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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RA-TAH MENIOOH,
Plaintiff,
v.
TWO JINN, INC., et al.,
Defendants.

Case No. [21-cv-02840-SI](#)

ORDER (1) GRANTING MOTION TO DISMISS FILED BY HON. JOYCE D. HINRICHS AND HUMBOLDT COUNTY SUPERIOR COURT AND (2) DISMISSING REMAINING CLAIMS AFTER IFP EVALUAITON

Re: Dkt. Nos. 7, 8, 2, and 34

On April 16, 2021, plaintiff filed the complaint in this action alleging various claims for constitutional violations under 42 U.S.C. §§ 1983 and 1985. The complaint names the following defendants: (1) Humboldt County, (2) Humboldt County correctional officers David Mullen, David Swim, and Lee Myers, (3) Humboldt County Sherriff William Honsal, (4) Two Jinn, Inc. (DBA “Aladdin Bail Bonds,” for purposes of this order “Aladdin”), (5) Presiding Humboldt County Superior Court Judge Joyce Hinrichs, and (6) Humboldt County Superior Court. Dkt. No. 1.

On June 1, 2021, defendant Judge Joyce Hinrichs and defendant Humboldt County Superior Court (“Judicial Defendants”) filed a motion to dismiss all claims against them. Dkt. No. 7. Plaintiff did not file an opposition thereto. Pursuant to Local Rule 7-2(b), the Court found the matter should be resolved without a hearing and therefore vacated the July 16, 2021 hearing on the motion. For the reasons articulated below, the Judicial Defendants’ motion is hereby GRANTED WITH PREJUDICE.

Further, on April 16, 2021, plaintiff filed an application to proceed in forma pauperis (“IFP”). The application states plaintiff has no assets and very little income. Dkt. No. 2. The Court GRANTS plaintiff’s motion for IFP.

1 **A. Juvenile Dependency Proceedings**

2 The complaint generally alleges Judge Hinrichs acted without jurisdiction or probable cause
3 when she allegedly granted Child Welfare Services’ ex parte investigation warrants in August 2017
4 and March 2019 with respect to plaintiff’s children. Dkt. No. 1 at ¶¶ 57-59. Plaintiff alleges his
5 children are not “persons” described by California Welfare and Institutions Code section 300.2.² *Id.*
6 at ¶ 49. The March 2019 warrant was allegedly based on false allegations. *Id.* at ¶ 60. On November
7 9 and December 7, 2020, Judge Hinrichs allegedly “permit[ed an] ex parte attachment, ie, seizure
8 of property (children) without a noticed hearing.” *Id.*

9
10 **B. Vexatious Litigant Proceedings**

11 Plaintiff alleges he was denied access to the courts from 2016-2021 because Judge Hinrichs
12 and the Superior Court denied him access to courts declaring him a vexatious litigant.³ *Id.* at ¶ 61.

13
14 **C. Criminal Proceedings**

15 Plaintiff was arrested on March 30, 2015 and later charged with violating California Vehicle
16 Code section 14601.2, subdivision (a) in *People v. Meniooh*, Superior Court case number
17 CR1502055. Dkt. No. 7-1 (Ex. 1 to Bartleson Decl. ISO Mot. to Dismiss – Register of Actions).
18 The register of actions reflects Judge Hinrichs took no part in the criminal proceeding after January
19 3, 2017. *Id.* According to the register of actions, various judicial officers issued bench warrants
20 after plaintiff failed to appear in court on at least three occasions. Dkt. No. 7-1 at 9 (Ex. 1 to
21 Bartleson Decl. – Register of Actions)

22 The complaint alleges that in February 2018, plaintiff was found guilty of violating
23 § 14601.2 and sentenced to twenty-three days in jail. Dkt. No. 1 at ¶ 25. The jury found plaintiff
24 guilty on five counts and, because plaintiff did not attend the trial, a bench warrant issued. Dkt. No.

25
26 _____
27 ² California Welfare & Institutions Code section 300 provides, inter alia, that a child who
suffers physical or emotional harm caused by a parent “is within the jurisdiction of the juvenile court
which may adjudge that person to be a dependent child of the court.”

28 ³ On November 18, 2016, plaintiff was labeled a vexatious litigant in California state court.
See <https://www.courts.ca.gov/documents/vexlit.pdf>.

