceeding was commenced by or at the direction of a defendant and it was: 1) pursued to a legal
8 termination favorable to plaintiff; 2) brought without probable cause; and 3) initiated with
9 malice. Ayala v. Environmental Health, 426 F.Supp.2d 1070, 1083 (E.D. Cal. 2006). For the
10 termination to be considered “favorable” to the malicious prosecution plaintiff, it must be
11 reflective of the merits of the action and of the plaintiff’s innocence of the charges. Villa v.
12 Cole, 4 Cal.App.4th 1327, 1335 (1992); Awabdy, 368 F.3d at 1068 (“An individual seeking to
13 bring a malicious prosecution claim must generally establish that the prior proceedings
14 terminated in such a manner as to indicate his innocence.”). In this regard, “a dismissal in the
15 interests of justice satisfies this requirement if it reflects the opinion of the prosecuting party or
16 the court that the action lacked merit or would result in a decision in favor of the defendant,” and
17 “[w]hen such a dismissal is procured as the result of a motion by the prosecutor and there are
18 allegations that the prior proceedings were instituted as the result of fraudulent conduct, a
19 malicious prosecution plaintiff is not precluded from maintaining his action unless the
20 defendants can establish that the charges were withdrawn on the basis of a compromise among
21 the parties or for a cause that was not inconsistent with his guilt.” Id.

22 Plaintiff has not alleged his case has been dismissed, which would be required to state a
23 claim for malicious prosecution. See Thompson v. Clark, 142 S. Ct. 1332, 1335 (2022) (“To
24 demonstrate a favorable termination of a criminal prosecution for purposes of the Fourth
25 Amendment claim under § 1983 for malicious prosecution, a plaintiff need only show that his
26 prosecution ended without a conviction.”).

27 Further, Plaintiff is advised that judges and prosecutors are immune from liability under §
28 1983 when they are functioning in their official capacities under proper jurisdiction. See Imbler

1 v. Pactman, 424 U.S. 409, 427 (1976); see also Olsen v. Idaho State Bd. of Medicine, 363 F.3d
2 916, 922 (9th Cir.2004) (“Absolute immunity is generally accorded to judges and prosecutors
3 functioning in their official capacities”); Ashelman v. Pope, 793 F.2d 1072, 1075-77 (9th
4 Cir.1986) (noting that judges are generally immune from § 1983 claims except when acting in
5 “clear absence of all jurisdiction . . . or performs an act that is not ‘judicial’ in nature,” and
6 prosecutors are generally immune unless acting without “authority”) (internal citations omitted);
7 Walters v. Mason, No. 215CV0822KJCMCKP, 2017 WL 6344319, at *2 (E.D. Cal. Dec. 12,
8 2017) (same); Forte v. Merced Cty., No. 1:15-CV-0147 KJM-BAM, 2016 WL 159217, at *12–
9 13 (E.D. Cal. Jan. 13, 2016) (“prosecutorial immunity protects eligible government officials
10 when they are acting pursuant to their official role as advocate for the state”), report and
11 recommendation adopted, No. 1:15-CV-0147-KJM-BAM, 2016 WL 739798 (E.D. Cal. Feb. 25,
12 2016); Torres v. Saba, No. 16-CV-06607-SI, 2017 WL 86020, at *3–4 (N.D. Cal. Jan. 10, 2017).
13 Where a prosecutor acts within his authority “ ‘in initiating a prosecution and in presenting the
14 state’s case,’ absolute immunity applies.” Ashelman, 793 F.2d at 1076 (quoting Imbler, 424
15 U.S. at 431). This immunity extends to actions during both the pre-trial and posttrial phases of a
16 case. See Demery v. Kupperman, 735 F.2d 1139, 1144 (9th Cir. 1984).

17 Plaintiff has not stated a claim for malicious prosecution nor shown a cognizable claim
18 against Defendant Judge Reeves.

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1 V.

2 **CONCLUSION AND RECOMMENDATION**

3 The Court finds Plaintiff has failed to state a cognizable claim for a violation of his
4 federal rights in this action.

5 Based on the foregoing, it is HEREBY RECOMMENDED that Plaintiff's complaint filed
6 May 4, 2022 (ECF No. 1), be DISMISSED for failure to state a cognizable claim.

7 This findings and recommendations is submitted to the district judge assigned to this
8 action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 304. Within **fourteen**
9 (**14**) **days** of service of this recommendation, Plaintiff may file written objections to this findings
10 and recommendations with the court. Such a document should be captioned "Objections to
11 Magistrate Judge's Findings and Recommendations." The district judge will review the
12 magistrate judge's findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C).
13 Plaintiff is advised that failure to file objections within the specified time may result in the
14 waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing
15 Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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17 IT IS SO ORDERED.

18 Dated: May 6, 2022



UNITED STATES MAGISTRATE JUDGE

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