

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Gradford v. Warden

Case No. 2:24-cv-1841-JDP (P) (E.D. Cal. Apr. 15, 2025) · No. 2:24-cv-1841-JDP (P) · Decided April 16, 2025

OPINION

(PC) Gradford v. Warden

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 WILLIAM JAMES GRADFORD, JR., Case No. 2:24-cv-1841-JDP (P) 12 Plaintiff, 13 v.
ORDER

14 WARDEN,

15 Defendant. 16

17 18 Plaintiff, a former prisoner, brings this action against various defendants, including a 19
Stanislaus County sheriff's deputy, the warden of Mule Creek State Prison, an unspecified United
20 States District Court, a Stanislaus County probation officer, and, potentially, others unlisted in
the 21 caption. ECF No. 19 at 3. The complaint fails for two reasons. First, the various claims 22
contained therein do not appear factually or legally related and, thus, are unsuited to proceed 23
together. Second, none of the claims is sufficiently pled to proceed individually. I will dismiss 24
the first amended complaint with leave to amend. This will be plaintiff's final opportunity to 25
amend before I recommend dismissal of this action. In light of that dismissal, I will deny 26
plaintiff's pending motions to amend, for relief, to dismiss invalid contract, and for monetary 27
redress. ECF Nos. 20, 21, 22, & 23. 28 1 Screening Order 2 I. Screening and Pleading
Requirements 3 A federal court must screen a prisoner's complaint that seeks relief against a
governmental 4 entity, officer, or employee. See 28 U.S.C. § 1915A(a). The court must identify
any cognizable 5 claims and dismiss any portion of the complaint that is frivolous or malicious,
fails to state a 6 claim upon which relief may be granted, or seeks monetary relief from a
defendant who is 7 immune from such relief. See 28 U.S.C. §§ 1915A(b)(1), (2). 8 A complaint
must contain a short and plain statement that plaintiff is entitled to relief, 9 Fed. R. Civ. P. 8(a)(2),
and provide "enough facts to state a claim to relief that is plausible on its 10 face," Bell Atl. Corp.
v. Twombly, 550 U.S. 544, 570 (2007). The plausibility standard does not 11 require detailed
allegations, but legal conclusions do not suffice. See Ashcroft v. Iqbal, 556 U.S. 12 662, 678
(2009). If the allegations "do not permit the court to infer more than the mere 13 possibility of
misconduct," the complaint states no claim. Id. at 679. The complaint need not 14 identify "a

precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024, 15 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that 16 give rise to an enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 17 n.2 (9th Cir. 2006) (en banc) (citations omitted). 18 The court must construe a pro se litigant’s complaint liberally. See *Haines v. Kerner*, 404 19 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it 20 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which 21 would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). 22 However, ““a liberal interpretation of a civil rights complaint may not supply essential elements 23 of the claim that were not initially pled.”” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 24 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 25 II. Analysis 26 Plaintiff’s operative complaint appears to raise at least three separate and unrelated claims 27 against multiple defendants. See *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) (“Unrelated 28 claims against different defendants belong in different suits”). First, he alleges that, in 2016 1 and while in a “holding tank” at the Stanislaus County Superior Court, he witnessed a deputy 2 named Texeira physically abuse another detainee. ECF No. 19 at 4-5. Plaintiff claims that he 3 objected to the abuse and filed a grievance concerning it, and, thereafter, Texeira made 4 threatening gestures toward him on several occasions. *Id.* at 7-9. This claim, however, insofar as 5 it arises from events occurring in 2016, appears time-barred because this action was not filed until 6 2024. See *Lewis v. Khan*, No. 3:19-cv-1254-WQH-AHG, 2019 U.S. Dist. LEXIS 141386, *8 7 (C.D. Cal. Aug. 20, 2019) (“[T]he effective statute of limitations for most California prisoners is 8 three years for claims accruing before January 1, 2003, corresponding to a one-year limitations 9 period and two years for statutory tolling, and four years for claims accruing thereafter”). 10 Plaintiff may address this issue if he raises this claim in his future amended complaint. 11 Second, plaintiff alleges that, after being transferred to Mule Creek State Prison, 12 correctional officers behaved unprofessionally toward him, using foul language and sexually 13 suggestive gestures. ECF No. 19 at 9-12. I cannot tell how many defendants this claim 14 implicates, whether and how it implicates the facility warden named as a defendant in the caption, 15 or how it relates to the foregoing claim concerning alleged misconduct in Stanislaus County. 16 Third, plaintiff raises claims related to his interactions with a Stanislaus County probation 17 officer, including a search of his living space that culminated in a ten-day period of incarceration 18 in county jail. *Id.* at 13-15. I cannot tell when these claims occurred, what rights were allegedly 19 violated, or how, if at all, they relate to the other claims. 20 I will dismiss plaintiff’s complaint with leave to amend so that he may attempt to remedy 21 these deficiencies. Plaintiff is advised that the amended complaint will supersede the current 22 complaint. See *Lacey v. Maricopa County*, 693 F. 3d 896, 907 n.1 (9th Cir. 2012) (en banc). The 23 amended complaint should be titled “Second Amended Complaint” and refer to the appropriate 24 case number. 25 Accordingly, it is ORDERED that: 26 1. Plaintiff’s amended complaint, ECF No. 19, is DISMISSED with leave to amend. 27 2. Within

thirty days from service of this order, plaintiff shall file either (1) an amended 28 complaint or (2) notice of voluntary dismissal of this action without prejudice. 1 3. Failure to timely file either an amended complaint or notice of voluntary dismissal 2 || may result in the imposition of sanctions, including a recommendation that this action be 3 | dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 4 4. The Clerk of Court shall send plaintiff a section 1983 complaint form with this order. 5 5. Plaintiff's motion to amend, ECF No. 20, request for relief, ECF No. 21, request to 6 | dismiss invalid contract, ECF No. 22, and request for monetary redress, ECF No. 23 are all 7 | DENIED. 8 9 IT IS SO ORDERED. 10 (1 Ow — Dated: _ April 15, 2025 q——

11 JEREMY D. PETERSON

0 UNITED STATES MAGISTRATE JUDGE

13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28