

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Horn v. Delatori

Case No. 25cv2404-BEN (KSC) · No. 25cv2404-BEN (KSC); 3:25-cv-02404 · Decided October 2, 2025

SUMMARY

The United States District Court for the Southern District of California grants Jessie Ray-Lynn Horn leave to proceed in forma pauperis and assesses an initial partial filing fee of \$58.19. The court dismisses without prejudice Horn’s 42 U.S.C. § 1983 excessive-force complaint against Correctional Officer Delatori under 28 U.S.C. §§ 1915(e)(2) and 1915A(b), finding that the allegations do not plausibly show force applied maliciously and sadistically to cause harm. The court grants Horn 45 days to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Roger T. Benitez
JURISDICTION	United States District Court for the Southern District of California
DECIDED	October 2, 2025
DOCKET	25cv2404-BEN (KSC); 3:25-cv-02404
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se filed a 42 U.S.C. § 1983 complaint and moved to proceed in forma pauperis. The district court granted IFP status, screened the complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A(b), dismissed the complaint without prejudice for failure to state a claim, and granted leave to amend.
STANDARD OF REVIEW	The court applied the screening standards under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), using the Federal Rule of Civil Procedure 12(b)(6) plausibility standard to determine whether the complaint stated a claim.
PRECEDENTIAL VALUE	unpublished district court order; limited persuasive value
PARTIES	Jessie Ray-Lynn Horn v. Delatori, Correctional Officer

TOPICS

prisoners rights

civil rights

section 1983

cruel and unusual punishment

civil procedure

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's complaint plausibly alleged an Eighth Amendment excessive-force claim under 42 U.S.C. § 1983.
2. Whether the complaint was subject to dismissal during mandatory prisoner screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).
3. Whether Plaintiff should be granted leave to amend his pro se complaint.
4. Whether Plaintiff qualified to proceed in forma pauperis and owed an initial partial filing fee.

HOLDINGS

1. Plaintiff was entitled to proceed in forma pauperis, subject to payment of an initial partial filing fee of \$58.19 and the remaining \$291.81 balance through monthly installments.
2. The complaint failed to plausibly allege that Defendant used force maliciously and sadistically to cause harm rather than in a good-faith effort to maintain or restore discipline.
3. The complaint was subject to dismissal without prejudice for failure to state a claim under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).
4. Plaintiff was granted forty-five days to file an amended complaint curing the identified pleading deficiencies.

KEY QUOTATIONS

“These allegations fail to plausibly allege Defendant applied force maliciously and sadistically to cause harm rather than in a good-faith effort to maintain or restore discipline.” (at 5)

“DISMISSES the Complaint without prejudice and with leave to amend pursuant to 28 U.S.C. §§ 1915(e)(2) & 1915A(b).” (at 6)

FACTUAL BACKGROUND

Plaintiff alleged that, while tying his boot after passing through a metal detector, he rested his foot on a railing. After the correctional officer instructed him to move behind a designated line, the officer allegedly forcefully pushed or slapped Plaintiff's foot off the railing. Plaintiff reported limping and slight swelling the next day, which was treated with a bandage wrap, and alleged resulting anxiety and depression.

PROCEDURAL HISTORY

Plaintiff filed a prisoner civil-rights action against a correctional officer and submitted an IFP motion. The court granted IFP status and assessed an initial partial filing fee, then conducted mandatory pre-answer screening. It

dismissed the complaint without prejudice and allowed forty-five days to file an amended complaint.

DISPOSITION

other

CASES CITED

- *Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir. 2007)
- *Andrews v. King*, 398 F.3d 1113, 1119 (9th Cir. 2005)
- *Bruce v. Samuels*, 577 U.S. 82, 84 (2016)
- *Lopez v. Smith*, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc)
- *Rhodes v. Robinson*, 621 F.3d 1002, 1004 (9th Cir. 2010)
- *Nordstrom v. Ryan*, 762 F.3d 903, 920 n.1 (9th Cir. 2014)
- *Watson v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012)
- *Wilhelm v. Rotman*, 680 F.3d 1113, 1121 (9th Cir. 2012)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Devereaux v. Abbey*, 263 F.3d 1070, 1074 (9th Cir. 2001)
- *Graham v. Connor*, 490 U.S. 386, 393-94 (1989)
- *Whitley v. Albers*, 475 U.S. 312, 319 (1986)
- *Farmer v. Brennan*, 511 U.S. 825, 832 (1994)
- *LeMaire v. Maas*, 12 F.3d 1444, 1458 (9th Cir. 1993)
- *Hudson v. McMillian*, 503 U.S. 1, 9 (1992)
- *Wilkins v. Gaddy*, 559 U.S. 34, 38 (2010)
- *Simmons v. G. Arnett*, 47 F.4th 927, 933 (9th Cir. 2022)
- *Rosati v. Igbino*, 791 F.3d 1037, 1039 (9th Cir. 2015)
- *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012)
- *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1990)
- *Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir. 2012)
- *Lira v. Herrera*, 427 F.3d 1164, 1169 (9th Cir. 2005)