

2
3
4

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 DEBORAH COONEY, No. C-13-0677 EMC
9 Plaintiff,
10 v.
11 THE STATE OF CALIFORNIA, *et al.*,
12 Defendants.
ORDER TRANSFER SOUTHERN DISTRICT CALIFORNIA

**ORDER TRANSFERRING CASE TO
SOUTHERN DISTRICT OF
CALIFORNIA**

I. DISCUSSION

16 Plaintiff has filed a complaint against Defendants alleging various violations of her
17 constitutional rights in the course of an August 31, 2008 incident, and a subsequent state court
18 lawsuit. On April 23, 2013, this Court granted Plaintiff's application to proceed *in forma pauperis*,
19 and dismissed her claims against the State of California. Docket No. 11. The Court found that the
20 claims against the State of California were premised entirely on allegations of judicial misconduct in
21 the state court suit, and that they were thus barred by both judicial immunity and the *Rooker-*
22 *Feldman* doctrine. As all remaining defendants were based in the Southern District of California,
23 and as the facts giving rise to Plaintiff's claim occurred in that district, the Court ordered Plaintiff to
24 show cause why this case should not be transferred to that district.

25 After requesting and receiving a one month extension of time, Plaintiff filed her response to
26 this Court's order on June 5, 2013. Docket No. 16. Plaintiff does not dispute that venue is not
27 proper in this district under the currently operative complaint, but states that she intends to amend
28 her complaint to add California Supreme Court Chief Justice Tani Cantil-Sakauye as a defendant.

1 With such an amendment, she argues, venue will be proper in this District because Chief Justice
2 Cantil-Sakauye resides in this District, and her alleged acts of misconduct occurred here. Plaintiff
3 has not as yet filed any proposed amendment.

4 Plaintiff's proposed amendment, however, seeks to add a defendant who will almost
5 certainly be dismissed for the same reasons this Court dismissed the State of California. As this
6 Court previously explained, judicial immunity provides absolute immunity to a judicial officer, in
7 exercising the authority vested in her, because the judicial officer “[should] be free to act upon h[er]
8 own convictions, without apprehension of personal consequences to h[er]self.” *Stump v. Sparkman*,
9 435 U.S. 349, 355 (1978) (internal quotation marks omitted); *see also Forrester v. White*, 484 U.S.
10 219, 226-27 (1988) (summarizing the rationales for judicial immunity). “[J]udicial immunity is not
11 overcome by allegations of bad faith or malice.” *See Mireles v. Waco*, 502 U.S. 9, 11 (1991).
12 Plaintiff argues that judicial immunity does not apply to ministerial, administrative, or other non-
13 discretionary acts, or to acts where the judge had neither jurisdiction nor authority to act. She
14 alleges no facts, however, indicating that Chief Justice Cantil-Sakauye's actions fall into one of
15 these categories. Indeed, in the complaint, the only allegations relating to Chief Justice Cantil-
16 Sakauye are that she denied Plaintiff's petition for review of the appellate court's decision in the
17 state court matter on June 13, 2012. Compl. at 12. While it is true that judicial immunity does not
18 apply when a judge acts “in the ‘clear absence of all jurisdiction,’” the Chief Justice's denial of a
19 petition for review is not such a situation. *Sadoski v. Mosley*, 435 F.3d 1076, 1079 (9th Cir. 2006)
20 (quoting *Stump v. Sparkman*, 435 U.S. 349, 356-57 (1978)).

21 Plaintiff also argues that her claims against Chief Justice Cantil-Sakauye are not barred
22 by the *Rooker-Feldman* doctrine because that doctrine “is all but moribund,” and that “[i]t has been
23 steadily chipped away by recent Court decisions,” though she cites no cases in support of her
24 argument. Docket No. 16 at 2. As the Ninth Circuit has just recently reaffirmed, “[t]he *Rooker-*
25 *Feldman* doctrine forbids a losing party in state court from filing suit in federal district court
26 complaining of an injury caused by a state court judgment, and seeking federal court review and
27 rejection of that judgment.” *Bell v. City of Boise*, 709 F.3d 890, 897 (9th Cir. 2013). As Plaintiff's
28

1 claims are based on allegations of impropriety in the state court proceedings, any claim against
2 Chief Justice Cantil-Sakauye are barred by *Rooker-Feldman*.

3 Thus, the amended complaint Plaintiff states she intends to file would seek only to add a
4 defendant against whom all claims are almost certainly barred by judicial immunity and the *Rooker-*
5 *Feldman* doctrine. The possibility of such a futile amendment is not sufficient to render venue
6 proper in this jurisdiction, as the claims against Chief Justice Cantil-Sakauye would likely be
7 dismissed for the reasons discussed above.

8 **II. CONCLUSION**

9 For the foregoing reasons, this Court finds that venue is not proper in this District, and
10 hereby orders this case transferred to the Southern District of California.

11 This order disposes of Docket No. 11.

12
13 IT IS SO ORDERED.

14
15 Dated: June 11, 2013

16 
17 EDWARD M. CHEN
United States District Judge

18
19
20
21
22
23
24
25
26
27
28