

**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

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

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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 of constitutional rights and the moving force behind a constitutional violation may be liable even where such personnel do not overtly participate in the offensive act. See *Redman v. Cnty of San Diego*, 942 F.2d 1435, 1446 (9th Cir. 1991) (en banc). A supervisory defendant may also be liable where he or she knew of constitutional violations but failed to act to prevent them. See *Taylor*, 1080 F.2d at 1045; see also *Starr v. Baca*, 633 F.3d 1191, 1209 (9th Cir. 2011). When a defendant holds a supervisory position, the causal link between such defendant and the claimed constitutional violation must be specifically alleged. See *Fayle v. Stapley*, 607 F.2d 858, 862 (9th Cir. 1979); *Mosher v. Saalfeld*, 589 F.2d 438, 441 (9th Cir. 1978). Vague and conclusory allegations concerning the involvement of supervisory personnel in civil rights violations are not sufficient. See *Ivey v. Board of Regents*, 673 F.2d 266, 268 (9th Cir. 1982). “[A] plaintiff must plead that each Government-official defendant, through the official’s own individual actions, has violated the constitution.” See *Ashcroft v. Iqbal*, 556 U.S. 662, 676 (2009). Here, Plaintiff alleges that Defendant Schultz, the prison warden, allowed his employees to discriminate against Plaintiff. 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. The Court has advised Plaintiff of this pleading defect and afforded an opportunity to 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. 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

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