

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

Hector Gutierrez v. County of Los Angeles

Gutierrez v. County of Los Angeles, No. CV 24-10415 MCS (AS) (C.D. Cal. Mar. 17, 2025) · No. CV 24-10415  
MCS (AS) · Decided March 17, 2025

SUMMARY

The United States District Court for the Central District of California dismisses Hector Gutierrez’s pro se, in forma pauperis complaint under 42 U.S.C. § 1983 and related state-law theories for failure to satisfy Federal Rule of Civil Procedure 8. The dismissal is with leave to amend within 30 days, and the court directs that any amended complaint be complete, properly organized, signed, and address the identified pleading deficiencies.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Central District of California                                                                                                                                                                                                                                                                                                                                                                                                                       |
| WRITING FOR THE COURT | Alka Sagar                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the Central District of California                                                                                                                                                                                                                                                                                                                                                                                                                       |
| DECIDED               | March 17, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| DOCKET                | CV 24-10415 MCS (AS)                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| DISPOSITION           | remanded                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | The court sua sponte screened Plaintiff's in forma pauperis complaint under 28 U.S.C. § 1915(e)(2)(B) and dismissed it for failure to satisfy Federal Rule of Civil Procedure 8, granting leave to amend.                                                                                                                                                                                                                                                                                 |
| STANDARD OF REVIEW    | Under 28 U.S.C. § 1915(e)(2)(B), an in forma pauperis complaint must be dismissed 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. Failure to state a claim is evaluated under the plausibility standard of Bell Atlantic Corp. v. Twombly and Ashcroft v. Iqbal; factual allegations are accepted as true, construed in the plaintiff's favor, and pro se pleadings are liberally construed. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| PARTIES               | Hector Gutierrez v. County of Los Angeles, Los Angeles County Sheriff's Department, Court Services Division, Captain John J.                                                                                                                                                                                                                                                                                                                                                              |

## TOPICS

pleadings civil procedure section 1983 civil rights fourteenth amendment

## PRACTICE AREAS

civil procedure civil rights constitutional law torts

## QUESTIONS PRESENTED

1. Whether the complaint stated claims sufficiently under Federal Rule of Civil Procedure 8(a) and 8(d).
2. Whether the complaint should be dismissed at the in forma pauperis screening stage under 28 U.S.C. § 1915(e)(2)(B).
3. Whether Plaintiff should be granted leave to amend after the pleading deficiencies were identified.

## HOLDINGS

1. The complaint failed to satisfy Rule 8 because it asserted claims in a mostly conclusory fashion, did not identify which defendant allegedly violated which constitutional provision, and did not provide defendants fair notice of the factual and legal basis of the claims.
2. Dismissal was warranted under 28 U.S.C. § 1915(e)(2)(B) because the complaint failed to state a claim upon which relief could be granted.
3. The complaint was dismissed with leave to amend, and Plaintiff was directed to file a complete First Amended Complaint within thirty days that cures the identified pleading defects.

## KEY QUOTATIONS

*“The “short and plain statement” must provide defendants with “fair notice of what the plaintiff’s claim is and the grounds upon which it rests.”” (at 7)*

*“By failing to differentiate among Defendants or specify which Defendant is the subject of Plaintiff’s various allegations, the Complaint violates Federal Rule of Civil Procedure 8(a)(2) because it fails to provide Defendants with fair notice of its alleged misconduct.” (at 8)*

*“The First Amended Complaint shall be complete in itself without reference to any pleading or other document.” (at 10)*

## FACTUAL BACKGROUND

Plaintiff alleged that sheriff’s deputies removed him from a courtroom in the George Deukmejian Courthouse after a dispute concerning his cell-phone use and his refusal to leave. He alleged that Deputy Burwell placed his hands on him and threatened him, that other officers failed to intervene, and that Sergeant Mangra discouraged him from filing Watch Commander Service Comment Reports by asserting that Plaintiff had active warrants.

Based on these allegations, Plaintiff attempted to assert constitutional, Monell, assault-and-battery, negligence, gross-negligence, and intentional-infliction-of-emotional-distress claims.

## PROCEDURAL HISTORY

Plaintiff filed a pro se complaint under 42 U.S.C. § 1983 on November 28, 2024. The magistrate judge reviewed the complaint sua sponte and concluded that it asserted multiple constitutional and state-law claims in a conclusory manner, failed to identify which defendant allegedly violated which right, and omitted adequately pleaded state-law claims from the body of the complaint. The complaint was dismissed with leave to amend within thirty days.

