

## Hawkins v. Comparet-Cassani

United States District Court for the Central District of California  
February 3, 1999, Decided ; February 5, 1999, Filed  
Case No. CV 98-5605 DDP (CWx)

**Reporter:** 1999 U.S. Dist. LEXIS 8078

RONNIE HAWKINS, individually, and as the representative of the class of persons defined in avertment 16, Plaintiff, v. JOAN COMPARET-CASSANI; et al., Defendants.

**Prior History:** [\*1] Original Opinion of February 3, 1999, Reported at: [1999 U.S. Dist. LEXIS 4473](#).

**Disposition:** Granted in part and denied in part plaintiff's motion.

**Counsel:** For RONNIE HAWKINS, plaintiff: Stephen Yagman, Marion R Yagman, Richard H Millard, Joseph Reichmann, Jr, Yagman & Yagman, Venice, CA.

For JOAN COMPARET-CASSANI, LOS ANGELES MUNICIPAL COURT, LA SUPERIOR COURT, SHERMAN BLOCK, LOS ANGELES COUNTY OF, DONNA JACOBS, defendants: S Robert Ambrose, Kevin C Brazile, Lloyd W Pellman, Louis V Aguilar, Los Angeles County Counsel, Los Angeles, CA.

For DEFENDANTS, 100 unknown named, defendant: S Robert Ambrose, Kevin C Brazile, Lloyd W Pellman, Los Angeles County Counsel, Los Angeles, CA.

AMNESTY INTERNATIONAL, amicus: Paul L Hoffman, Bostwick & Hoffman, Santa Monica, CA.

AMNESTY INTERNATIONAL, amicus: William Aceves, California Western School of Law, San Diego, CA.

**Judges:** DEAN D. PREGERSON, United States District Judge.

**Opinion by:** DEAN D. PREGERSON

**Opinion**

ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR RECONSIDERATION.

The Court has reviewed the plaintiff's motion for reconsideration filed on February 1, 1999, and the authorities cited therein. The Court grants in part and denies in part plaintiff's motion.

With regard to the Los Angeles County Superior and Municipal Courts, the Ninth Circuit has explicitly held that these agencies are arms of the state of California. *Franceschi v. Schwartz*, 57 F.3d 828, 831 (9th Cir. 1995); *Greater Los Angeles Council on Deafness v. Zolin* 812 F.2d 1103, 1110 (9th Cir. 1987). As such, the Ninth Circuit has held that these agencies may not be sued for either damages or injunctive relief under § 1983. This Court is bound by this authority. Therefore, the Court denies the plaintiff's motion for reconsideration on the issue of injunctive relief against these agencies.

With regard to Judge Comparet-Cassani, the Court finds that Judge Comparet-Cassani is immune [\*2] from damages and injunctive relief in both her individual capacity and her official capacity. This is based on judicial immunity and Judge Comparet-Cassani's recusal as stated in the order. (See Order Parts I-C-2; II-B-3.)

Finally, with regard to the Los Angeles County Sheriff, the Court finds that the sheriff does not have Eleventh Amendment immunity for injunctive relief in his official capacity.

The Court will issue an amended order.

IT IS SO ORDERED.

Dated: *February 3, 1999*

DEAN D. PREGERSON

United States District Judge