

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

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

11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28