

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Ahmed Mohammad Elghembri v. Jane Doe, et al.

Elghembri v. Doe · No. 24-cv-02768-WHO (PR) · Decided June 6, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed Ahmed Mohamed Elghembri’s 42 U.S.C. § 1983 action for failure to state a claim. The court held that allegations of verbal harassment, abuse, obscenities, and threats by prison personnel were not cognizable constitutional violations, and therefore also did not support claims against supervisory defendants.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	William H. Orrick
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 6, 2025
DOCKET	24-cv-02768-WHO (PR)
DISPOSITION	dismissed
PROCEDURAL POSTURE	A prisoner brought a pro se action under 42 U.S.C. § 1983. After the original complaint was dismissed with leave to amend, the court screened the first amended complaint under 28 U.S.C. § 1915A and dismissed the action for failure to state a claim.
STANDARD OF REVIEW	Mandatory preliminary screening of a prisoner complaint under 28 U.S.C. § 1915A; dismissal is required if the complaint is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The court applied the Rule 8 facial-plausibility standard and liberally construed the pro se pleading.
PRECEDENTIAL VALUE	unpublished district court order; precedential status not stated
PARTIES	Ahmed Mohammad Elghembri v. Jane Doe, et al.

TOPICS

- prisoners rights
- section 1983
- civil rights
- pleadings
- constitutional law

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

federal civil procedure

QUESTIONS PRESENTED

1. Whether allegations that prison personnel made rude, offensive, or obscene statements and ordered plaintiff to leave a class state a cognizable claim under 42 U.S.C. § 1983.
2. Whether the first amended complaint states a claim against supervisory defendants when it alleges no underlying constitutional violation by the unnamed teacher.

HOLDINGS

1. Allegations of verbal harassment and abuse, including mere threats, do not state a cognizable claim for relief under 42 U.S.C. § 1983.
2. When the complaint states no claim against the unnamed defendant, it likewise states no claim against the supervisory persons mentioned by plaintiff.

KEY QUOTATIONS

“This federal civil rights action is *DISMISSED* for failure to state a claim for relief.” (Conclusion)

FACTUAL BACKGROUND

Plaintiff, a prisoner at San Quentin State Prison, alleged that an unnamed teacher and members of a class made obscene or offensive statements about him. He also alleged that when he entered a class in which he was not a student, the participants ordered him to leave. In the first amended complaint, he repeated allegations of verbal harassment and referred to supervisory persons, but alleged no independent constitutional violation.

PROCEDURAL HISTORY

The original complaint alleged that an unnamed prison teacher and others made obscene or offensive remarks and ordered plaintiff to leave a class. The court dismissed that complaint with leave to amend because verbal harassment, abuse, and threats did not state a cognizable § 1983 claim. Plaintiff filed a first amended complaint repeating substantially the same allegations and referring to supervisory defendants; the court dismissed the action and directed the Clerk to enter judgment for defendants and close the file.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Clegg v. Cult Awareness Network, 18 F.3d 752, 754–55 (9th Cir. 1994)
- West v. Atkins, 487 U.S. 42, 48 (1988)

- Freeman v. Arpaio, 125 F.3d 732, 738 (9th Cir. 1997)
- Gaut v. Sunn, 810 F.2d 923, 925 (9th Cir. 1987)

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