

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kennard Davis v. James Walker, et al.

Davis v. Walker · No. Nos. 2:08-cv-0593-KJM-SCR-P and 2:10-cv-2139-KJM-SCR-P · Decided March 4, 2025

SUMMARY

The magistrate judge recommends denying Kennard Davis’s motions to be reinstated to competency in two federal civil rights actions. The recommendation concludes that Davis’s refusal to participate in a court-ordered competency evaluation, together with the available mental-health evidence and litigation history, establishes by a preponderance of the evidence that Davis is not currently competent to represent herself. The court also orders the competency report and curriculum vitae filed under seal and limits Davis’s objections to a single filing of no more than 20 pages.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 4, 2025
DOCKET	Nos. 2:08-cv-0593-KJM-SCR-P and 2:10-cv-2139-KJM-SCR-P
DISPOSITION	other
PROCEDURAL POSTURE	Magistrate judge issued findings and recommendations on plaintiff’s motions to be reinstated to competency and represent herself in two § 1983 civil rights actions.
STANDARD OF REVIEW	Competency was assessed under the applicable state-law substantive standard based on the preponderance of the evidence.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Kennard Davis v. James Walker, et al.

TOPICS

- guardianship procedure
- guardian ad litem
- section 1983
- civil rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff had presented sufficient evidence to establish that she was currently competent to represent herself in the civil rights actions.
2. Whether plaintiff's refusal to cooperate with the court-ordered competency evaluation supported a finding that she lacked a rational understanding of the proceedings and could not proceed pro se.

HOLDINGS

1. A civil litigant is entitled to a competency determination when substantial evidence of incompetence is presented; the procedure is governed by federal law, while the substantive competency standard is derived from state law. Under California law, a party is incompetent if the party lacks capacity to understand the nature or consequences of the proceeding or cannot assist counsel in preparing the case.
2. Plaintiff had not established that she was currently competent to represent herself; based on a preponderance of the evidence, her motions to be reinstated to competency should be denied.

KEY QUOTATIONS

“Either way, it appears that plaintiff’s mental illness is currently preventing her from a rational and factual understanding of these proceedings and from prosecuting this action.” (Section IV)

“Based on your refusal to visit or communicate with Dr. Gregory, the court does not have sufficient evidence to find that you are competent to proceed with your pending civil rights cases.” (Section V)

FACTUAL BACKGROUND

Plaintiff sought a determination that she had regained competency to represent herself in two civil rights actions. A court-appointed neutral expert attempted to evaluate plaintiff on two days, but plaintiff refused to meet with the expert, preventing a clinical interview, competency assessment, and psychological testing. Although mental-health records described periods of orientation and organized thought, they also documented mental-health diagnoses, medication noncompliance, paranoia, mood instability, poor insight, poor judgment, and uncooperative behavior. The magistrate judge concluded that the available evidence did not establish that plaintiff understood the proceedings or could prosecute them without protective representation.

PROCEDURAL HISTORY

Plaintiff, a state prisoner, filed related civil rights actions in 2008 and 2010. The court previously determined plaintiff incompetent and appointed or considered protective representation, and the matters were referred to the magistrate judge for further pretrial proceedings. Plaintiff later moved to be reinstated to competency, but refused to participate in a court-ordered competency evaluation. The magistrate judge recommended denial of the motions and requested briefing regarding the court's duties under Federal Rule of Civil Procedure 17(c)(2), subject to review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Allen v. Calderon, 408 F.3d 1150, 1153 (9th Cir. 2005)
- In re County of Orange, 784 F.3d 520, 523-24 (9th Cir. 2015)
- Golden Gate Way, LLC v. Stewart, Case No. 09-cv-04458 DMR, 2012 WL 4482053, at *2 (N.D. Cal. Sept. 28, 2012)
- In re Jessica G., 93 Cal. App. 4th 1180, 1186 (2001)
- Keyhea v. Rushen, 178 Cal. App. 3d 526 (1986)
- Davis v. Malfi, Case No. 06-cv-4744-AHM (MLG) (C.D. Cal. Sept. 29, 2010), ECF No. 135
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

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