NOT FOR PUBLICATION

FILED

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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SHAI SEGUI,

Plaintiff - Appellant,

v.

STEPHANIE STROMFORS, in her personal capacity; DIANA VIGIL, in her personal capacity; RANDY RAND, in his personal capacity,

Defendants - Appellees,

YVONNE PARNELL, DONNA MONIZ, BUILDING FAMILY BRIDGES, INTERCONTINENTAL HOTELS GROUP, PLC, UNKNOWN PARTIES, named as: Unidentified Employees, Agents, Contractors, and Owners of Building Family Bridges, RAYMOND BRANTON, Dr. in his personal capacity,

Defendants.

Nos. 25-4508, 25-7287
D.C. No.
2:24-cv-01171-DGC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David G. Campbell, District Judge, Presiding

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Submitted October 27, 2026[**]
Phoenix, Arizona

Before: GRABER, HURWITZ, and BADE, Circuit Judges.

Shai Segui sued Diana Vigil, Randy Rand, and Stephanie Stromfors, alleging that they violated 42 U.S.C. § 1983, and that Rand violated California's Bane Act, Cal. Civ. Code § 52.1(c), by forcing Segui to attend an intensive therapy program during custody proceedings in state court. The district court granted Defendants' motions to dismiss the complaint and denied Segui's motion for relief from final judgment. Segui appeals both decisions. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

1. Vigil contends that the *Rooker-Feldman* doctrine[1] bars review of Segui's claims, which stem from state-court custody proceedings involving his parents. *Rooker-Feldman*, however, only divests district courts of jurisdiction of a "forbidden de facto appeal" from a final state-court judgment. *Miroth v. County of Trinity*, 136 F.4th 1141, 1146 (9th Cir. 2025) (citation omitted). Segui was "not a party to the underlying state court proceeding," and *Rooker-Feldman* "does not bar actions by nonparties to the earlier state-court judgment simply because, for

[**] The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

[1] The doctrine takes its name from *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923), and *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983).

purposes of preclusion law, they could be considered in privity with a party to the judgment." *Lance v. Dennis*, 546 U.S. 459, 464–66 (2006) (per curiam). Moreover, Segui's requested remedy—monetary damages—would "ameliorate" the effects of the custody order but not "reinstate [his father's] parental rights or vacate or otherwise reverse the state court orders." *Miroth*, 136 F.4th at 1154–55.

2. The district court concluded that qualified immunity barred Segui's claims against Vigil and Stromfors. Qualified immunity attaches to state actors' conduct "unless their conduct violates clearly established law." *Zorn v. Linton*, 607 U.S. 568, 571 (2026) (per curiam). Conduct violates clearly established law when "the contours of a right are sufficiently clear that every reasonable official would have understood that what he is doing violates that right." *Ashcroft v. al-Kidd*, 563 U.S. 731, 741 (2011) (citation modified). A plaintiff bears "the burden of showing that the rights allegedly violated were clearly established." *Hopson v. Alexander*, 71 F.4th 692, 708 (9th Cir. 2023) (citation omitted).

Segui asserted that Vigil and Stromfors violated his "procedural and substantive due process rights" to the "companionship and support of his father" under the Fourteenth Amendment and his right to familial association under the First Amendment. He also asserted that Vigil and Stromfors "conspired" to interfere with those rights. Segui relies on precedents establishing that the right to familial association "protect[s] children from *unwarranted* state interference with

their relationships with their parents." *Hardwick v. County of Orange*, 980 F.3d 733, 741 (9th Cir. 2020) (emphasis added) (citation omitted). But these general principles, *see Zorn*, 607 U.S. at 572, do not "articulate[] a constitutional rule specific enough to alert" Vigil and Stromfors that their conduct, which was directed by valid and uncontested court orders, was unlawful. *Hughes v. Rodriguez*, 31 F.4th 1211, 1223 (9th Cir. 2022) (quoting *Sharp v. County of Orange*, 871 F.3d 901, 911 (9th Cir. 2017)).

