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

ROGER P. SNITCHFIELD,

No. CIV S-10-3243-LKK-CMK

Plaintiff,

vs.

FINDINGS AND RECOMMENDATIONS

RED BLUFF POLICE DEPT., et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff, who is proceeding pro se, brings this civil action. Pending before the court is plaintiff’s amended complaint (Doc. 5). The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). The court is also required to screen complaints brought by litigants who have been granted leave to proceed in forma pauperis. See 28 U.S.C. § 1915(e)(2). Under these screening provisions, the court must dismiss a complaint or portion thereof if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. See 28 U.S.C. §§ 1915(e)(2)(A), (B) and 1915A(b)(1), (2). Moreover, pursuant to Federal Rule of Civil Procedure 12(h), this court must dismiss an action “[w]henever it appears . . . that the court lacks

1 jurisdiction of the subject matter . . . .” Because plaintiff, who is not a prisoner, has been granted  
2 leave to proceed in forma pauperis, the court will screen the complaint pursuant to § 1915(e)(2).  
3 Pursuant to Rule 12(h), the court will also consider as a threshold matter whether it has subject-  
4 matter jurisdiction.

### 6 I. PLAINTIFF’S ALLEGATIONS

7 Plaintiff names the following as defendants: Scott Capilla, John Rossi, and Martin  
8 Perrone. Plaintiff alleges:

9 1. I allege that numerous police officers under orders of Mr. Scott Capilla  
10 were keeping me under daily surveillance in Red Bluff Riverside Park  
11 from September 2006 until the time of the traffic citation (April 28, 2008)  
12 because it was assumed that [at] a prior time (August 2006) I ignored a  
13 subpoena issued by the Tehama DA Office to appear at the arraignment  
14 and trial of a person who attempted to stab me in the dark in Red Bluff  
15 (July 2006). I was in Trinity County at the time the subpoena was issued  
16 and I did not receive it until after it had expired.

17 2. I allege that Officer John Rossi and two other unidentified individuals  
18 deliberately entrapped me in an intersection to make it appear that I had  
19 committed a violation (April 28, 2008). I had a perfect driving record of  
20 more than twenty years before I was cited in the evening of the very same  
21 day that I returned to Red Bluff after an absence of three weeks. . . . On  
22 February 6, 2009, the Tehama Court notified me that the fine had been  
23 increased from \$380 to \$648 and my license to drive was suspended one  
24 year after the citation on June 3, 2009, by the DMV and continues to be  
25 suspended from that date until the present time. I am enduring much  
26 hardship due to inability to drive because of an illegal citation.

19 Plaintiff adds:

20 The entrapment occurred as follows: Shortly before I left Red Bluff  
21 Riverside Park in the evening of April 28, 2008, there was an unmarked  
22 police car which passed near my car to verify my presence and notify (by  
23 radio) two police vehicles (one unmarked) that I would soon be passing  
24 through the intersection where I would be cited. As soon as I entered the  
25 intersection on a green light an unmarked police car entered from the  
26 opposite side and violated my right of way by turning left directly in front  
of me in order to block me from getting any further into the intersection  
and to make it appear that I had entered on a red light.

There was a yellow light for three seconds after this happened and I  
proceeded to the center of the intersection before the light turned red. At  
about this time Officer Rossi, who was waiting around the corner and out  
of sight at the next intersection a block away, upon a signal from the driver

1 who blocked my right of way, suddenly appeared and followed me out of  
2 the intersection, where I was cited. There was no marked police vehicle in  
sight when I entered the intersection. . . .

3 I believe that Mr. Capilla and other police officers were annoyed  
4 by my continued presence of several years in Red Bluff as a homeless  
5 person who slept in a vehicle, although I was never accused by anyone of  
6 doing anything illegal until the day of the citation. Mr. Capilla is no  
7 longer Chief of Police in Red Bluff.

8 Mr. Martin Perrone, who claimed to be an investigator for the  
9 Tehama DA Office, approached me one day in August 2007 while I was in  
10 Riverside Park in my car and told me that he was conducting a “sweep” of  
11 the park (all by himself?) and he questioned me implying that I had been  
12 drinking (alcohol) and after I denied this he realized when he saw a large  
13 bag of recyclable aluminum cans in my car that I was not drinking at all  
14 and left me alone. There were no other police in evidence at the time of  
15 the sweep and I did not see Mr. Perrone approach anyone else. I often  
16 wonder if Mr. Perrone may have been the scheduled prosecutor at the trial  
17 mentioned above, and was only attempting to find out why I was still in  
18 Red Bluff. There appears to be a close connection between Mr. Capilla,  
19 Mr. Rossi, and Mr. Perrone.  
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## 25 II. DISCUSSION

26 The underlying theme in plaintiff’s complaint is that he did not, in fact, commit  
any traffic violation on the day in question. Plaintiff asserts that the defendants are liable for  
their conduct because he had done nothing wrong. Under the Rooker-Feldman abstention  
doctrine, federal courts lack jurisdiction to hear matters already decided in state court. See  
Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923); District of Columbia Court of Appeals v.  
Feldman, 460 U.S. 462 (1983). The doctrine applies in cases “brought by state court losers  
complaining of injuries caused by state court judgments rendered before the district court  
proceedings commenced and inviting district court review and rejection of those judgments.”  
Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280 (2005). An exception,  
inapplicable here, would be where Congress expressly grants federal courts jurisdiction to review  
state court judgment (such as habeas corpus, for example).

In this case, plaintiff claims that he did not commit any traffic violation and, for  
this reason, defendants’ conduct violated his rights. It is clear from the complaint that plaintiff

1 was found guilty of the traffic violation and a that a fine was imposed. Specifically, plaintiff  
2 refers to an increased fine and continued suspension of his driver's license. In order to rule in  
3 plaintiff's favor, the court would have to agree with plaintiff that he, in fact, did nothing wrong  
4 as any basis for defendants' liability. Because, except in limited circumstances inapplicable here,  
5 this court cannot consider claims challenging earlier adverse state court decisions where the  
6 claims would invite the court to reject such decisions, this action should be dismissed.

7  
8 **III. CONCLUSION**

9 Because the deficiency identified herein cannot be cured by amending the  
10 complaint, plaintiff is not entitled to leave to amend prior to dismissal of the entire action. See  
11 Lopez v. Smith, 203 F.3d 1122, 1126, 1131 (9th Cir. 2000) (en banc).

12 Based on the foregoing, the undersigned recommends that this action be dismissed  
13 with prejudice.

14 These findings and recommendations are submitted to the United States District  
15 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days  
16 after being served with these findings and recommendations, any party may file written  
17 objections with the court. Responses to objections shall be filed within 14 days after service of  
18 objections. Failure to file objections within the specified time may waive the right to appeal.

19 See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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21 DATED: April 22, 2011

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23 **CRAIG M. KELLISON**  
24 UNITED STATES MAGISTRATE JUDGE  
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