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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VICKI M. ROBERTS,)	Case No. CV 99-12551 DDP (MANx)
)	
Plaintiff,)	ORDER GRANTING MOTION TO DISMISS
)	
v.)	[Motion filed on 1/6/00]
)	
LOS ANGELES CITY FIRE)	
DEPARTMENT; et al.,)	
)	
Defendants.)	
_____)	

This matter comes before the Court on a motion to dismiss by the defendants County of Los Angeles, Los Angeles District Attorney's Office, Michael Cabral, and Gil Garcetti (hereinafter the "County defendants"). After reviewing and considering the materials submitted by the parties and hearing oral argument, the Court finds that the complaint should be dismissed on the grounds that it is barred by the Rooker-Feldman abstention doctrine.

BACKGROUND

The plaintiff, Vicki M. Roberts, is an attorney who represents "certain suspects in an on-going criminal investigation." (Compl.

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1 at ¶ 1.) On December 3, 1998, Roberts alleges that her home was
2 raided by the police pursuant to a search warrant. (See id. at 2.)
3 The police allege that they were conducting a search related to the
4 on going investigation of an arson for profit scheme, in which
5 Roberts is a suspect but has not been charged. (See id. at 5; Mot.
6 at 6.)

7 Roberts alleges that investigators recovered and removed
8 approximately forty-five banker boxes of materials and documents
9 from her home. Roberts further alleges that these documents
10 include materials protected by the attorney-client and work product
11 privileges. (See Compl. at ¶ 18.)

12 Roberts asserted that the search warrant was based on false
13 and misleading statements, and she requested a hearing to challenge
14 the validity of the warrant. (See id. at 8.) She was granted a
15 hearing pursuant to Franks v. Delaware, 438 U.S. 154 (1978)
16 ("Franks" hearing). At the hearing, Roberts alleged that defendant
17 James Thornton proffered a false declaration in order to obtain the
18 warrant. (See Compl. at 7; Mot. at 7.)

19 Roberts alleges that the state court that conducted the Franks
20 hearing denied her a full and fair hearing by: (1) denying her the
21 right to offer testimony regarding the false statements made in the
22 search warrant affidavit, and limiting her cross-examination of
23 Thornton; (2) failing to conduct any hearing on the crime-fraud
24 exception or an in-camera review of the documents prior to
25 providing the defendants with privileged communications; (3)
26 failing to review and make records of all of the seized materials,
27 and failing to remove those documents outside the scope of the
28 warrant before delivering the documents to the defendants; (4)

1 ruling contrary to the clear evidence presented and not considering
2 evidence before the court; (5) refusing to permit the plaintiff to
3 introduce evidence that proves that the defendants knew that their
4 allegations were false; (6) making misstatements on the record as
5 to the state court's review of the materials; and (7) relying
6 improperly on an eviscerated search warrant affidavit. (See Compl.
7 at ¶ 21.)

8 The plaintiff also contends that the state trial court
9 exhibited actual bias toward her, including but not limited to
10 gender bias. (See id. at 12.)

11 The California trial court upheld the warrant in the Franks
12 hearing and Roberts appealed the ruling by way of a Petition for
13 Writ of Mandate and/or Prohibition or Other Extraordinary Relief.
14 (See Mot. at 7-8.) Both the California Court of Appeals and the
15 California Supreme Court denied the plaintiff's writ of mandate-
16 prohibition. (See id. at 8, 24-26; Roberts v. Superior Ct.,
17 Appellate Case No. B 130489.)

18 Roberts has also filed two state court lawsuits related to
19 these claims. The first suit was filed on October 7, 1999, and the
20 second on November 1, 1999. (See id. at 29, 61.) The County
21 defendants filed a demur in both of these cases. The trial court
22 sustained the County defendants' demur in the first case, leaving
23 twenty days for the plaintiff to amend her complaint regarding the
24 injunctive relief claim. The hearing on the demur in the second
25 case was continued until January 19, 2000. (See Mot. at 9-10.)

26 Roberts filed the instant action on December 1, 1999, alleging
27 violations of the Fourth and Fourteenth Amendments to the United
28 States Constitution and seeking both declaratory and injunctive

1 relief. Specifically, Roberts seeks "a full and fair hearing which
2 will result in the quashing of the warrant [and] suppression of the
3 materials seized," a ruling that the state court's decision is
4 vacated, removal of the arson investigative team, and a judicial
5 declaration that the search of her house was unconstitutional.
6 (Compl. at ¶¶ 32-41.)

7 In the present motion, the County defendants move to dismiss
8 the action on the grounds that Roberts' claims are barred by res
9 judicata, the Eleventh Amendment, and prosecutorial immunity.

11 DISCUSSION

12 A. Legal Standard

13 The County defendants move the Court to dismiss the
14 plaintiff's thirty-eighth claim pursuant to Federal Rule of Civil
15 Procedure 12(b). Dismissal under Rule 12(b)(6) is appropriate when
16 it is clear that no relief could be granted under any set of facts
17 that could be proven consistent with the allegations set forth in
18 the complaint. Newman v. Universal Pictures, 813 F.2d 1519, 1521-
19 22 (9th Cir. 1987). The court must view all allegations in the
20 complaint in the light most favorable to the non-movant and must
21 accept all material allegations -- as well as any reasonable
22 inferences to be drawn from them -- as true. North Star Int'l v.
23 Arizona Corp. Comm'n, 720 F.2d 578, 581 (9th Cir. 1983).