## DISPOSITION

remanded

## REMAND INSTRUCTIONS

The disposition is a dismissal with leave to amend rather than a remand. Plaintiff was ordered to file a First Amended Complaint within thirty days, complete in itself, curing the pleading defects, and was cautioned that failure to do so could result in a recommendation of dismissal for failure to prosecute or comply with a court order.

## CASES CITED

- *McKeever v. Block*, 932 F.2d 795, 798 (9th Cir. 1991)
- *Gutierrez v. Cnty. of Los Angeles*, 2024 WL 4799872, \*1 n.2 (C.D. Cal. 2024)
- *Gutierrez v. City of Riverside*, 2024 WL 5265370, \*1 n.4 (C.D. Cal. 2024)
- *Lopez v. Smith*, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc)
- *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998)
- *Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001) (per curiam)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-56, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Hartmann v. Cal. Dep't of Corr. & Rehab.*, 707 F.3d 1114, 1122 (9th Cir. 2013)
- *Erickson v. Pardus*, 551 U.S. 89, 93-94 (2007) (per curiam)
- *Wood v. Moss*, 572 U.S. 744, 755 n.5 (2014)
- *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1969)
- *Berg v. Popham*, 412 F.3d 1122, 1125 (9th Cir. 2005)
- *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam)
- *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)
- *Pell v. Nuñez*, 99 F.4th 1128, 1133 (9th Cir. 2024)
- *Rivera v. Peri & Sons Farms, Inc.*, 735 F.3d 892, 902 (9th Cir. 2013)
- *American Ass'n of Naturopathic Physicians v. Hayhurst*, 227 F.3d 1104, 1107-08 (9th Cir. 2000)

- Dura Pharm., Inc. v. Broudo, 544 U.S. 336, 346 (2005)
- Skaff v. Meridien N. Am. Beverly Hills, LLC, 506 F.3d 832, 841 (9th Cir. 2007) (per curiam)
- Jones v. Cmty. Redevelopment Agency, 733 F.2d 646, 649 (9th Cir. 1984)
- Cook v. Brewer, 637 F.3d 1002, 1004 (9th Cir. 2011)
- McHenry v. Renne, 84 F.3d 1172, 1178 (9th Cir. 1996)
- McZeal, Jr. v. Blue Castle (Cayman) Ltd., 2024 WL 5361194, \*3 (C.D. Cal. 2024)
- Iten v. Cnty. of Los Angeles, 81 F.4th 979, 985 (9th Cir. 2023)
- Moten v. Pulido, 2022 WL 3566816, \*6 (C.D. Cal. 2022)
- Monell v. Dep't of Soc. Servs., 436 U.S. 658 (1978)
- Chavez v. Villanueva, 699 F. Supp. 3d 844, 861 (C.D. Cal. 2023)
- Jackson v. McMahon, 2019 WL 8647818, \*3 n.6 (C.D. Cal. 2019)

## OPINION

Hector Gutierrez v. County of Los Angeles

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10

11 HECTOR GUTIERREZ, ) NO. CV 24-10415 MCS (AS)

) 12 Plaintiff, ) )

13 v. ) ORDER DISMISSING COMPLAINT WITH

)

14 COUNTY OF LOS ANGELES, et al., ) LEAVE TO AMEND

) 15 Defendants. ) ) 16 17 On November 28, 2024, Hector Gutierrez (“Plaintiff”), proceeding 18  
pro se and in forma pauperis, filed a Complaint pursuant to 42 U.S.C. 19 § 1983. (Docket (“Dkt.”)  
No. 1). For the reasons set forth below, the 20 FAC must be dismissed with leave to amend.1 21

22 PLAINTIFF’S ALLEGATIONS

23 24 Plaintiff’s Complaint names as defendants the County of Los 25 Angeles (“County”), the  
Los Angeles County Sheriff’s Department and its 26 27 1 Magistrate judges may dismiss a  
complaint with leave to amend 28 without approval from the district judge. McKeever v. Block,  
932 F.2d 795, 798 (9th Cir. 1991). 1 Court Services Division (collectively “Sheriff’s  
Department”),2 2 Sheriff’s Department employees Captain John J. Lecrivain, Sergeants 3 Ayub B.  
Mangra and Ochoa, and Deputies Megarit, Sepulveda, and Burwell, 4 and Does 1-10. (Complaint  
at 1-3).3 The Sheriff’s Department employees 5 and Doe Defendants are sued in their individual  
capacities. (Complaint 6 at 1). 7 8 Plaintiff alleges that on November 29, 2022, he went to  
Department 9 S08 in the George Deukmejian Courthouse in Long Beach, California, and 10 sat  
down. (Complaint at 6-8). After some time, Deputy Megarit – who 11 Plaintiff describes as “very

