

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Reese v. CDCR, et al.

No. 2:24-CV-3359-DMC-P (E.D. Cal. July 24, 2025) · No. No. 2:24-CV-3359-DMC-P · Decided July 25, 2025

SUMMARY

The United States District Court for the Eastern District of California screens Plaintiff Keith Ryan Reese’s first amended prisoner civil rights complaint under 28 U.S.C. § 1915A. The court finds potentially cognizable Equal Protection claims against Hennigan and Skelton, while concluding that the claim against warden Schultz impermissibly relies on respondeat superior and should be dismissed. The court also directs termination of CDCR as a named defendant and recommends dismissal of Schultz.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 25, 2025
DOCKET	No. 2:24-CV-3359-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on screening of a prisoner's first amended civil-rights complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner's complaint or portion thereof if it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. A complaint must also satisfy Federal Rule of Civil Procedure 8(a)(2) by providing a short and plain statement giving defendants fair notice of the claim and its grounds.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Keith Ryan Reese v. CDCR, Jason Shultz, A. Hennigan, G. Skelton

TOPICS

- prisoners rights
- section 1983
- equal protection
- pleadings
- civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the first amended complaint plausibly stated equal-protection claims against Hennigan and Skelton based on alleged racial discrimination and racial slurs.
2. Whether the amended complaint stated a cognizable 42 U.S.C. § 1983 claim against supervisory defendant Schultz based only on allegations that he allowed employees to discriminate against Reese.
3. Whether CDCR should remain a named defendant after it was omitted from the first amended complaint.

HOLDINGS

1. The first amended complaint plausibly stated potentially cognizable claims against Hennigan and Skelton for violations of Reese's rights under the Equal Protection Clause based on alleged racial discrimination.
2. The claim against Schultz failed because the allegation that he allowed his employees to discriminate against Reese stated only a respondeat superior theory, which is not cognizable under § 1983, and did not specifically allege Schultz's own participation, direction, deficient policy, or failure to prevent a known constitutional violation.

KEY QUOTATIONS

“A supervisor is only liable for the constitutional violations of subordinates if the supervisor participated in or directed the violations.” (at 3)

“Thus, Plaintiff's claim against Defendant Schultz proceeds on a theory of respondeat superior, which is not a cognizable theory in a civil rights action.” (at 4)

FACTUAL BACKGROUND

Reese, a prisoner and the only Black plumber at California State Prison–Solano, alleged that Hennigan and Skelton used racial slurs and discriminated against him in connection with a work change and termination from his plumber position. He alleged that Skelton conspired with the other defendants to terminate him and that warden Schultz allowed employees to discriminate against him. The amended complaint named Schultz, Hennigan, and Skelton; CDCR, named in the original complaint, was omitted from the amended complaint.

PROCEDURAL HISTORY

Reese filed a pro se civil-rights complaint on December 2, 2024, naming CDCR, Hennigan, Schultz, and Skelton. The court granted leave to amend on January 23, 2025, finding potentially cognizable equal-protection claims against Hennigan and Skelton but identifying defects in the claims against CDCR and Schultz. Reese filed a first amended complaint on February 13, 2025. The magistrate judge found potentially cognizable equal-

protection claims against Hennigan and Skelton, directed service on them by separate order, recommended dismissal of Schultz for failure to state a claim, and directed termination of CDCR as a named defendant.

DISPOSITION

other

CASES CITED

- Olivas v. Nevada ex rel. Department of Corrections, 856 F.3d 1281, 1282 (9th Cir. 2017)
- McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996)
- Kimes v. Stone, 84 F.3d 1121, 1129 (9th Cir. 1996)
- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- Redman v. County of San Diego, 942 F.2d 1435, 1446 (9th Cir. 1991) (en banc)
- Starr v. Baca, 633 F.3d 1191, 1209 (9th Cir. 2011)
- Fayle v. Stapley, 607 F.2d 858, 862 (9th Cir. 1979)
- Mosher v. Saalfeld, 589 F.2d 438, 441 (9th Cir. 1978)
- Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Ashcroft v. Iqbal, 556 U.S. 662, 676 (2009)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Reese v. CDCR

PER CURIAM.