1 7-1 at 12 (Ex. 1 to Bartleson Decl. – Register of Actions).

2 Plaintiff further alleges that, on an unspecified date, Judge Hinrichs set bail at \$25,000 for a
3 prior conviction of violating Section 14601.2 and an additional misdemeanor traffic offense at
4 \$10,000 for a total of \$35,000. *Id.* at ¶ 18. Plaintiff posted bail. *Id.* at ¶¶ 19-20.

5 The register of actions shows four separate bench warrants issued due to plaintiff’s failure
6 to appear in the criminal proceedings, with separate bail amounts: (1) May 21, 2105 with a bail
7 amount of \$5,000; (2) June 8, 2016 with a bail amount of \$25,000; (3) November 13, 2017 with a
8 bail amount of \$15,000; and (4) May 24, 2018 with no bail. Dkt. No. 7-1 at 13 (Ex. 1 to Bartleson
9 Decl. – Register of Actions).

10 In March 2018, Plaintiff alleges that he petitioned the court to remove the arrest warrant, but
11 the court denied the petition. Dkt. No 1 at ¶ 32. Finally, on May 22, 2018, Plaintiff alleges that he
12 appeared in court and was incarcerated. *Id.* at ¶ 33a. At a hearing on May 25, 2018, the court refused
13 Plaintiff’s request for release. *Id.*

14
15 **D. Prior Litigation**

16 Plaintiff has instituted at least four actions, including the instant matter, stemming from his
17 March 30, 2015 arrest. In *Meniooh v. State of California, et al* (Superior Court case number
18 CV160118), plaintiff challenged, *inter alia*, judicial officers’ rulings denying plaintiff’s motion to
19 dismiss the charges against him. Dkt. No. 8-1 (Ex. 1 to RJN – Complaint in CV160118). The
20 Superior Court’s demurrer was sustained without leave to amend. Dkt. No. 8-2

21 In *Meniooh v. State of California, et al.* (Superior Court case number CV160696), plaintiff
22 alleged a variety of errors regarding his arrest, including abuse of discretion by the judicial officers
23 presiding over the action. Dkt. No. 8-3 (Ex. 3 to RJN – Notice of Preemptory Writ in CV160696).
24 Again, the Superior Court’s demurrer was sustained without leave to amend. Dkt. No. 8-4.

25 Finally, in *Meniooh v. State of California, et al.* (United States District Court, Northern
26 District of California case number C16-00715- CRB), plaintiff attacked the Vehicle Code as vague,
27 overbroad, and oppressive. Dkt. No. 8-5 (Ex. 5 to RJN – Complaint in CV16-715). Plaintiff sought
28 similar relief to that sought in the instant action: declaratory relief finding defendants’ application

1 of the Vehicle Code was unconstitutional and an injunction restraining enforcement of the Vehicle
2 Code. *Id.* Judge Charles Breyer granted a motion to dismiss without leave to amend filed by the
3 Superior Court and various judicial officers. Dkt. No. 8-6.

4 In each prior action, plaintiff named the Superior Court as a defendant but did not name
5 Judge Hinrichs as a defendant until the instant action.

6
7 **II. Facts re County Defendants**

8 Plaintiff alleges he served a 23-day sentence in the Humboldt County Correctional Facility
9 (“HCCF”) commencing on May 22, 2018, after a jury found him guilty of violating California
10 Vehicle Code section 14601.2(a)1 (driving on a suspended license). Dkt. No. 1 at ¶¶18, 33a. In
11 connection with incidents that occurred during this sentence, plaintiff has also sued: (1) correctional
12 officers Mullen, Swim, and Myers, (2) Humboldt County, and (3) Humboldt County Sherriff
13 William Honsal (collectively, the “County Defendants”).

14 During his incarceration, plaintiff alleges he suffered various constitutional violations,
15 primarily violations of §1983, including, but not limited to: excessive force ⁴ (claim 1), racial
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19 ⁴ Plaintiff alleges one morning he informed correctional officer Mullen, that plaintiff “does
20 not break-fast in the early day...” Dkt. No. 1 at ¶ 39. Defendant Mullen allegedly took plaintiff’s
21 breakfast and replied “I’m going to eat it.” *Id.* The conversation escalated and plaintiff ultimately
22 told Officer Mullen to “get the fuck away from me.” *Id.* In response, plaintiff alleges defendant
23 Mullen became “upset/mad and ... and put plaintiff in a janitor’s closet for more than 45 minutes.”
24 *Id.* at ¶ 40. Plaintiff asked Officer Mullen to see his supervisor - defendant correctional officer
25 Swim. Plaintiff alleges he was ultimately “sent to the Box” for “no reason.” *Id.* at ¶ 41.