aggressive, overzealous, and out of control” – told Plaintiff to put his cell phone in his pocket. (Complaint at 8). Plaintiff protested and Deputy Megarit threatened to “trespass[]” Plaintiff. (Id.). Plaintiff then “took his device out of [Deputy Megarit’s] sight.”<sup>4</sup> (Id.). The Court will refer to the County and Sheriff’s Department collectively as the “County Defendants.” Fed. R. Civ. P. 10(b) requires that a “party must state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances.” Although Plaintiff has attempted to number his allegations, he has done so inconsistently. For example, item no. 37 spans six pages and multiple paragraphs. This does not comply with Rule 10(b). Accordingly, the Court will refer to the Complaint’s allegations by page number. If Plaintiff files a First Amended Complaint, he should – as this Court has repeatedly explained to him – separately number each paragraph. See *Gutierrez v. Cnty. of Los Angeles*, 2024 WL 4799872, \*1 n.2 (C.D. Cal. 2024); *Gutierrez v. City of Riverside*, 2024 WL 5265370, \*1 n.4 (C.D. Cal. 2024), report and recommendation accepted by, 2025 WL 220947 (C.D. Cal. 2025). Plaintiff also complains that Superior Court Judge Jennifer Cops – who is not a Defendant in this matter – observed this interaction, but failed to intervene to control Deputy Megarit. (Complaint at 9- 10). After a discussion concerning another individual’s cell phone use, Deputy Megarit “decided to threaten and trespass” Plaintiff from the courtroom. (Complaint at 10-11). Plaintiff protested, “stood his ground and remained in the courtroom[,]” and Deputy Megarit responded by summoning assistance to remove Plaintiff from the courtroom. (Complaint at 11-14 (capitalization omitted)). Deputy Sepulveda responded and “essentially told Plaintiff to get out of the courtroom” or be removed by force. (Complaint at 13-14). Plaintiff then left the courtroom against his will. (Complaint at 14). In the hallway, Plaintiff protested to Deputy Sepulveda and asked him why he removed Plaintiff from the courtroom. (Complaint at 14, 14 16). Deputy Sepulveda responded “I have no idea[.]” (Complaint at 15 16 (capitalization omitted)). Plaintiff continued to loudly protest to Deputy Sepulveda until Sergeant Ochoa arrived. (Complaint at 16-17). Plaintiff complained to Sergeant Ochoa about being removed from the courtroom, Sergeant Ochoa told Plaintiff he would investigate, and Sergeant Ochoa then went into the courtroom after speaking to Deputy Megarit. (Complaint at 17). A little later, Plaintiff wanted to return to the courtroom to obtain answers from Sergeant Ochoa and Judge Cops, but he was obstructed from doing so. (Complaint at 17). Plaintiff continued to protest and Deputy Burwell, who had just arrived on the scene, told Plaintiff to lower his voice and watch his language. (Complaint at 17- 18). Plaintiff responded to Deputy Burwell that he “and any citizen can go as far as telling a police officer to go ‘fuck his mother’ and . . . that police officer better just stand there and take it. That’s the job.” (Complaint at 18 (capitalization omitted)). Plaintiff was in “disbelief” when Deputy Burwell then “put his hands” on Plaintiff and threatened Plaintiff that if he told Deputy Burwell “‘to go fuck his mother’ Plaintiff would be very sorry[] and ‘it would be the last thing he would do.’” (Complaint at 18-19 (some capitalization omitted)). Plaintiff asserts he was harmed by Deputy Burwell’s

