

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

LISA BELYEW,
Plaintiff,
v.
NAPA STATE HOSPITAL,
Defendant.

Case No. 17-cv-3993-NJV (PR)

**ORDER FOR PLAINTIFF TO SHOW
CAUSE**

Plaintiff, a detainee, has filed a pro se civil rights complaint under 42 U.S.C. § 1983. This case was transferred from the Eastern District of California. Plaintiff has been granted leave to proceed in forma pauperis. Plaintiff is currently detained at Butte County Jail in Oroville, CA which lies in the Eastern District of California. There is a criminal prosecution against plaintiff in that county. Plaintiff states that the trial court found her incompetent. Plaintiff states that she will be transferred to Napa State Hospital for treatment and she is concerned she will be forcibly medicated. For relief plaintiff seeks dismissal of the order transporting her to Napa State Hospital, any forced medication be denied, monetary damages and her appointed counsel be relieved so she can represent herself in the criminal trial.

In the last five months plaintiff has filed 17 federal cases in the Eastern District of California. Eight of the cases concern the competency hearing and finding of incompetency. *See Belyew v. Butte County Superior Court*, No. 17-cv-1028 JAM EFB, related to 17-cv-1065, 17-cv-1083, 17-cv-1153, 17-cv-1165, 17-cv-1198, 17-cv-1199, 17-cv-1200. The cases name as defendants the trial judge, defense attorney, medical doctors, court reporter and other individuals involved with the proceedings. Those cases continue in the Eastern District. Plaintiff seeks the

1 same general relief, namely that her incompetency finding be vacated and her placement at Napa
2 State Hospital stopped, no forced medication, release from jail and money damages.

3 The only named defendant in this action is Napa State Hospital. Though plaintiff has not
4 yet been transferred to that facility nor is it clear if she will be subject to forced medication.
5 Plaintiff already proceeds with the earlier filed cases in the Eastern District against the trial court
6 and others involved and seeks the same relief as in this case. Moreover, the prosecution and state
7 court proceedings are ongoing against plaintiff and it appears that plaintiff seeks immediate review
8 of the superior court decision finding her incompetent.

9 Under principles of comity and federalism, a federal court should not interfere with
10 ongoing state criminal proceedings by granting injunctive or declaratory relief absent
11 extraordinary circumstances. *See Younger v. Harris*, 401 U.S. 37, 43-54 (1971). Federal courts
12 should not enjoin pending state criminal prosecutions absent a showing of the state's bad faith or
13 harassment, or a showing that the statute challenged is "flagrantly and patently violative of express
14 constitutional prohibitions." *Younger*, 401 U.S. at 46, 53-54 (cost, anxiety and inconvenience of
15 criminal defense not kind of special circumstances or irreparable harm that would justify federal
16 court intervention; statute must be unconstitutional in every "clause, sentence and paragraph, and
17 in whatever manner" it is applied).

18 Under *Rooker-Feldman*, lower federal courts are without subject matter jurisdiction to
19 review state court decisions, and state court litigants may therefore only obtain federal review by
20 filing a petition for a writ of certiorari in the Supreme Court of the United States. *See District of*
21 *Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 486-87 (1983); *Rooker v. Fidelity Trust*
22 *Co.*, 263 U.S. 413, 416 (1923); *Mothershed v. Justices*, 410 F.3d 602, 606 (9th Cir. 2005). The
23 *Rooker-Feldman* doctrine applies even when the state court judgment is not made by the highest
24 state court, *see Worldwide Church of God v. McNair*, 805 F.2d 888, 893 n.3 (9th Cir. 1986), when
25 federal constitutional issues are at stake, *see Branson v. Nott*, 62 F.3d 287, 291 (9th Cir. 1995);
26 *Mullins v. Oregon*, 57 F.3d 789, 792 (9th Cir. 1995), and when the federal review would be of
27 state court review of determinations made by state administrative bodies, *see Feldman*, 460 U.S. at
28 468, 485-86. The *Rooker-Feldman* doctrine essentially bars federal district courts "from

1 exercising subject matter jurisdiction over a suit that is a de facto appeal from a state court
2 judgment.” *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1139 (9th Cir. 2004); *see Skinner v. Switzer*,
3 562 U.S. 521, 532 (2011).

4 In order to recover damages for an allegedly unconstitutional conviction or imprisonment,
5 or for other harm caused by actions whose unlawfulness would render a conviction or sentence
6 invalid, a 42 U.S.C. § 1983 plaintiff must prove that the conviction or sentence has been reversed
7 on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to
8 make such determination, or called into question by a federal court’s issuance of a writ of habeas
9 corpus. *Heck v. Humphrey*, 512 U.S. 477, 486-487 (1994). A claim for damages bearing that
10 relationship to a conviction or sentence that has not been so invalidated is not cognizable under §
11 1983. *Id.* at 487.

12 “The ripeness doctrine prevents courts, through avoidance of premature adjudication, from
13 entanglement in theoretical or abstract disagreements that do not yet have a concrete impact on the
14 parties.” *18 Unnamed “John Smith” Prisoners v. Meese*, 871 F.2d 881, 883 (9th Cir. 1989). The
15 issue of ripeness may be raised at any time and is not waivable. *See Center for Biological*
16 *Diversity v. Kempthorne*, 588 F.3d 701, 708 (9th Cir. 2009). An issue is not ripe for adjudication
17 if it depends on “contingent future events that may not occur as anticipated, or indeed not occur at
18 all.” *18 Unnamed John Smith Prisoners*, 871 F.2d at 883 (*quoting Thomas v. Union Carbide*
19 *Agriculture Products*, 473 U.S. 568, 580-81 (1985)); *see, e.g., United States v. Braren*, 338 F.3d
20 971, 975-76 (9th Cir. 2003) (case not ripe because agency action not final; factual development
21 needed to determine what standard agency would ultimately apply).

22 Venue generally is proper in a judicial district in which: (1) any defendant resides, if all
23 defendants are residents of the state in which the district is located; (2) a substantial part of the
24 events or omissions giving rise to the claim occurred, or a substantial part of property that is the
25 subject of the action is situated; or (3) any defendant is subject to the court’s personal jurisdiction,
26 if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b).

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1 **CONCLUSION**

2 1. Within **twenty-one (21) days** plaintiff must show cause why this case should not be
3 dismissed as barred by *Younger* and *Rooker-Feldman*, why her request for monetary compensation
4 is not barred by *Heck* and why this case is not improperly brought in this district because she is not
5 yet in this district and proceeds with the other earlier cases in the Eastern District of California.
6 Failure to file a response will result in the dismissal of this case.

7 2. It is the plaintiff's responsibility to prosecute this case. Plaintiff must keep the court
8 informed of any change of address by filing a separate paper with the clerk headed "Notice of
9 Change of Address," and must comply with the court's orders in a timely fashion. Failure to do so
10 may result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil
11 Procedure 41(b).

12 **IT IS SO ORDERED.**

13 Dated: August 22, 2017

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15 NANDOR J. VADAS
16 United States Magistrate Judge
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