26 Plaintiff goes on to allege that later while he was in the Box, plaintiff heard several officers
27 outside his cell who then used “unreasonabl[e] force by using five ‘officers’ to enter the cell with
28 the wrath of the Crusaders from the Med Evil times.” *Id.* at ¶ 42. Plaintiff alleges two of the officers
watched, one threatened plaintiff with a taser and “the other two ‘Officers’ push[ed] plaintiff against
the wall forcefully to handcuff plaintiff.” *Id.* Plaintiff alleges defendants engaged in “unreasonable
and excessive force by [slamming] plaintiff on the floor and on his chest while handcuffed.” *Id.* at
¶ 43. He alleges “the ‘officers’ then bent [his] legs back towards his head in a ‘Ho[g] Tie’ position.”
Id. “The ‘officers’ un handcuff[ed] plaintiff, as plaintiff was stripped naked in a forceful manner.”
Id. Plaintiff alleges this incident caused an injury to his right knee. *Id.* Plaintiff alleges he was
“given medical services and requested an emergency MRI, due to the type of injury (to his knee
which was being (“Hog Tied”)) of a possible tear in his ligament.” *Id.* at ¶ 45.

1 discrimination⁵ (claim 2), deliberately indifferent policies and practices⁶ (claim 3, a *Monell* claim),
2 violation of his right to due process (claim 4), conspiracy to interfere with his civil rights (claim 5),
3 and excessive bail (claim 6).

4
5 **III. Facts re Bail Defendants**

6 Finally, plaintiff has also sued Aladdin and its agent Charles Eli Blasigame (collectively, the
7 “Bail Defendants”). The facts regarding the Bail Defendants are difficult to decipher from the
8 complaint. It appears that, at an unspecified date prior to the February 2018 trial in which plaintiff
9 was found guilty of violating vehicle code 14601.2, plaintiff received a bail bond from defendant
10 Aladdin. Because plaintiff failed to attend the February 2018 trial, the complaint alleges defendant
11 Aladdin

12 “stood to lose so much [and] bail bond agents typically have the authority under State
13 of California law to authorize what amounts to the arrest of plaintiff who did not
14 attend trial... [Aladdin,] to avoid forfeiture of the bond/contract ... hired a bounty
15 hunter [defendant Charles Eli Blasigame] to find [plaintiff] for the [court]...
16 [P]laintiff did not show for trial, therefore a bench warrant was issued by the
17 [court].... [Defendant Blasigame was] to receives funds from his employer
18 [defendant Aladdin] for the rearrest of plaintiff for the defendant ("courts.").
19 Defendants [Judge Hinrichs] set bail for \$35,000 [incentivizing Defendant
20 Blasigame] to track down plaintiff as a felony which the State law authorizes, not for
21 a misdemeanor offense. This was the case after plaintiff did not to show for

18 ⁵ Plaintiff alleges he was “forced into racial segregation by defendant ‘officers’ [sic] act of
19 omission.” Dkt. No. 1 at ¶34. He claims he was “forced to sit, read, eat, workout and shower with
20 other humans that had dark skin.” *Id.* at ¶35. He alleges the “setting section for ‘Blacks’ is in the
21 back of the dormitory of 555, while the ‘Whites’ sit in the front with no rotation of the groups.” *Id.*
22 Plaintiff alleges he tried to give a “pale/tan” friend his milk, but the milk was taken by “an older
23 ‘White’ guy and said you can’t take milk form [sic] the ‘Blacks’ [and correctional officer Mullen]
24 just look [sic] on and did not show any reaction [sic] this racial slur.” *Id.* at ¶35a. Plaintiff alleges
25 “[t]he older racist guys subject the younger guys to acts of violence by having them fight other [sic]
26 another’s whites as a way of discipling [sic].” *Id.* at ¶36. Plaintiff further claims “the ‘officers’
27 show bias and prejudice toward non ‘White’ intimae [sic] by an act of omission.” *Id.* Plaintiff
28 alleges correctional officers Mullens and Swim “do nothing to prevent racial segregation from what
plaintiff witnessed and horribly was a victim [sic].” *Id.* at ¶37.

