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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 RATA BEY MENIOOH,

No. C16-00715 CRB

12 Plaintiff,

**ORDER GRANTING STATE AND  
JUDICIAL MOTIONS TO DISMISS;  
DIRECTING AMENDMENT AS TO  
COUNTY**

13 v.

14 STATE OF CALIFORNIA, ET AL.,

15 Defendants.  
16 \_\_\_\_\_/

17 Three sets of Defendants have filed motions to dismiss this case. See generally  
18 County Mot. (dkt. 17)<sup>1</sup>; State Mot. (dkt. 18)<sup>2</sup>; Judicial Mot. (dkt. 24)<sup>3</sup>.

19 As explained in greater detail in the State's Motion, the Complaint is DISMISSED  
20 WITH PREJUDICE as to the State defendants because: (1) 42 U.S.C. § 1983 claims are  
21 barred against non-person defendants; (2) the Complaint fails to allege prima facie elements  
22 of a section 1983 claim; (3) the Complaint fails to identify a violation of a cognizable legal  
23 interest; (4) the State defendants are entitled to Eleventh Amendment immunity; (5) the  
24 Rooker-Feldman doctrine applies to the first six cause of actions; and (6) Plaintiff lacks  
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26 <sup>1</sup> The County defendants are the County of Humboldt and Michael T. Downey.

27 <sup>2</sup> The State defendants are the State of California, California State Transportation Agency,  
28 Department of Motor Vehicles, Commission on Peace Officer Standards and Training, Governor  
Edmund G. Brown Jr., and Attorney General Kamala D. Harris.

<sup>3</sup> The judicial defendants are Judge John T. Feeney, Judge Marilyn B. Miles, Judge Timothy P.  
Cissna, California Judicial Council, and the Superior Court for the County of Humboldt.


1 Article III standing. See generally State Mot.

2 As explained in greater detail in the judicial defendants' Motion, the Complaint is  
3 DISMISSED WITH PREJUDICE as to the judicial defendants because: (1) the Complaint  
4 fails to state a claim upon which relief can be granted; (2) absolute judicial immunity applies;  
5 (3) Eleventh Amendment immunity applies; (4) the Rooker–Feldman doctrine applies to the  
6 first six cause of actions; and (5) Plaintiff lacks Article III standing. See generally Judicial  
7 Mot.

8 The Court also holds that the Complaint fails to state a claim upon which relief can be  
9 granted as to the County defendants. However, the Court has not yet determined whether  
10 dismissal should be with or without prejudice. See Leadsinger, Inc. v. BMG Music Pub., 512  
11 F.3d 522, 532 (9th Cir. 2008) (recognizing that courts may deny leave to amend where  
12 amendment would be futile). Accordingly, Plaintiff is DIRECTED to file an amended  
13 complaint as to the County defendants only within sixty (60) days of this Order.<sup>4</sup> Upon  
14 review of that amended complaint, the Court will issue a further order on Plaintiff's claims  
15 against the County defendants.

16 **IT IS SO ORDERED.**

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18 Dated: June 24, 2016

  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

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<sup>4</sup> Failure to timely amend could result in dismissal with prejudice.