

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 OF DISMISSAL

Plaintiff, a detainee, proceeds with a pro se civil rights complaint under 42 U.S.C. § 1983. The court ordered Plaintiff to show cause why this case should not be dismissed. (Doc. 19.) Plaintiff has filed a response. (Docs. 20, 21.)

Background

This case was transferred from the Eastern District of California. 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 Hospital¹ for treatment and she is concerned she will be forcibly medicated. As 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*

¹ Napa State Hospital is in this district.

1 *Belyew v. Butte County Superior Court*, No. 17-cv-1028 JAM EFB, related to 17-cv-1065, 17-cv-
2 1083, 17-cv-1153, 17-cv-1165, 17-cv-1198, 17-cv-1199, 17-cv-1200. The cases name as
3 defendants the trial judge, defense attorney, medical doctors, court reporter and other individuals
4 involved with the proceedings. Those cases continue in the Eastern District. Plaintiff seeks the
5 same general relief, namely that her incompetency finding be vacated and her placement at Napa
6 State Hospital stopped, no forced medication, release from jail and money damages.

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

13 **Legal Standards**

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

23 Under *Rooker-Feldman*, lower federal courts are without subject matter jurisdiction to
24 review state court decisions, and state court litigants may therefore only obtain federal review by
25 filing a petition for a writ of certiorari in the Supreme Court of the United States. *See District of*
26 *Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 486-87 (1983); *Rooker v. Fidelity Trust*
27 *Co.*, 263 U.S. 413, 416 (1923); *Mothershed v. Justices*, 410 F.3d 602, 606 (9th Cir. 2005). The
28 *Rooker-Feldman* doctrine applies even when the state court judgment is not made by the highest

1 state court, *see Worldwide Church of God v. McNair*, 805 F.2d 888, 893 n.3 (9th Cir. 1986), when
2 federal constitutional issues are at stake, *see Branson v. Nott*, 62 F.3d 287, 291 (9th Cir. 1995);
3 *Mullins v. Oregon*, 57 F.3d 789, 792 (9th Cir. 1995), and when the federal review would be of
4 state court review of determinations made by state administrative bodies, *see Feldman*, 460 U.S. at
5 468, 485-86. The *Rooker-Feldman* doctrine essentially bars federal district courts “from
6 exercising subject matter jurisdiction over a suit that is a de facto appeal from a state court
7 judgment.” *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1139 (9th Cir. 2004); *see Skinner v. Switzer*,
8 562 U.S. 521, 532 (2011).

9 In order to recover damages for an allegedly unconstitutional conviction or imprisonment,
10 or for other harm caused by actions whose unlawfulness would render a conviction or sentence
11 invalid, a 42 U.S.C. § 1983 plaintiff must prove that the conviction or sentence has been reversed
12 on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to
13 make such determination, or called into question by a federal court’s issuance of a writ of habeas
14 corpus. *Heck v. Humphrey*, 512 U.S. 477, 486-487 (1994). A claim for damages bearing that
15 relationship to a conviction or sentence that has not been so invalidated is not cognizable under §
16 1983. *Id.* at 487.

17 “The ripeness doctrine prevents courts, through avoidance of premature adjudication, from
18 entanglement in theoretical or abstract disagreements that do not yet have a concrete impact on the
19 parties.” *18 Unnamed “John Smith” Prisoners v. Meese*, 871 F.2d 881, 883 (9th Cir. 1989). The
20 issue of ripeness may be raised at any time and is not waivable. *See Center for Biological*
21 *Diversity v. Kempthorne*, 588 F.3d 701, 708 (9th Cir. 2009). An issue is not ripe for adjudication
22 if it depends on “contingent future events that may not occur as anticipated, or indeed not occur at
23 all.” *18 Unnamed John Smith Prisoners*, 871 F.2d at 883 (*quoting Thomas v. Union Carbide*
24 *Agriculture Products*, 473 U.S. 568, 580-81 (1985)); *see, e.g., United States v. Braren*, 338 F.3d
25 971, 975-76 (9th Cir. 2003) (case not ripe because agency action not final; factual development
26 needed to determine what standard agency would ultimately apply).

27 Venue generally is proper in a judicial district in which: (1) any defendant resides, if all
28 defendants are residents of the state in which the district is located; (2) a substantial part of the

1 events or omissions giving rise to the claim occurred, or a substantial part of property that is the
2 subject of the action is situated; or (3) any defendant is subject to the court's personal jurisdiction,
3 if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b).

4 **Discussion**

5 Plaintiff was ordered to address why this case should not be dismissed as barred by
6 *Younger* and *Rooker-Feldman*, why her request for monetary compensation is not barred by *Heck*
7 and why this case is not improperly brought in this district because she is not yet in this district
8 and proceeds with the other earlier cases in the Eastern District of California. Plaintiff has filed a
9 lengthy response, but it only addresses the underlying criminal action against her and the
10 competency hearing. Plaintiff failed to address whether this action could proceed in this court.

11 Assuming that plaintiff can demonstrate that *Rooker-Feldman* does not apply and that
12 extraordinary circumstances exist to overcome *Younger*, she cannot show that the case should be
13 heard in this court when she already had multiple cases pending in the Eastern District. Plaintiff is
14 being prosecuted in the Eastern District, is currently incarcerated in the Eastern District and has
15 yet to be transferred to this district. For all these reasons, this case is dismissed. Plaintiff may
16 continue litigating in state court and in her ongoing federal cases that present the same issues and
17 arguments.

18 **CONCLUSION**

19 For the reasons set forth above this action is **DISMISSED**.

20 **IT IS SO ORDERED.**

21 Dated: September 27, 2017

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24 NANDOR J. VADAS
25 United States Magistrate Judge
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