⁶ Plaintiff alleges defendant County and Sherriff Honsal failed “to adopt a needed policy for
giving newly admitted inmates, the inmates orientation handbook....” Dkt. No. 1 at ¶ 80. Plaintiff
further alleges the County and Sheriff Honsal’s “training program was inadequate to train its
‘officers’ to carry out their duties.” *Id.* at ¶ 81. Plaintiff also alleges “[d]efendants [County and
Sheriff Honsal] failed [to] adequately supervise its employees.” *Id.* at ¶ 82. Plaintiff claims “[i]n
this case it was the supervising officer [defendant Swim] and [defendant Myers] who [sic] conduct
[sic] was ‘deliberate indifference’ [sic] as to its known or obvious consequences to ‘plaintiff’ and
the racial segregated facility.” *Id.*

1 defendants quasi-criminal trial due to an absence of Jurisdiction. **On March 23,**
2 **2018** [defendant Blasigame] trespassed [while] looking for plaintiff. [Defendant
Blasigame] and DOE broke residence fence, tased plaintiff four times and assaulted
plaintiff before plaintiff fled for his life.

3 Dkt. No. 1 at ¶¶ 26-29 (emphasis added). Based on this March 23, 2018 incident, plaintiff alleges
4 three causes of action against the Bail Defendants:

- 5 - Claim 1: violation of § 1983 for excessive force,
- 6 - Claim 4: violation of § 1983 for violation of right to due process
- 7 - Claim 5: violation of § 1985 for conspiracy to interfere with civil rights

8 LEGAL STANDARD

9 I. 12(b)(1) – Judicial Defendant’s Motion

10 Fed. R. Civ. P. 12(b)(1) allows a party to challenge a federal court's subject matter
11 jurisdiction. As the party invoking subject matter jurisdiction of the federal court, the plaintiff bears
12 the burden of establishing that the court has the requisite subject matter jurisdiction to grant the
13 relief requested. *See Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 377 (1994) . A
14 complaint will be dismissed if, looking at the complaint as a whole, it appears to lack federal
15 jurisdiction either "facially" or "factually." *Thornhill Publ'g Co., Inc. v. General Tel. & Elecs.*
16 *Corp.*, 594 F.2d 730, 733 (9th Cir. 1979); *Safe Air for Everyone v. Meyer*, 373 F.3d 1035, 1039 (9th
17 Cir. 2004) ("A Rule 12(b)(1) jurisdictional attack may be facial or factual.").

18 A challenge to subject matter jurisdiction is a factual attack where the moving party relies
19 on extrinsic evidence and does not assert a lack of subject matter jurisdiction solely based on the
20 pleadings. *Safe Air for Everyone*, 373 F.3d at 1039 (quoting *Morrison v. Amway Corp.*, 323 F.3d
21 920, 924 n.5 (11th Cir. 2003)). "In resolving a factual attack on subject matter jurisdiction, the
22 district court may review evidence beyond the complaint without converting the motion to dismiss
23 into a motion for summary judgment." *Id.* (citing *Savage v. Glendale Union High Sch.*, 343 F.3d
24 1036, 1039 n.2 (9th Cir. 2003)). If the moving party converts its motion to dismiss into a factual
25 motion by submitting affidavits, the opposing party must then also present affidavits or other
26 evidence to meet its burden for satisfying subject matter jurisdiction. *Id.*

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F.2d 628, 632 (9th Cir. 1988).

The Court GRANTS the Judicial Defendants’ motion to dismiss all claims against them WITH PREJUDICE.

II. IFP Review

A. Many of Plaintiff’s Claims are Barred by Statutes of Limitations

1. Claims Against County Defendants

Plaintiff served a 23-day sentence in Humboldt County Jail commencing on May 18, 2018—over three years ago. Dkt. No. 1 at ¶¶ 34-48; ¶¶ 79-85. During plaintiff’s 23 days of incarceration, pursuant to California law, the statute of limitations was tolled (suspended). Cal. Code Civ. Proc., §352.1(a). The statute of limitations for plaintiff’s § 1983 and §1985 claims against the County Defendants, began to run on June 15, 2018—when plaintiff was released from jail.