24 B. Analysis

25 In this motion, the County defendants move to dismiss on the
26 grounds that the plaintiff's claims are barred by the doctrine of
27 res judicata, the Eleventh Amendment, and prosecutorial immunity.
28 However, as a preliminary matter, the Court must address the issue

1 of subject matter jurisdiction. The United States District Court
2 is a court of original jurisdiction, and therefore does not have
3 jurisdiction to conduct appellate review of state court
4 proceedings. See Worldwide Church of God v. McNair, 805 F.2d 888,
5 890 (9th Cir. 1986). Thus, a district court cannot review state
6 court decisions "in particular cases arising out of judicial
7 proceedings even if those challenges allege that the state court's
8 action was unconstitutional." District of Columbia Court of
9 Appeals v. Feldman, 460 U.S. 462, 486 (1983). Instead, "litigants
10 who feel a state proceeding has violated their constitutional
11 rights must appeal that decision through their state courts and
12 thence to the Supreme Court." Young v. Murphy, 90 F.3d 1225, 1230
13 (7th Cir. 1996).

14 This principle has come to be known as the "Rooker-Feldman"
15 doctrine. See Schwarzer, et al., Federal Civil Procedure Before
16 Trial, ¶ 2:1380 at 2E-85 (1999) (referring to this limitation on
17 review of state court judgments as "Rooker-Feldman" doctrine). The
18 rationale behind the doctrine is that state courts are as competent
19 as federal courts at ruling on issues of federal and constitutional
20 law. See Worldwide Church of God, 805 F.2d at 891. Because the
21 Rooker-Feldman doctrine relates to the court's subject matter
22 jurisdiction, the court may raise the issue sua sponte. See id. at
23 890 (citing Solano v. Beilby, 761 F.2d 1369, 1370 (9th Cir. 1985));
24 see also Young, 90 F.3d at 1230 (raising Rooker-Feldman doctrine
25 sua sponte).

26 The Rooker-Feldman doctrine applies when a federal plaintiff
27 was a party to a state court action and is essentially challenging
28 an adverse decision by the state court. See Schwarzer, supra, ¶

1 2:1388 at 2E-87. The Ninth Circuit has held that the doctrine bars
2 review of non-final as well as final state court decisions. See
3 Dubinka v. Judges of Sup. Ct., 23 F.3d 218, 221 (9th Cir. 1994).

4 Although Rooker-Feldman prevents the Court from reviewing the
5 substance of a state court's decision, the Court "does have
6 jurisdiction over a 'general' constitutional challenge that does
7 not require review of a final state court decision in a particular
8 case." Worldwide Church of God, 805 F.2d at 891. Thus, "[t]he
9 fundamental and appropriate question to ask is whether the injury
10 alleged by the federal plaintiff resulted from the state court
11 judgment itself or is distinct from that judgment." Young, 90 F.3d
12 at 1231 (citations and internal quotations omitted). For example,
13 a federal district court may have jurisdiction to review the
14 constitutionality of a state law, but not the constitutionality of
15 a state court's application of that law in a specific case. See
16 Schwarzer, supra, ¶ 2:1382 at 2E-86.

17 In the present matter, Roberts' two causes of action and her
18 prayer for relief appear "inextricably intertwined" with the state
19 court's Franks hearing regarding the validity of the search
20 warrant. See Feldman, 460 U.S. at 482 n.16. The plaintiff claims
21 that her Fourth Amendment rights were violated because the police
22 conducted a search pursuant to an invalid warrant. The plaintiff
23 also claims that her procedural due process rights were violated
24 when the state court failed to properly find that the warrant
25 lacked probable cause. The plaintiff is seeking injunctive relief
26 which would provide her with "a full and fair hearing which will
27 result in the quashing of the warrant and suppression and return of
28 the seized materials." (Compl. at ¶¶ 16-17.) Additionally, she is

1 seeking "a finding vacating the orders of the state court for lack
2 of probable cause, bias, and lack of jurisdiction." (Id.) All of
3 these requests are in essence an attempt by Roberts to obtain
4 appellate review of the state court's Franks hearing.

5 The plaintiff asserts that Rooker-Feldman only applies to
6 collateral attacks on civil judgments, and that the doctrine does
7 not bar subsequent civil cases in federal court that challenge the
8 denial of due process by a state court in a criminal proceeding.
9 (See Supp. P&A's in Opp. to Mot. to Dismiss at 6-7.) However, the
10 Rooker-Feldman doctrine is not so limited. See Datz v. Kilgore, 51
11 F.3d 252, 253-54 (11th Cir. 1995) (dismissing § 1983 case that
12 challenged the constitutionality of car search under Rooker-Feldman
13 doctrine).¹

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19 ¹ The plaintiff's supplemental brief cites Young for the
20 proposition that Rooker-Feldman does not apply when the initial
21 state court proceeding was criminal rather than civil. (See Supp.
P&A's in Opp. to Mot. to Dismiss at 6-7.) However, Young does not
stand for that proposition. In Young, the Seventh Circuit stated
as follows:

22 [The Rooker-Feldman] doctrine articulates the limitations on
23 the district court's power to review state court civil
24 proceedings . . . Beyond the limited authority to examine
25 state judicial proceedings pursuant to habeas corpus review of
certain custodial situations, . . . district courts have no
authority to review the proceedings or final judgments of
state courts.

26 Young, 90 F.3d at 1230. Thus, the Young court stated that although
27 Rooker-Feldman bars federal review of *most* final state court
28 proceedings, it does not bar federal review of state court criminal
proceedings that are brought by petition for writ of habeas corpus.

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CONCLUSION

Therefore, as set forth above, the Court finds that the plaintiff's claims are barred by the Rooker-Feldman doctrine.

Because the Court is dismissing the complaint pursuant to the Rooker-Feldman doctrine, the Court need not address the defendant's argument that the case should be dismissed on the grounds of res judicata, the Eleventh Amendment, and prosecutorial immunity.

IT IS SO ORDERED.

Dated:

DEAN D. PREGERSON
United States District Judge