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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 KEITH RYAN REESE, No. 2:24-CV-3359-DMC-P

12 Plaintiff, 13 v. ORDER 14 CDCR, et al., and 15 Defendants. FINDINGS AND
RECOMMENDATIONS 16 17 Plaintiff, a prisoner proceeding pro se, brings this civil rights
action. Pending 18 before the Court is Plaintiff’s first amended complaint, ECF No. 10. 19 The
Court is required to screen complaints brought by prisoners seeking relief 20 against a
governmental entity or officer or employee of a governmental entity. See 28 U.S.C. 21 §
1915A(a). This provision also applies if the plaintiff was incarcerated at the time the action was 22
initiated even if the litigant was subsequently released from custody. See Olivas v. Nevada ex rel.
23 Dep’t of Corr., 856 F.3d 1281, 1282 (9th Cir. 2017). The Court must dismiss a complaint or 24
portion thereof if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can 25
be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. See 28

26 U.S.C. § 1915A(b)(1), (2). 27 / / / 28 / / / 1 Moreover, the Federal Rules of Civil Procedure require that complaints contain a 2 “. . . short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. 3 Civ. P. 8(a)(2). This means that claims must be stated simply, concisely, and directly. See 4 *McHenry v. Renne*, 84 F.3d 1172, 1177 (9th Cir. 1996) (referring to Fed. R. Civ. P. 8(e)(1)). 5 These rules are satisfied if the complaint gives the defendant fair notice of the plaintiff’s claim 6 and the grounds upon which it rests. See *Kimes v. Stone*, 84 F.3d 1121, 1129 (9th Cir. 1996). 7 Because Plaintiff must allege with at least some degree of particularity overt acts by specific 8 defendants which support the claims, vague and conclusory allegations fail to satisfy this 9 standard. Additionally, it is impossible for the Court to conduct the screening required by law 10 when the allegations are vague and conclusory. 11

12 I. BACKGROUND

13 A. Procedural History 14 Plaintiff initiated this action with a pro se complaint filed on December 2, 2024, 15 asserting claims against the California Department of Corrections and Rehabilitation (CDCR), 16 Defendant Hennigan, Defendant Schultz, and Defendant Skelton. See ECF No. 1. On January 23, 17 2025, the Court issued an order granting Plaintiff leave to amend to cure defects in Plaintiff’s 18 claims. See ECF No. 8. Specifically, the Court stated: 19 The Court finds that Plaintiff plausibly states potentially cognizable claims against Defendants Hennigan and Skelton for violation 20 of Plaintiff’s rights under the Equal Protection Clause based on Plaintiff’s allegations of racial discrimination. Plaintiff’s claims against CDCR, 21 however, cannot proceed because that defendant is immune under the Eleventh Amendment. Plaintiff’s claim against the prison warden, 22 Defendant Schultz, cannot proceed because Plaintiff fails to allege facts sufficient to establish supervisor liability. While Plaintiff’s claim against 23 CDCR cannot be cured,. . . Plaintiff will be provided leave to amend as to his claim against Defendant Schultz. 24 Id. at 3. 25 26 On February 13, 2025, Plaintiff filed his first amended complaint. See ECF No. 10. 27 / / / 28 / / / 1 B. Plaintiff’s Allegations 2 Plaintiff names the following as defendants: (1) Jason Shultz, the warden at 3 California State Prison – Solano (CSP-Solano); (2) A. Hennigan, a plumber at CSP-Solano; and 4 (3) G. Skelton, a plumber at CSP-Solano. See ECF No. 10, pg. 2. CDCR, which had been named 5 as a defendant in the original complaint, is no longer named in the first amended complaint. 6 Plaintiff claims that, on November 27, 2023, Defendant Schultz, the prison 7 warden, violated Plaintiff’s rights "by allowing his employees to discriminate against me by using 8 inappropriate words like ‘nigger’ and ‘you are the only black plumber.’" Id. at 3. According to 9 Plaintiff, on November 27, 2023, Defendant Hennigan forced Plaintiff to accept a work change 10 based on race. See id. at 4. Plaintiff states that he is the only black plumber. See id. Plaintiff 11 also claims that he was wrongfully terminated and discriminated against by Defendant Hennigan 12 through Defendant filing false reports. See id. 13 Next, Plaintiff asserts that, on November 20, 2023, Defendant Skelton conspired 14 with the other defendants to "wrongfully terminate me from my job as a plumber, he 15 discriminated against me. . . ." Id. at 5. Plaintiff adds that Defendant Skelton called him a 16 "nigger" and made him feel uncomfortable at

