

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SHANON CRUMBLEY,

Plaintiff,

v.

No. 2:21-cv-00916-KWR-KRS

TOM FOY STEWART,
SIXTH JUDICIAL DISTRICT ATTORNEY,
JO FOWLER,
HECTOR GRIJALVA,
CLEE CRUMBLEY, and
PATRICIA RICHARDSON,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER comes before the Court on *pro se* Plaintiff's First Amended Complaint for the Conversion of Property, Doc. 7, filed October 12, 2021 ("Amended Complaint").

This case arises over disputes between Plaintiff and her husband Defendant Clee Crumbley ("Clee"), Clee's cousin Defendant Patricia Richardson, and Clee's female friend Defendant Fowler. Defendants Stewart and Grijalva are state-court judges who presided over Plaintiff's divorce proceedings and criminal proceedings initiated by Defendant Sixth Judicial District Attorney. Plaintiff asserted claims pursuant to 42 U.S.C. § 1983, Civil action for deprivation of rights, 42 U.S.C. § 1985, Conspiracy to interfere with civil rights, 28 U.S.C. § 1343, Civil rights and elective franchise, and for fraud and conversion.

Plaintiff requested the following relief:

54. WHEREAS I ask for relief from the prejudice attacks against me by the District Attorney's office. They have been initiating charges against me nonstop for almost 2 years because I drive by the property [where] all my assets are located. The District Attorney is protecting the criminals helping them get away with fraud and needed to have an injunction placed against them.

55. Also allow the criminal charge I am attempting to move from the state as case 2:21-cv-00910-GBW¹ be removed and dismissed. It is completely fabricated and proof of sixth judicial district attorney's vindictive prosecution and cover up of Crumbley's attempted murder.

56. I ask the court to order Judge Stewart and Judge Grijalva recuse themselves from any current or future case that I am party to.

57. That an injunction be put against Fowler to stop running my LLC's assets under fraud and take possession of the illegally derived assets.

58. That Due Process of Law is allowed and further issue relief as the court deems appropriate.

Amended Complaint at 24.

United States Magistrate Judge Kevin R. Sweazea notified Plaintiff that the Amended Complaint failed to state a claim:

(i) for conspiracy pursuant to 42 U.S.C. § 1985(3) because there are no factual allegations specifically showing that there was an agreement between the Defendants or that Defendants acted in concert to deprive Plaintiff of any rights.

(ii) pursuant to 28 U.S.C. § 1343, Civil rights and elective franchise, which allows a person to "recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in [28 U.S.C. § 1985]," because the Amended Complaint failed to state a claim pursuant to Section 1985.

(iii) for monetary damages against Defendants Stewart and Grijalva because "State court judges are absolutely immune from monetary damages claims for actions taken in their judicial capacity, unless the actions are taken in the complete absence of all jurisdiction."

¹ The case Plaintiff asks to "be removed and dismissed" has been remanded to Bayard Magistrate Court, Grant County, State of New Mexico, for lack of jurisdiction. *See* Doc. 10, filed October 29, 2021, in *New Mexico v. Crumbley*, 2:21-cv-00910-JB-GBW.

(iv) against Defendant Sixth Judicial District Attorney for monetary damages because “a prosecutor is entitled to absolute immunity for those actions that cast him in the role of an advocate initiating and presenting the government's case.”

(v) against Defendants Fowler, Clee and Richardson pursuant to 28 U.S.C. § 1983 because there are no allegations showing that Defendants Fowler, Clee and Richardson were acting under color of state law or showing an agreement and concerted action between Defendants Fowler, Clee and Richardson and the other Defendants. Order for Second Amended Complaint, Doc. 8, filed October 13, 2021.

Judge Sweazea ordered Plaintiff to file a second amended complaint and notified her that failure to timely file a second amended complaint may result in dismissal of this case. Plaintiff did not file a second amended complaint by the November 3, 2021, deadline.

The Court dismisses Plaintiff's claims pursuant to 42 U.S.C. § 1983, Civil action for deprivation of rights, 42 U.S.C. § 1985, Conspiracy to interfere with civil rights, 28 U.S.C. § 1343, Civil rights and elective franchise, for the reasons stated in Judge Sweazea's Order.

Because it is dismissing Plaintiff's claims pursuant to federal law, the Court declines to exercise supplemental jurisdiction over Plaintiff's state-law claims. *See* 28 U.S.C. § 1367(c)(3) (“The district courts may decline to exercise supplemental jurisdiction over a claim ... if ... the district court has dismissed all claims over which it has original jurisdiction”).

IT IS ORDERED that:

- (i) Plaintiff's claims pursuant to 42 U.S.C. § 1983, Civil action for deprivation of rights, 42 U.S.C. § 1985, Conspiracy to interfere with civil rights, 28 U.S.C. § 1343, Civil rights and elective franchise are **DISMISSED**

WITHOUT PREJUDICE.

(ii) This case is **DISMISSED WITHOUT PREJUDICE.**

IT IS SO ORDERED.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE