

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Ricky Johnson v. M. Sanchez, et al.

Johnson v. Sanchez · No. 2:24-cv-02362-MDC · Decided January 8, 2026

SUMMARY

The document is a report and recommendation for dismissal, together with an order directing assignment of a district judge, in a pro se action brought by Ricky Johnson against M. Sanchez and others. The magistrate judge recommends dismissal of the amended complaints because they inadequately plead Fourth Amendment and 42 U.S.C. § 1983 claims, fail to establish municipal liability against the LVMPD, and improperly invoke a federal criminal kidnapping statute. The recommendation also notes uncertainty regarding potential Heck v. Humphrey preclusion and gives notice of the deadline for objections.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Maximiliano D. Couvillier III
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 8, 2026
DOCKET	2:24-cv-02362-MDC
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation following screening of two amended complaints filed by a pro se plaintiff pursuant to a prior screening order.
STANDARD OF REVIEW	The court liberally construed the pro se pleadings and applied the Rule 8(a)(2) and Rule 12(b)(6) plausibility standards, assessing whether the complaints pleaded sufficient factual matter to state a claim for relief.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Ricky Johnson v. M. Sanchez, et al.

TOPICS

- pleadings
- section 1983
- civil rights
- police misconduct
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the amended complaint pleaded a plausible claim under 42 U.S.C. § 1983 for unreasonable search or seizure, excessive force, or false arrest.
2. Whether the amended complaint pleaded a viable municipal-liability claim against the Las Vegas Metropolitan Police Department under Monell.
3. Whether Johnson could pursue a private civil claim under the federal kidnapping statute, 18 U.S.C. § 1201.
4. Whether the action was potentially barred by Heck v. Humphrey because success could imply the invalidity of an underlying conviction or sentence.
5. Whether the two amended complaints should be treated as identical and the earlier-filed amended complaint denied.

HOLDINGS

1. A later amended complaint supersedes earlier complaints, including earlier amended complaints; because the two amended complaints appeared identical, the court recommended denying the earlier-filed amended complaint and screening the later-filed amendment.
2. The amended complaint failed to state plausible § 1983 claims because it provided only bare-bones and conclusory allegations and did not adequately explain the factual basis for the alleged search, seizure, excessive force, or false arrest.
3. The amended complaint did not adequately plead a Fourth Amendment violation arising from a Terry stop or search because it did not allege facts showing that the officers lacked reasonable suspicion or probable cause.
4. The potential excessive-force claim was inadequately pleaded because Johnson did not identify which officer used excessive force, describe each officer's conduct, or provide facts showing the force was objectively unreasonable.
5. The amended complaint failed to state a plausible false-arrest claim because it did not plead facts showing that the officers lacked probable cause to detain or arrest Johnson.
6. The complaint failed to state a municipal-liability claim because it did not allege a policy, practice, custom, final policymaker action, or ratification that was the moving force behind a constitutional violation.
7. Johnson could not pursue a private civil claim under the federal kidnapping statute because it is criminal and does not provide a private right of action.
8. The court concluded that dismissal was also appropriate because Johnson did not clarify whether he had been convicted or show that any potentially invalidating conviction or sentence had been overturned.

KEY QUOTATIONS

“when a plaintiff files an amended complaint, '[t]he amended complaint super[s]cedes the original, the latter being treated thereafter as non-existent'” (2)

“enough facts to state a claim to relief that is plausible on its face.” (3)

“At the very least there must be an affirmative link between the policy and the particular constitutional violation alleged.” (5)

“a § 1983 plaintiff must prove that the conviction or sentence has been” previously invalidated.” (7)

FACTUAL BACKGROUND

Johnson alleged that three officers conspired to chase him, conduct a Terry search, arrest him, and use excessive force after he reached into his pocket for identification. He alleged that the officers acted without probable cause or a warrant and that the Las Vegas Metropolitan Police Department failed to produce video evidence. The amended complaint supplied few facts identifying the officers' conduct, the circumstances of the detention or arrest, any departmental policy or custom, or whether the arrest led to a conviction that had been invalidated.

PROCEDURAL HISTORY

Johnson filed two amended complaints after the court's screening order. The court found the amended complaints appeared identical, recommended denying the earlier-filed amended complaint, screened the later-filed amended complaint, and recommended dismissal of the action. The court directed the clerk to randomly assign a district judge so that Johnson could object to the report and recommendation.

DISPOSITION

other

CASES CITED

- Rhodes v. Robinson, 621 F.3d 1002, 1005 (9th Cir. 2010)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 545, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Gonzaga University v. Doe, 536 U.S. 273, 285 (2002)
- Hafer v. Melo, 502 U.S. 21, 25, 27 (1991)
- Flint v. Dennison, 488 F.3d 816, 824-25 (9th Cir. 2007)
- Mitchell v. Washington, 818 F.3d 436, 442 (9th Cir. 2016)
- Terry v. Ohio, 392 U.S. 1, 21-22, 27-29 (1968)
- Graham v. Connor, 490 U.S. 386, 393-97 & n.10 (1989)
- Albright v. Oliver, 510 U.S. 266, 273-75 (1994)
- Luchtel v. Hagemann, 623 F.3d 975, 979 (9th Cir. 2010)
- Illinois v. Gates, 462 U.S. 213, 235 (1983)

- Monell v. Department of Social Services of City of New York, 436 U.S. 658, 690, 694 (1978)
- Gillette v. Delmore, 979 F.2d 1342, 1346-47 (9th Cir. 1992)
- White v. City of Vacaville, 2012 U.S. Dist. LEXIS 58769, 2012 WL 1455221, at *4-*6 (E.D. Cal. Apr. 26, 2012)
- Dougherty v. City of Covina, 654 F.3d 892, 900 (9th Cir. 2011)
- City of Oklahoma City v. Tuttle, 471 U.S. 808, 823 (1985)
- Schwettmann v. Starns, 2023 U.S. Dist. LEXIS 213285, 2023 WL 8284064, at *2 (E.D. Cal. Nov. 30, 2023)
- Wormley v. Hemphill, 2021 U.S. Dist. LEXIS 267026, 2021 WL 11670848, at *2 (D.D.C. Mar. 22, 2021)
- Milam v. Southaven Police Department, 2015 U.S. App. LEXIS 23103, at *5 (6th Cir. Aug. 21, 2015)
- Heck v. Humphrey, 512 U.S. 477 (1994)
- Martin v. Sias, 88 F.3d 774, 775 (9th Cir. 1996)
- Thomas v. Arn, 474 U.S. 140, 142 (1985)
- Martinez v. Yist, 951 F.2d 1153, 1157 (9th Cir. 1991)
- Britt v. Simi Valley United School District, 708 F.2d 452, 454 (9th Cir. 1983)