work. Id. 17

18 II. DISCUSSION

19 As with the original complaint, the Court finds that Plaintiff's first amended 20 complaint plausibly states potentially cognizable claims against Defendants Hennigan and 21 Skelton for violations of Plaintiff's rights under the Equal Protection Clause. By separate order 22 issued herewith, the Court will direct service on Defendants Hennigan and Skelton. Plaintiff's 23 claim against the prison warden, Defendant Schultz, remains defective because Plaintiff fails to 24 allege facts sufficient to establish supervisor liability. Plaintiff will not be provided further leave 25 to amend as to his claim against Defendant Schultz. 26 /// 27 /// 28 /// 1 Supervisory personnel are generally not liable under § 1983 for the actions of their 2 employees. See *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989) (holding that there is no 3 respondeat superior liability under § 1983). A supervisor is only liable for the constitutional 4 violations of subordinates if the supervisor participated in or directed the violations. See *id.* 5 Supervisory personnel who implement a policy so deficient that the policy itself is a repudiation 6 of constitutional rights and the moving force behind a constitutional violation may be liable even 7 where such personnel do not overtly participate in the offensive act. See *Redman v. Cnty of San 8 Diego*, 942 F.2d 1435, 1446 (9th Cir. 1991) (en banc). A supervisory defendant may also be liable 9 where he or she knew of constitutional violations but failed to act to prevent them. See *Taylor*, 10 880 F.2d at 1045; see also *Starr v. Baca*, 633 F.3d 1191, 1209 (9th Cir. 2011). 11 When a defendant holds a supervisory position, the causal link between such 12 defendant and the claimed constitutional violation must be specifically alleged. See *Fayle v. 13 Stapley*, 607 F.2d 858, 862 (9th Cir. 1979); *Mosher v. Saalfeld*, 589 F.2d 438, 441 (9th Cir. 14 1978). Vague and conclusory allegations concerning the involvement of supervisory personnel in 15 civil rights violations are not sufficient. See *Ivey v. Board of Regents*, 673 F.2d 266, 268 (9th Cir. 16 1982). "[A] plaintiff must plead that each Government-official defendant, through the official's 17 own individual actions, has violated the constitution." See *Ashcroft v. Iqbal*, 556 U.S. 662, 676 18 (2009). 19 Here, Plaintiff alleges that Defendant Schultz, the prison warden, allowed his 20 employees to discriminate against Plaintiff. Thus, Plaintiff's claim against Defendant Schultz 21 proceeds on a theory of respondeat superior, which is not a cognizable theory in a civil rights 22 action. The Court has advised Plaintiff of this pleading defect and afforded an opportunity to 23 amend, yet the defect still persists. Further leave to amend is not warranted. 24 /// 25 /// 26 /// 27 /// 28 ///

1 II. CONCLUSION

2 Based on the foregoing, the undersigned orders and recommends as follows: 3 1. It is ORDERED that the Clerk of the Court is directed to randomly assign a 4 | District Judge to this case. 5 2. It is ORDERED that the Clerk of the Court is directed to terminate CDCR 6 || as anamed defendant. 7 3. It is RECOMMENDED that Defendant Schultz be DISMISSED for failure 8 | to state a claim against whom relief can be granted. 9 These findings and recommendations are submitted to the United States District 10 || Judge assigned to the case, pursuant to the provisions

of 28 U.S.C. § 636(b)(1). Within 14 days 11 | after being served with these findings and recommendations, any party may file written objections 12 || with the Court. Responses to objections shall be filed within 14 days after service of objections. 13 || Failure to file objections within the specified time may waive the right to appeal. See Martinez v. 14 Yist, 951 F.2d 1153 (9th Cir. 1991). 15 16 | Dated: July 24, 2025 Ss..c0_,

M7 DENNIS M. COTA

18 UNITED STATES MAGISTRATE JUDGE

19 20 21 22 23 24 25 26 27 28