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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN EASLEY,

Plaintiff,

No. 2:08-cv-2476 JFM (PC)

vs.

MARGARET JONES, et al.,

Defendants.

ORDER

_____/

Plaintiff is a county jail inmate proceeding pro se. On November 4, 2008, plaintiff filed a consent to proceed before a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

Plaintiff commenced this action on October 17, 2008 by filing an initial pleading on a form civil rights complaint pursuant to 42 U.S.C. § 1983 together with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. On November 10, 2008, plaintiff filed a pleading styled as an amended complaint and a second in forma pauperis application. On the same day, plaintiff filed two documents styled as petitions for writ of habeas corpus and three discovery requests. On November 17, 2008, plaintiff filed another petition for writ of habeas corpus. Finally, on January 6, 2009, plaintiff filed a motion to compel production of documents.¹

¹ Plaintiff has also filed several requests for copies of the Local Rules of this Court. On November 25, 2008, the Clerk of the Court advised plaintiff of the procedures for obtaining a copy of the Local Rules in the absence of an order directing service of process in this action.

1 Plaintiff's in forma pauperis applications make the showing required by 28 U.S.C.
2 § 1915(a). Accordingly, the requests to proceed in forma pauperis will be granted.

3 The court is required to screen complaints brought by prisoners seeking relief
4 against a governmental entity or officer or employee of a governmental entity. 28 U.S.C.
5 § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised
6 claims that are legally "frivolous or malicious," that fail to state a claim upon which relief may be
7 granted, or that seek monetary relief from a defendant who is immune from such relief. 28
8 U.S.C. § 1915A(b)(1),(2).

9 A claim is legally frivolous when it lacks an arguable basis either in law or in fact.
10 Neitzke v. Williams, 490 U.S. 319, 325 (1989); Franklin v. Murphy, 745 F.2d 1221, 1227-28
11 (9th Cir. 1984). The court may, therefore, dismiss a claim as frivolous where it is based on an
12 indisputably meritless legal theory or where the factual contentions are clearly baseless. Neitzke,
13 490 U.S. at 327. The critical inquiry is whether a constitutional claim, however inartfully
14 pleaded, has an arguable legal and factual basis. See Jackson v. Arizona, 885 F.2d 639, 640 (9th
15 Cir. 1989); Franklin, 745 F.2d at 1227.

16 A complaint, or portion thereof, should only be dismissed for failure to state a
17 claim upon which relief may be granted if it appears beyond doubt that plaintiff can prove no set
18 of facts in support of the claim or claims that would entitle him to relief. Hishon v. King &
19 Spalding, 467 U.S. 69, 73 (1984) (citing Conley v. Gibson, 355 U.S. 41, 45-46 (1957)); Palmer
20 v. Roosevelt Lake Log Owners Ass'n, 651 F.2d 1289, 1294 (9th Cir. 1981). In reviewing a
21 complaint under this standard, the court must accept as true the allegations of the complaint in
22 question, Hospital Bldg. Co. v. Rex Hosp. Trustees, 425 U.S. 738, 740 (1976), construe the
23 pleading in the light most favorable to the plaintiff, and resolve all doubts in the plaintiff's favor,
24 Jenkins v. McKeithen, 395 U.S. 411, 421 (1969).

25 The court is also required to review a newly filed federal habeas corpus petition
26 and to dismiss any such petition "[i]f it plainly appears from the petition and any attached

1 exhibits that the petitioner is not entitled to relief in the district court. . . .” Rule 4, 28 U.S.C.
2 foll. § 2254.

3 Review of all of the pleadings filed by plaintiff in this action shows that his claims
4 all arise from or are intertwined with ongoing criminal proceedings against him in Sacramento
5 County Superior Court. Plaintiff seeks injunctive relief in the November 10, 2008 amended
6 complaint.²

7 As a general rule, federal courts may not issue injunctive relief that affects
8 ongoing state criminal proceedings where those proceedings provide the defendant with an
9 opportunity to raise federal questions. See Younger v. Harris, 401 U.S. 37 (1971). Younger
10 “leaves room for possible exceptions to the general rule for ‘bad faith, harassment, or other
11 unusual circumstances that would call for equitable relief.’” Phillips v. Vasquez, 56 F.3d 1030,
12 1038 (9th Cir.) (Kleinfeld, J., concurring) (quoting Younger, 401 U.S. at 54), cert. denied, 516
13 U.S. 1032 (1995). However, the exception to Younger is extremely narrow and limited to
14 circumstances where plaintiff is threatened with irreparable injury “above and beyond that
15 associated with the defense of a single prosecution brought in good faith.” Younger, 401 U.S. at
16 48. “Only in cases of proven harassment or prosecutions undertaken by state officials in bad
17 faith without hope of obtaining a valid conviction and perhaps in other extraordinary
18 circumstances where irreparable injury can be shown is federal injunctive relief against pending
19 state prosecutions appropriate.” Perez v. Ledesma, 401 U.S. 82, 85, 91 S.Ct. 674, 677 (1971)
20 (quoted in Carden v. State of Montana, 626 F.2d 82, 84 (9th Cir. 1980).

