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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 KAREN STRAASS, et al.,

12 Plaintiffs,

13 vs.

14 JUDITH HAYES, et al.,

15 Defendants.

CASE NO. 15cv1813-LAB (JMA)

ORDER OF DISMISSAL

16 Karen and Mark Straass sue four judges involved with their unsuccessful state court
17 action. (Docket no. 1 at ¶ 7.) The state court entered summary judgment against them, the
18 appellate court affirmed, and the California Supreme Court denied their petition for review.
19 (*Id.*) In this lawsuit, the Straasses allege that the judges involved with their state court action
20 violated their due process rights. (*Id.* at ¶ 8.)

21 **I. *Rooker-Feldman* Doctrine**

22 Under the *Rooker-Feldman* doctrine, a party who loses in state court is barred from
23 seeking what is essentially appellate review of the state court judgment in federal court
24 based on the losing party's claim that the state judgment itself violated his federal rights.
25 *Johnson v. DeGrandy*, 512 U.S. 997, 1005-06 (1994). The doctrine applies not only to
26 claims that were actually raised before the state court, but also to claims that are inextricably
27 intertwined with state court determinations. See *District of Columbia Court of Appeals v.*
28 *Feldman*, 460 U.S. 462, 482 n.16 (1983). A claim is "inextricably intertwined" if it "succeeds

1 only to the extent that the state court wrongly decided the issues before it." *Pennzoil Co. v.*
2 *Texaco, Inc.*, 481 U.S. 1, 25 (1987).

3 "Rooker-Feldman concerns a district court's subject-matter jurisdiction," *Lance v.*
4 *Coffman*, 549 U.S. 437, 439 n.1 (2007) and courts have an "independent obligation" to
5 determine whether subject matter jurisdiction exists, *Arbaugh v. Y&H Corp.*, 546 U.S. 500,
6 514 (2006). Because this lawsuit challenges the state courts' rulings in the Straasses' state
7 court case, the cases are inextricably intertwined. This action is dismissed under
8 *Rooker-Feldman*.

9 **II. Fourteenth Amendment**

10 The Straasses' claim that this Court has jurisdiction because the state judges' alleged
11 judicial error denied them due process under the Fourteenth Amendment of the United
12 States Constitution. (Docket no. 1 at ¶ 8.) The Straasses essentially claim negligence by
13 the defendants. But, "the Fourteenth Amendment is not a font of tort law to be superimposed
14 upon whatever systems may already be administered by the States." *Cnty. of Sacramento*
15 *v. Lewis*, 523 U.S. 833, 848 (1998) (internal quotation marks omitted). And "the due process
16 guarantee does not entail a body of constitutional law imposing liability whenever someone
17 cloaked with state authority causes harm." *Id.* Thus, there's no liability under the Fourteenth
18 Amendment.

19 **III. Absolute Judicial Immunity**

20 Judges are entitled to absolute immunity "from civil liability for damages for their
21 judicial acts." *Mullis v. U.S. Bankr. Court for the Dist. of Nev.*, 828 F.2d 1385, 1388 (9th Cir.
22 1987). Judicial immunity is an absolute immunity from suit. See *Mitchell v. Forsyth*, 472 U.S.
23 511, 526 (1985). Absolute judicial immunity applies not only to suits for damages, but also
24 "to actions for declaratory, injunctive and other equitable relief." *Moore v. Brewster*, 96 F.3d
25 1240, 1244 (9th Cir.1996). Absolute judicial immunity "insulates judges from charges of
26 erroneous acts or irregular action, even when it is alleged that such action was driven by
27 malicious or corrupt motives . . . or when the exercise of judicial authority is flawed by the
28 commission of grave procedural errors." *In re Castillo*, 297 F.3d 940, 947 (9th Cir. 2002) (as

1 amended) (internal quotation marks and citations omitted); see also *Mireles v. Waco*, 502
2 U.S. 9, 11 (1991). "Judicial immunity applies however erroneous the act may have been,
3 and however injurious in its consequences it may have proved to the plaintiff." *Ashelman v.*
4 *Pope*, 793 F.2d 1072, 1075 (9th Cir.1986) (internal quotation marks omitted). A judge is
5 protected if: (1) He performed a "judicial act" and (2) he did not act in "clear absence of
6 jurisdiction." *Moore*, 96 F.3d at 1244. An action taken by a judge in excess of his or her
7 authority "cannot be said to have been taken in the absence of jurisdiction." *Mireles*, 502
8 U.S. at 13.

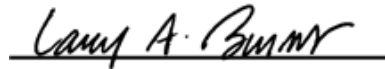
9 Here, the allegations against the defendants are based solely on their performance
10 as judicial officers in ruling on the Straasses' state court case. Thus, the defendants are
11 entitled to absolute judicial immunity from all of the Straasses' claims against them.

12 **IV. Conclusion**

13 It's clear from the face of the Straasses' complaint that the Court lacks jurisdiction over
14 their case. Thus, this case is **DISMISSED WITH PREJUDICE**.

15 **IT IS SO ORDERED.**

16 DATED: August 20, 2015

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18 **HONORABLE LARRY ALAN BURNS**
19 United States District Judge
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