

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rice v. Castellanos

Rice · No. 1:24-cv-01008-KES-EPG (PC) · Decided June 2, 2025

SUMMARY

The court recommends allowing Kordy Rice’s claims to proceed against specified prison officials: excessive force under the Eighth Amendment, failure to protect under the Eighth Amendment, and denial of due process under the Fourteenth Amendment. It recommends dismissing all other claims and defendants and advises that objections are due within 30 days.

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8
9 KORDY RICE, Case No. 1:24-cv-01008-KES-EPG (PC) 10 Plaintiff, FINDINGS AND
RECOMMENDATIONS 11 THAT THIS CASE PROCEED ONLY ON v. PLAINTIFF’S
CLAIMS: (1) EXCESSIVE 12 USE OF FORCE IN VIOLATION OF THE E. CASTELLANOS, et
al., EIGHTH AMENDMENT AGAINST 13 DEFENDANTS CASTELLANOS AND E.
Defendants.

RAMIREZ; (2) FOR FAILURE TO 14 PROTECT IN VIOLATION OF THE EIGHTH
AMENDMENT AGAINST 15 DEFENDANT ROBB; AND (3) FOR VIOLATION OF HIS
RIGHT TO DUE 16 PROCESS UNDER THE FOURTEENTH AMENDMENT AGAINST
DEFENDANTS 17 BROWN, ARREOLA, AND ROBB 18 (ECF NOS. 1, 13, 14) 19
OBJECTIONS, IF ANY, DUE WITHIN 30 20 DAYS 21 22 Plaintiff Kordy Rice proceeds pro se
and in forma pauperis in this civil rights action 23 filed under 42 U.S.C. § 1983.

(ECF Nos. 1, 6). Generally, Plaintiff alleges that prison officials 24 used excessive force against
him, failed to protect him from the use of excessive force, and 25 denied him due process in
connection with a prison disciplinary proceeding. 26 On March 11, 2025, the Court screened the
complaint, concluding that Plaintiff 27 sufficiently stated claims (1) for excessive use of force in
violation of the Eighth Amendment 28 against Defendants Castellanos and E. Ramirez; (2) for
failure to protect in violation of the 1 || Eighth Amendment against Defendant Robb; and (3) for
violation of his Fourteenth 2 || Amendment right to due process against Defendants Brown,
Arreola, and Robb.

The Court 3 || explained why the complaint otherwise failed to state any claims and gave Plaintiff
thirty days 4 || to either file (1) a notice to go forward on his cognizable claims, (2) an amended
complaint; or 5 a notice to stand on his complaint and have it reviewed by a district judge. 6 On

April 4, 2025, Plaintiff filed a notice stating that he wants to proceed only on the 7 || claims that the Court found cognizable.

(ECF No. 14). 8 Accordingly, for the reasons set forth in the Court’s screening order that was entered on 9 || March 11, 2025 (ECF No. 13), and because Plaintiff has notified the Court that he wants to 10 || proceed on the claims that the Court found should proceed past screening (ECF No. 14), IT IS 11 || RECOMMENDED that all claims and Defendants be dismissed, except for Plaintiffs claims 12 || (1) for excessive use of force in violation of the Eighth Amendment against Defendants 13 || Castellanos and E. Ramirez; (2) for failure to protect in violation of the Eighth Amendment 14 || against Defendant Robb; and (3) for violation of his Fourteenth Amendment right to due 15 || process against Defendants Brown, Arreola, and Robb.

16 These findings and recommendations will be submitted to the United States District 17 || Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within 18 || thirty (30) days after being served with these findings and recommendations, Plaintiff may file 19 || written objections with the Court.

The document should be captioned “Objections to Magistrate 20 || Judge’s Findings and Recommendations.” Any objections shall be limited to no more than 15 21 || pages, including exhibits. Plaintiff is advised that failure to file objections within the specified 22 || time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 23 || (9th Cir.

2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)). IT IS SO ORDERED. ||
Dated: _ June 2, 2025 [Je heey — 26 UNITED STATES MAGISTRATE JUDGE 27 28