21 Plaintiff claims, *inter alia*, that defendants falsified a police report, violated his
22 privacy rights, delayed due process and destroyed legal exhibits and documents in an effort to
23 pursue criminal charges against him. Plaintiff sets forth facts surrounding his arrest and
24 prosecution, including complaints concerning discovery in the underlying criminal action and
25

26 ² Plaintiff does not seek money damages.

1 difficulty with attorneys appointed to represent him therein. Plaintiff confirms, however, that he
2 is being represented by a public defender in the state court criminal action. Plaintiff has not yet
3 gone to trial on the criminal charges in state court.

4 The issues raised in plaintiff's amended complaint are properly raised as a defense
5 in the state court prosecution and do not support plaintiff's assertion of an exception to the
6 general rule prohibiting federal court intervention in ongoing state criminal proceedings.

7 Younger held that interference with a state criminal prosecution would disrupt the exercise of a
8 basic state function, "prohibiting the State from carrying out the important and necessary task of
9 enforcing these laws against socially harmful conduct that the State believes in good faith to be
10 punishable under its law and Constitution." Id., 401 U.S. at 51-52. Thus, a criminal prosecution
11 implicates important state interests.

12 Plaintiff has not demonstrated that the state court cannot address his claims in a
13 timely manner. State courts routinely consider federal constitutional issues as part of the
14 criminal appellate process. See, e.g., People v. Phillips, 135 Cal.App.4th 422, 424, 37
15 Cal.Rptr.3d 539 (3d Dist.2006) (considering appellant's claim that the trial court improperly
16 denied his motion to represent himself under Faretta v. California, 422 U.S. 806, 95 S.Ct. 2525
17 (1975)).

18 Accordingly, the court should dismiss plaintiff's complaint for injunctive relief
19 pursuant to the doctrine of Younger abstention.

20 Plaintiff's motions for discovery should also be denied. Federal courts are courts
21 of limited jurisdiction, and enjoy no general appellate oversight of state courts. Dubinka v.
22 Judges of the Superior Court of State of Cal., 23 F.3d 218, 221-22 & n.6 (9th Cir.1994) (refusing
23 to involve the federal courts insofar as plaintiffs sought relief in individual state criminal action
24 discovery disputes). Plaintiff's motions for discovery in the state court criminal action will be
25 denied.

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1 Plaintiff's petitions for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241
2 fail for the same reason. By way of these filings, plaintiff seeks discovery from the district
3 attorney. As noted above, this court lacks jurisdiction over such claims. Moreover, petitions for
4 writ of habeas corpus generally challenge the fact or duration of a prisoner's confinement. See
5 Tucker v. Carlson, 925 F.2d 330 (9th Cir. 1991). A review of the petitions submitted by plaintiff
6 demonstrates that plaintiff is not challenging the fact or duration of his confinement and has not
7 yet been convicted. Thus, plaintiff's petitions will also be dismissed without prejudice.

8 Finally, it appears that plaintiff's claims are also moot. Review of the Sacramento
9 County Superior Court Index Search System reveals that at least four cases have been dismissed:
10 case numbers 09F00842, 08M08696 (three misdemeanor charges, on December 16, 2008);³
11 08M08427 (one misdemeanor charge, on August 14, 2008); and 08F04376 (one felony charge,
12 on June 17, 2008); and that plaintiff was accepted into drug court for charges contained in
13 08F03749 (one felony drug charge).⁴ Further proceedings were scheduled for July 6, 2009, in
14 08F03749.

15 In accordance with the above, IT IS HEREBY ORDERED that:

- 16 1. Plaintiff's requests for leave to proceed in forma pauperis are granted (Docket
17 Nos. 2 & 7).
- 18 2. Plaintiff's motions for discovery are denied (Docket Nos. 12, 13, 14 & 17).
- 19 3. Plaintiff's petitions for writ of habeas corpus, filed pursuant to 28 U.S.C.
20 § 2241 are dismissed without prejudice (Docket Nos. 9, 11 & 15).

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23 ³ These misdemeanor charges appear to be the charges at issue herein. To determine
24 whether there is a pending state judicial proceeding within the meaning of Younger, the critical
25 question is "whether the state proceedings were underway before the initiation of the federal
26 proceedings." Weiner v. County of San Diego, 23 F.3d 263, 266 (9th Cir.1994). Here, the
charges were under way prior to the filing of the instant action on October 17, 2008.

⁴ This website can be accessed at:
<<https://services.saccourt.com/indexsearchnew/CaseType.aspx>>.

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4. Plaintiff's claims for injunctive relief are dismissed pursuant to Younger v. Harris, 401 U.S. 37 (1971).

5. Plaintiff's November 10, 2008 amended complaint is dismissed without prejudice.

6. This action is dismissed without prejudice.

DATED: July 9, 2009.


UNITED STATES MAGISTRATE JUDGE

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