

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jonathan Robertson v. State of California, et al.

Robertson · No. No. 1:23-cv-0975 JLT GSA (PC) · Decided January 12, 2026

SUMMARY

The United States District Court for the Eastern District of California partially adopts findings and recommendations concerning Defendant Pallares’s motion to dismiss claims in Plaintiff Jonathan Robertson’s Second Amended Complaint. The court dismisses claims two and four with leave to amend and dismisses claim three in part as to defendants other than Pallares, while allowing the claim against Pallares to proceed.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 12, 2026
DOCKET	No. 1:23-cv-0975 JLT GSA (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff objected in part to a magistrate judge's findings and recommendations concerning Defendant Pallares's motion to dismiss claims two, three, and four of the Second Amended Complaint. The district court conducted de novo review and adopted the findings and recommendations in part.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge's findings and recommendations to which the parties objected; plausibility pleading standard under Bell Atlantic Corp. v. Twombly for the motion to dismiss.
PRECEDENTIAL VALUE	unpublished
PARTIES	Jonathan Robertson v. State of California, et al.

TOPICS

- motions to dismiss
- pleadings
- prisoners rights
- civil rights
- constitutional law

PRACTICE AREAS

civil rights

prisoner civil rights

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations regarding dismissal of claims two, three, and four.
2. Whether the Second Amended Complaint plausibly alleged that Defendant Pallares facilitated abuse in violation of the Eighth Amendment.
3. Whether the Second Amended Complaint contained sufficient factual allegations to support claim three against defendants other than Pallares.
4. Whether claims two and four should be dismissed with leave to amend.

HOLDINGS

1. The district court adopted the findings and recommendations in part after conducting de novo review under 28 U.S.C. § 636(b)(1).
2. The allegations that Defendant Pallares facilitated Plaintiff's abuse at the hands of Defendant Rodriguez were sufficient to permit a plausible inference of an Eighth Amendment violation; dismissal of claim three was therefore denied as to those allegations.
3. Claim three was dismissed with leave to amend as to defendants other than Pallares because the Second Amended Complaint contained very few or no factual allegations describing the abuse allegedly committed by those defendants, including where and when it occurred and who was involved.
4. Claim two, including Plaintiff's references to the Equal Protection Clause construed as a request for leave to amend, and claim four were dismissed with leave to amend.

KEY QUOTATIONS

"At this stage, Plaintiff has no obligation to cite evidence or establish facts, but rather only to offer factual allegations." (at 1)

FACTUAL BACKGROUND

Plaintiff, a transgender woman and state prisoner, alleged that prison officials abused her. In the operative Second Amended Complaint, she asserted several claims against prison officials, including allegations that Defendant Pallares facilitated abuse by Defendant Rodriguez. The court found that the allegations against Pallares plausibly supported an Eighth Amendment claim, but that the complaint lacked sufficient factual allegations concerning the alleged abuse by the other defendants.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding with counsel, asserted claims arising from alleged abuse by prison officials. Defendant Pallares moved to dismiss claims two, three, and four. The magistrate judge recommended granting the motion in part with leave to amend. After the parties filed partial objections and a response, the district court

reviewed the matter de novo, adopted the recommendations in part, granted the motion in part with leave to amend, and allowed thirty days to file a Third Amended Complaint.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. Plaintiff was ordered to file any Third Amended Complaint within thirty days of the order's filing, and the court stated that it did not anticipate permitting further amendments.

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)

OPINION

Robertson

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 JONATHAN ROBERTSON, No. 1:23-cv-0975 JLT GSA (PC)

12 Plaintiff, ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS IN PART

13 v. (Docs. 34, 48) 14 STATE OF CALIFORNIA, et al., 15 Defendants. 16 17 Plaintiff, a state
prisoner proceeding with counsel, asserts several claims arising from her 18 alleged abuse at the
hands of prison officials.1 The matter was referred to a United States 19 Magistrate Judge pursuant
to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. Defendant Pallares 20 moves to dismiss the
second, third, and fourth claims in the operative Second Amended 21 Complaint (Docs. 32, 34.) 22
On April 7, 2025, the magistrate judge issued findings and recommendations. (Doc. 48.) 23 The
magistrate judge recommends granting the motion in part with leave to amend. The Court 24
served the findings and recommendations on the parties and warned that the absence of objections
25 within fourteen days may result in waiver of certain rights. (Id. at 16 (citing Wilkerson v. 26
Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)).) Plaintiff and Defendant have filed partial 27 1 The
court follows the parties’ and the magistrate judge’s convention of referring to Plaintiff 28 with
feminine pronouns, given her allegation that she is a transgender woman. (Doc. 32 ¶ 5.) 1
objections, and Defendant has responded to plaintiff’s objections. (Docs. 49, 50, 51.) The court 2
has reviewed the matter de novo under 28 U.S.C. § 636(b)(1) and adopts the Findings and 3

Recommendations in part as explained below. 4 The Court adopts the Findings and Recommendations with respect to claim two. The 5 Court construes Plaintiff's references to the Equal Protection Clause as a request for leave to 6 amend. (See Doc. 49 at 3 & n.2.) Claim two is thus dismissed with leave to amend. 7 The court adopts the Findings and Recommendations in part with respect to claim three. 8 First, Plaintiff's allegations suffice to permit a plausible inference that Defendant Pallares 9 facilitated Plaintiff's abuse at the hands of Defendant Rodriguez in violation of the Eighth 10 Amendment. (See Doc. 32 ¶¶ 17–18.) The Court thus agrees with the magistrate judge's 11 recommendation to dismiss claim three with respect to the allegations against Defendant Pallares. 12 Second, the magistrate judge recommends dismissing claim three with respect to the other 13 Defendants because "Plaintiff provides no clear evidence" to support her claims and has not 14 "established" Defendants Pallares's knowledge of certain facts. (Doc. 48 at 11.) At this stage, 15 Plaintiff has no obligation to cite evidence or establish facts, but rather only to offer factual 16 allegations. See *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). The Court thus 17 declines to adopt this portion of the Findings and Recommendations. The Court does find, 18 however, that the Second Amended Complaint lacks factual allegations supporting a claim based 19 on the actions of the other Defendants. Plaintiff offers very little or no factual allegations about 20 the abuse she suffered at the hands of any others, such as where that abuse occurred, when, or 21 who was involved. Claim three is thus dismissed in part with respect to the claims against the 22 other Defendants, again with leave to amend. 23 The court adopts the Findings and Recommendations with respect to claim four. Claim 24 four is dismissed with leave to amend. Accordingly, the Court ORDERS: 25 1. The findings and recommendations issued April 7, 2025 (Doc. 48), are 26 ADOPTED IN PART as specified above; 27 2. Defendants' motion to dismiss (Doc. 34) is GRANTED IN PART with leave to 28 amend: 1 a. Claim two is dismissed with leave to amend. 2 b. Claim three is dismissed with leave to amend with respect to Plaintiff's 3 allegations against Defendants other than Pallares. The motion to dismiss 4 claim three is otherwise denied. 5 C. Claim four is dismissed with leave to amend. 6 3. Any Third Amended Complaint must be filed within thirty days of the date this 7 order is filed. The Court does not anticipate permitting any further amendments. 8 9 IT IS SO ORDERED. 10 Dated: _ January 12, 2026 Cerin | Tower

TED STATES DISTRICT JUDGE

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