In actions brought under § 1983 and § 1985, courts apply the forum state’s statute of limitations for personal injury actions. *Canatella v. Van De Kamp*, 486 F.3d 1128, 1132 (9th Cir. 2007); *see also, Wilson v. Garcia*, 471 U.S. 261, 277-78 (1985) (holding 1983 claims are best analogized to personal injury actions); *Lukovsky v. City & County of San Francisco*, 535 F.3d 1044, 1048 (9th Cir. 2008) (California’s statute of limitations for personal injury torts applies to §1983 and §1985 claims).

In California, the statute for personal injury actions is the two-year period set forth in California Code of Civil Procedure § 335.1. *Maldonado v. Harris*, 370 F.3d 945, 954 (9th Cir. 2004). Accordingly, all of plaintiff’s §§ 1983 and 1985 claims against the County Defendants are subject to a two-year statute of limitations. Plaintiff’s § 1983 claim brought pursuant to *Monell* (claim 3) is also governed by the two-year statute of limitations. *Baker v. California Highway Patrol*, 601 F. App’x 556, 557 (9th Cir. 2015) (applying California’s two-year statute of limitations to *Monell* claim); *Daniels v. City & Cty. of San Francisco*, No. 17-CV-05914-MEJ, 2018 WL 2215740, at *1 (N.D. Cal. May 15, 2018) (same). “Although state law determines the length of the limitations period, federal law determines when a civil rights claims accrues.” *Morales v. Los Angeles*, 214 F.3d 1151, 1153–54 (9th Cir.2000). Under federal law, a cause of action accrues when

1 the “plaintiff knows or had reason to know” of the injury underlying the action. *Id.*

2 Plaintiff did not file his complaint until April 16, 2021, nearly *three* years after the *two*-year
3 statute of limitations began to run on May 18, 2018. Because of plaintiff’s failure to timely file his
4 complaint, plaintiff’s section 1983 and 1985 claims against the County defendants—claims 1, 2, 3,
5 5, and 6—are barred by the statute of limitations and therefore DISMISSED WITH PREJUDICE.

6

7 **2. Claims Against Bail Defendants**

8 Plaintiff also alleges three causes of action for violations of §1983 and §1985 against the
9 Bail Defendants all based on the March 23, 2018 incident where Defendant Balisgame allegedly
10 tasered plaintiff and otherwise used excessive force. For the same reasons plaintiff’s claims against
11 the County Defendants are barred by the statute of limitations, so too are his claims against the Bail
12 Defendants.

13

14 **B. Plaintiff’s Final Claim for Declaratory Relief is Also DISMISSED**

15 Plaintiff’s claim for declaratory relief argues Vehicle Code § 14601.2 is vague and “meets
16 neither of the two due-process essentials.” Dkt. No. 1 at ¶163. In *Meniooh v. State of California et*
17 *al*, case no. 16cv715, Judge Breyer addressed this argument and dismissed plaintiff’s 2016 action.
18 *See Meniooh v. State of California, et al.* (Case number C16-00715- CRB) (Plaintiff’s complaint
19 attacking the Vehicle Code as vague, overbroad, and oppressive was dismissed on a motion to
20 dismiss without leave to amend). *See* Dkt. No. 8-6 (Judge Breyer’s Order Granting Mot. To
21 Dismiss).

22 Accordingly, plaintiff’s 7th claim for declaratory relief is frivolous, unsupported by the
23 complaint, and is barred by *res judicata*, having been previously dismissed by the District Court.
24 Plaintiff’s 7th claim is therefore DISMISSED WITH PREJUDICE.

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CONCLUSION⁹

The Judicial Defendants’ motion to dismiss is GRANTED WITH PREJUDICE.

Further, after reviewing the complaint as required in connection with plaintiff’s *in forma pauperis* application, the Court:

- (1) DISMISSES claims 1-6 WITH PREJUDICE as to all defendants as they are barred by statutes of limitations and
- (2) DISMISSES plaintiff’s 7th claim WITH PREJUDICE as barred by res judicata and for failure to state a claim.

IT IS SO ORDERED.

Dated: July 15, 2021



SUSAN ILLSTON
United States District Judge

⁹ The County Defendants have a pending motion for to dismiss which is rendered MOOT by this order. See Dkt. No. 34.