“assault and battery” as well as the failure of Deputy 10 Sepulveda and Does 9-10 – who were “spectators” – to intervene. 11 (Complaint at 19). 12 13 Thereafter, Sergeant Mangra arrived, asked Plaintiff what he 14 wanted, and Plaintiff responded he wanted to file Watch Commander 15 Service Comment Reports (“WCSCRs”) against everyone involved. 16 (Complaint at 19-20). However, Sergeant Mangra did not take 17 Plaintiff’s report and instead took steps to discourage Plaintiff from 18 filing WCSCRs by creating a false narrative of active warrants against 19 Plaintiff. (Complaint at 21). To date no WCSCRs have been written. 20 (Complaint at 22). 21 22 Based on these allegations, Plaintiff raises six claims for 23 relief: (1) violation of, and conspiracy to violate, Plaintiff’s First, 24 Fourth, Fifth and Fourteenth Amendment rights; (2) a Monell5 claim; (3) 25 assault and battery; (4) negligence; (5) gross negligence; and (6) 26 intentional infliction of emotional distress. (Complaint at 1, 22-32). 27 28 5 *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658 (1978). 4

## 1 STANDARD OF REVIEW

2 3 Since Plaintiff is proceeding in forma pauperis, Plaintiff’s 4 Complaint is subject to sua sponte review and must be dismissed if it 5 is: (1) frivolous or malicious; (2) fails to state a claim upon which 6 relief may be granted; or (3) seeks monetary relief from a defendant 7 immune from such relief. See 28 U.S.C. § 1915(e)(2)(B); *Lopez v. 8 Smith*, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc); *Barren v. 9 Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998); see also *Calhoun v. 10 Stahl*, 254 F.3d 845, 845 (9th Cir. 2001) (per curiam) (Section 11 1915(e)(2) applies to all complaints brought by plaintiffs proceeding 12 in forma pauperis). 13 14 Dismissal for failure to state a claim is appropriate if Plaintiff 15 fails to proffer “enough facts to state a claim to relief that is 16 plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 17 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). “A claim has 18 facial plausibility when the plaintiff pleads factual content that 19 allows the court to draw the reasonable inference that the defendant is 20 liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678; *Hartmann 21 v. Cal. Dep’t of Corr. & Rehab.*, 707 F.3d 1114, 1122 (9th Cir. 2013). 22 Although Plaintiff must provide “more than labels and conclusions, and 23 a formulaic recitation of the elements of a cause of action will not 24 do,” *Twombly*, 550 U.S. at 555; *Iqbal*, 556 U.S. at 678, “[s]pecific 25 facts are not necessary; the [complaint] need only give the 26 [Defendants] fair notice of what the . . . claim is and the grounds 27 upon which it rests.” *Erickson v. Pardus*, 551 U.S. 89, 93 (2007) (per 28 5 1 curiam) (citations and internal quotation marks omitted); *Twombly*, 550 2 U.S. at 555. 3 4 In considering whether to dismiss a complaint, the Court must 5 accept the factual allegations of the complaint as true, *Wood v. Moss*, 6 572 U.S. 744, 755 n.5 (2014); *Erickson*, 551 U.S. at 93-94, construe the 7 pleading in the light most favorable to the pleading party, and resolve 8 all doubts in the pleader’s favor. *Jenkins v. McKeithen*, 395 U.S. 411, 9 421 (1969); *Berg v. Popham*, 412 F.3d 1122, 1125 (9th Cir. 2005). Pro 10 se pleadings are “to be liberally construed” and are held to a less 11 stringent standard than those drafted by a lawyer. *Erickson*, 551 U.S. 12 at 94; *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam); see 13 also *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)

(“Iqbal 14 incorporated the Twombly pleading standard and Twombly did not alter 15 courts’ treatment of pro se filings; accordingly, we continue to 16 construe pro se filings liberally when evaluating them under Iqbal.”). 17 Dismissal for failure to state a claim can be warranted based on either 18 the lack of a cognizable legal theory or the absence of factual support 19 for a cognizable legal theory. *Pell v. Nuñez*, 99 F.4th 1128, 1133 (9th 20 Cir. 2024). A complaint may also be dismissed for failure to state a 21 claim if it discloses some fact or complete defense that will 22 necessarily defeat the claim. *Rivera v. Peri & Sons Farms, Inc.*, 735 23 F.3d 892, 902 (9th Cir. 2013). 24 \ 25 \ 26 \ 27 \ 28 \ 6

