

1 pauperis status because he must pay the filing fee at the time he initiates the suit. Kolb (ECF No.
2 7 at 3.) Plaintiff has not alleged any facts which suggest that he is under imminent danger of
3 serious physical injury.

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

10 Here, plaintiff names the Yolo County Superior Court as the only defendant, sets forth no
11 charging allegations or injury, and in his request for relief states simply, “case dismissed.” (ECF
12 No. 1 at 6.)

13 Because plaintiff included no specific factual allegations, the gravamen of his complaint is
14 unclear. However, to the extent that plaintiff challenges an order issued by the Yolo County
15 Superior Court, this court lacks subject matter jurisdiction. A federal district court does not have
16 jurisdiction to review errors in state court decisions in civil cases. Dist. of Columbia Court of
17 Appeals v. Feldman, 460 U.S. 462, 476 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413, 415
18 (1923). “The district court lacks subject matter jurisdiction either to conduct a direct review of a
19 state court judgment or to scrutinize the state court’s application of various rules and procedures
20 pertaining to the state case.” Samuel v. Michaud, 980 F. Supp. 1381, 1411-12 (D. Idaho 1996),
21 aff’d, 129 F.3d 127 (9th Cir. 1997). See also Branson v. Nott, 62 F.3d 287, 291-92 (9th Cir.
22 1995) (finding no subject matter jurisdiction over section 1983 claim seeking, *inter alia*, implicit
23 reversal of state trial court action); MacKay v. Pfeil, 827 F.2d 540, 544-45 (9th Cir. 1987)
24 (attacking state court judgment because substantive defense improper under Rooker-Feldman).
25 That the federal district court action alleges the state court’s action was unconstitutional does not
26 change the rule. Feldman, 460 U.S. at 486.

27 Absent additional factual allegations not present here, it does not appear that plaintiff can
28 amend his complaint to state a cognizable civil rights claim against the Yolo County Superior

1 Court. Moreover, in light of the order finding that plaintiff is barred under 28 § 1915(g), plaintiff
2 may choose to voluntarily dismiss this action rather than incur the court's \$400.00 filing fee,
3 particularly where his complaint is likely to be dismissed for lack of subject matter jurisdiction.

4 Accordingly, IT IS HEREBY ORDERED that plaintiff shall complete the attached notice
5 and show cause, within thirty days, why he should not be required to pay the court's filing fee
6 before this action proceeds. In the alternative, plaintiff may opt to voluntarily dismiss this action.

7 Dated: December 9, 2016

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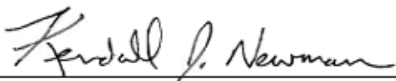
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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM SOTO,
Plaintiff,
v.
YOLO COUNTY SUPERIOR COURT,
Defendant.

No. 2:16-cv-2842 KJN P

NOTICE OF RESPONSE TO COURT'S ORDER

Plaintiff hereby submits the following in compliance with the court's order
filed _____.

_____ Response & payment of court's filing fee (\$400.00)

Or

_____ Plaintiff opts to voluntarily dismiss this action.

DATED:

Plaintiff