Segui's remaining arguments concerning qualified immunity are also unavailing. He asserts that Arizona has now outlawed intensive therapy programs like the one he attended, but changes in legislation that took place "after the alleged constitutional violation cannot create clearly established law." *Russell v. Lumitap*, 31 F.4th 729, 737 (9th Cir. 2022). Segui's assertions that Vigil's and Stromfors's actions constituted kidnapping and torture under state law do not demonstrate that the constitutional right he asserts was clearly established at the time of those alleged actions. *See Zorn*, 607 U.S. at 572 (holding that a right was not clearly established because no prior case had held that similar actions in similar circumstances violated the Constitution); *see also Russell*, 31 F.4th at 737 (citation omitted) ("[E]xisting precedent must have placed the . . . constitutional question beyond debate." (ellipis in original)). Segui also asserts that Vigil and Stromfors violated his right to be free from judicial deception and are not entitled to qualified

immunity regarding that claim. *See Benavidez v. County of San Diego*, 993 F.3d 1134, 1140 (9th Cir. 2021). But Segui raised his judicial deception claim for the first time in his Rule 60(b) post-judgment motion. Thus, he forfeited this argument. *See Beech Aircraft Corp. v. United States*, 51 F.3d 834, 841 (9th Cir. 1995) (per curiam) ("That Plaintiffs raised the issue in a post-judgment motion does not save this issue for appeal for the Plaintiffs.").

3. The district court dismissed all claims against Rand—a private party. Ordinarily, "private conduct does not constitute governmental action." *Sutton v. Providence St. Joseph Med. Ctr.*, 192 F.3d 826, 835 (9th Cir. 1999). But private conduct may be actionable under § 1983 if "state officials and private parties have acted in concert in effecting a particular deprivation of constitutional rights." *Tsao v. Desert Palace, Inc.*, 698 F.3d 1128, 1140 (9th Cir. 2012) (quoting *Franklin v. Fox*, 312 F.3d 423, 445 (9th Cir. 2002)). The district court did not err in holding that Segui's complaint did not plausibly allege that Rand conspired with Vigil and Stromfors to deprive him of his civil rights.

4. The district court also concluded that Segui failed to allege a plausible Bane Act claim. Segui's opening brief mentions that ruling but makes no substantive argument challenging it. He does so for the first time in his reply brief, and thus waived or forfeited the issue. *Tri-Valley CAREs v. U.S. Dep't of Energy*, 671 F.3d 1113, 1130 (9th Cir. 2012).

5. Segui contends that the district court abused its discretion by denying his motion for Rule 60(b)(6) relief from a final judgment, because the court failed to consider his judicial deception claim and failed to accept as true allegations that Segui was subjected to trauma. Neither claim warrants relief under Rule 60(b)(6).

Segui failed to raise his judicial deception claim in his responses to the motions to dismiss. *See United States v. Alpine Land & Reservoir Co.*, 984 F.2d 1047, 1049 (9th Cir. 1993) (noting that "Rule 60(b)(6) has been used sparingly as an equitable remedy to prevent manifest injustice"). The district court did not abuse its discretion when it concluded that merely presenting new arguments does not qualify for relief under Rule 60(b)(6). *See Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 393 (1993) ("To justify relief under subsection (6), a party must show 'extraordinary circumstances' suggesting that the party is faultless in the delay." (citations omitted)).

And although Segui cites an April 2020 Trauma Assessment as establishing a disputed issue of fact, the Assessment does not undermine the district court's ruling, which rejected Segui's claims against Rand, Vigil, and Stromfors as a matter of law. The district court determined that qualified immunity barred Segui's claims against Vigil and Stromfors because Segui had not established a violation of a clearly established right, which is "a question of law, not 'legal facts.'" *Gordon v. County of Orange*, 6 F.4th 961, 968 (9th Cir. 2021) (quoting

Elder v. Holloway, 510 U.S. 510, 511 (1994)). Likewise, Segui failed to present non-conclusory allegations of joint action that would make Rand a "state actor." Similarly, the district court's dismissal of Segui's Bane Act claim for failure to state a claim did not rest on factual disputes.

AFFIRMED.