## 1 DISCUSSION

2 3 The Court has reviewed the Complaint under the aforementioned 4 standards and has concluded the Complaint is deficient and must be 5 dismissed with leave to amend. 6 7 Initially, “a pro se litigant is not excused from knowing the most 8 basic pleading requirements.” *American Ass’n of Naturopathic 9 Physicians v. Hayhurst*, 227 F.3d 1104, 1107-08 (9th Cir. 2000). For 10 instance, Rule 8 of the Federal Rules of Civil Procedure requires that 11 a complaint contain “a short and plain statement of the claim showing 12 that the pleader is entitled to relief[.]” Fed. R. Civ. P. 8(a)(2); 13 see also Fed. R. Civ. P. 8(d)(1) (“Each allegation must be simple, 14 concise, and direct.”). “The ‘short and plain statement’ must provide 15 defendants with ‘fair notice of what the plaintiff’s claim is and the 16 grounds upon which it rests.’” *Dura Pharm., Inc. v. Broudo*, 544 U.S. 17 336, 346 (2005) (citation omitted); see also *Skaiff v. Meridien N. Am. 18 Beverly Hills, LLC*, 506 F.3d 832, 841 (9th Cir. 2007) (per curiam) (The 19 “purpose of a complaint under Rule 8 [is] to give the defendant fair 20 notice of the factual basis of the claim and of the basis for the 21 court’s jurisdiction.”); *Jones v. Cmty. Redevelopment Agency*, 733 F.2d 22 646, 649 (9th Cir. 1984) (“[A] pleading must give fair notice and state 23 the elements of the claim plainly and succinctly.” (citation and 24 internal punctuation omitted)). To do so, “Rule 8(a)(2) . . . requires 25 a ‘showing,’ rather than a blanket assertion, of entitlement to 26 relief[.]” and “[f]actual allegations must be enough to raise a right 27 to relief above the speculative level, on the assumption that all the 28 allegations in the complaint are true (even if doubtful in fact).” 7 1 *Twombly*, 550 U.S. at 555-56 (citations omitted); *Cook v. Brewer*, 637 2 F.3d 1002, 1004 (9th Cir. 2011). “[T]he pleading standard Rule 8 3 announces does not require ‘detailed factual allegations,’ but it 4 demands more than an unadorned, the-defendant-unlawfully-harmed-me 5 accusation.” *Iqbal* 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 555). 6 7 Plaintiff has not met this basic pleading requirement. 8 Plaintiff’s Complaint purports to set forth six causes of action, but 9 does so in a mostly conclusory fashion. For instance, while the 10 caption of Plaintiff’s Complaint raises four state law claims (Claims 11 Three through Six), these claims are nowhere pled in the body of the 12 Complaint. (See Complaint at 1, 22-32). Additionally, Plaintiff’s 13 first cause of action is brought pursuant to Section 1983 and alleges 14 each Defendant and Does 1-4 violated Plaintiff’s First, Fourth, Fifth, 15 and Fourteenth Amendment rights and conspired to deprive Plaintiff of 16

those rights. (Complaint at 22-24). But Plaintiff does no more than list the constitutional amendments allegedly violated without explaining which Defendant he believes violated which constitutional amendment. (Id.). Thus, the Court and Defendants are left to guess which allegations are brought against which Defendants. Such conclusory pleading fails to satisfy Rule 8's requirements.<sup>6</sup> See *Iqbal*, 556 U.S. at 678 ("A pleading that offers 'labels and conclusions' or 'a formulaic recitation of the elements of a cause of action will not do.'"). Additionally, Plaintiff's Complaint is unsigned, which violates Rule 11 and Local Rule 11-1. See Fed. R. Civ. P. 11(a) ("Every pleading, . . . must be signed . . . by a party personally if the party is unrepresented."); Local Rule 11-1 ("All documents, except declarations, shall be signed by the attorney for the party or the party appearing pro se. The name of the person signing the document shall be clearly typed below the signature line."). Nor does a complaint suffice if it tenders 'naked assertion[s]' devoid of 'further factual enhancement.'" (quoting *Twombly*, 550 U.S. at 555, 3557)); *McHenry v. Renne*, 84 F.3d 1172, 1178 (9th Cir. 1996) (Rule 8 is not satisfied when "one cannot determine from the complaint who is being sued, for what relief, and on what theory, with enough factual detail to guide discovery."); *McZeal, Jr. v. Blue Castle (Cayman) Ltd.*, 2024 WL 5361194, \*3 (C.D. Cal. 2024) ("By failing to differentiate among Defendants or specify which Defendant is the subject of Plaintiff's various allegations, the Complaint violates Federal Rule of Civil Procedure 8(a)(2) because it fails to provide Defendants with fair notice of its alleged misconduct."), report and recommendation accepted by, 2025 WL 316243 (C.D. Cal. 2025).<sup>7</sup> Rule 8(a)(3) requires a complaint state "a demand for the relief sought, which may include relief in the alternative or different types of relief." Fed. R. Civ. P. 8(a)(3); see also Fed. R. Civ. P. 9(g) ("If an item of special damage is claimed, it must be specifically stated."). Here, Plaintiff titles his complaint as a "Complaint for Damages" (Complaint at 1 (some capitalization omitted)), and briefly references damages in the body of the Complaint (see Complaint at 2, 22 ("This action at law for money damages. . .")), but does not conclude with a prayer for relief. Cf. *Iten v. Cnty. of Los Angeles*, 81 F.4th 979, 985 (9th Cir. 2023) ("A well-pleaded complaint typically has a demand for relief, which follows from the plaintiff's 'short and plain statement' of how the defendant has injured him."). This arguably fails to comply with Fed. R. Civ. P. 8(a)(3). See *Moten v. Pulido*, 2022 WL 3566816, \*6 (C.D. Cal. 2022) ("Plaintiff's Complaint . . . fails to comply with Rule 8(a)(3) in that the pleading fails to set forth a separate demand for the relief that plaintiff is seeking against any defendant."). However, given Plaintiff's failure to satisfy Rule 8's short and plain statement requirement, the Court need not further explore this issue.<sup>9</sup> Given this Rule 8 violation, Plaintiff's Complaint must be dismissed with leave to amend. The Court cannot further screen the Complaint until Plaintiff complies with Rule 8's pleading requirements.<sup>8</sup>

#### 5 ORDER

6 Plaintiff's Complaint (Docket No. 1) is DISMISSED WITH LEAVE TO 8 AMEND. If



Plaintiff still wishes to pursue this action, he shall file 9 a First Amended Complaint within thirty (30) days, which cures the 10 pleading defects discussed herein. The First Amended Complaint shall 11 be complete in itself without reference to any pleading or other 12 document. See Local Rule 15-2 (“Every amended pleading filed as a 13 matter of right or allowed by order of the Court shall be complete 14 including exhibits. The amended pleading shall not refer to the prior, 15 superseded pleading.”). In addition, the First Amended Complaint may 16 8 This includes addressing Plaintiff’s purported Monell claim 17 against the County Defendants based on an alleged failure to train. 18 (See Complaint at 24-32). Nor can the Court consider, at this juncture, whether the individual Defendants were acting as state – not 19 county – employees while providing security in the Superior Court. See, e.g., *Chavez v. Villanueva*, 699 F. Supp. 3d 844, 861 (C.D. Cal. 20 2023) (“Here, Defendant Guerrero (as part of the [Los Angeles County Sheriff’s Department]) was providing courtroom security to the Norwalk 21 Courthouse. . . . Defendant Guerrero at all relevant times was paid by 22 and functioning as an arm of the State of California. Eleventh immunity thus applies to all the official capacity claims (including 23 the Monell claims) asserted against Defendants.”), appeal dismissed by, 2024 WL 4851419 (9th Cir. 2024); *Jackson v. McMahon*, 2019 WL 8647818, 24 \*3 n.6 (C.D. Cal. 2019) (“Although the Eleventh Amendment generally 25 does not bar suits against local government entities, county sheriff’s departments may be entitled to Eleventh Amendment immunity when they 26 act on behalf of the state. Several district courts in this circuit have determined that when county sheriffs in California are providing 27 security for state court, they act as state officials, and are thus entitled to Eleventh Amendment immunity when sued in their official 28 capacity.” (citation omitted)). 10 1 not include new defendants or claims not reasonably related to the 2 allegations in the previously filed Complaint. Plaintiff is strongly 3 encouraged to utilize the standard civil rights complaint form when 4 filing any amended complaint, a copy of which is attached. 5 6 Plaintiff is explicitly cautioned that failure to timely file a 7 First Amended Complaint, or failure to correct the deficiencies 8 described herein, will result in a recommendation that this action be 9 dismissed for failure to prosecute and/or failure to comply with a 10 court order. Plaintiff is further advised that if he no longer wishes 11 to pursue this action, he may file a Notice of Dismissal in accordance 12 with Federal Rule of Civil Procedure 41(a)(1). A form Notice of 13 Dismissal is attached for Plaintiff’s convenience. 14 15 16 DATED: March 17, 2025 /s/

ALKA SAGAR

17 UNITED STATES MAGISTRATE JUDGE

18 19 20 21 22 23 24 25 26 27 28 11