

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Forrest C. Taylor v. J. Leatherman, et al.

Taylor v. Leatherman · No. 2:25-cv-1100 CSK P · Decided October 22, 2025

OPINION

Leatherman

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 FORREST C. TAYLOR, No. 2:25-cv-1100 CSK P

12 Plaintiff, 13 v. ORDER 14 J. LEATHERMAN, et al., 15 Defendants. 16 17 Plaintiff is a state
prisoner proceeding pro se in an action brought under 42 U.S.C. § 1983. 18 On September 30,
2025, the Court screened plaintiff's first amended complaint, and granted 19 plaintiff thirty days
to amend his pleading or to elect to proceed on his potentially cognizable 20 Eighth Amendment
claims against defendants D. Leatherman, R. McLeod, D. Heinkel, and A. 21 Konrad; and a First
Amendment claim against defendant J. Leatherman. (ECF No. 24.) That 22 same day, plaintiff
signed a second amended complaint, without benefit of the Court's screening 23 order. (ECF No.
26.) Then, on October 14, 2025, after plaintiff received the screening order, 24 plaintiff elected to
proceed with his First and Eighth Amendment claims, as proposed in the 25 screening order. (ECF
No. 27.) With his election form, plaintiff filed a document styled 26 "Supplemental Pleadings," in
which he claimed he had re-written his first amended complaint and 27 sent it to the Court on
October 2, 2025, because he was unsure whether the Court had received his 28 amended
complaint. (ECF No. 28.) Plaintiff asked that the Court permit plaintiff to add 1 defendant C.
Pierce as a supplemental pleading and dismiss the remaining defendants against 2 whom the Court
found plaintiff did not state a cognizable claim. (Id. at 1.) 3 Considering plaintiff's statement that
he re-filed a handwritten copy of his first amended 4 complaint, which he styled "Amended
Complaint," not "Second Amended Complaint," the Court 5 directs the Clerk to edit the docket
entry for this filing and strike the filing as duplicative. As for 6 adding defendant C. Pierce as a
"supplemental pleading," plaintiff's request is denied. Plaintiff 7 provided no facts demonstrating
that C. Pierce violated plaintiff's rights. (ECF No. 28.) In the

8 September 30, 2025 screening order, the Court found that plaintiff's first amended complaint

9 failed to state a cognizable claim against defendant C. Pierce because plaintiff included no facts
10 showing that C. Pierce was deliberately indifferent to an excessive risk to plaintiff in violation

of 11 the Eighth Amendment, or that the actions of C. Pierce were based on plaintiff's protected
12 conduct in violation of the First Amendment. (ECF No. 24 at 6.) Rather, plaintiff alleged only
13 that defendant C. Pierce heard the prison disciplinary. (Id.) Thus, the Court cannot determine
14 whether plaintiff has additional facts demonstrating that defendant C. Pierce violated plaintiff's
15 First or Eighth Amendment rights. 16 Further, if plaintiff intended to amend to include facts
showing that defendant C. Pierce 17 violated plaintiff's due process rights during the disciplinary
hearing, such due process claims are 18 not properly joined with plaintiff's First and Eighth
Amendment claims against defendants D. 19 Leatherman, R. McLeod, D. Heinkel, and A.
Konrad. Rule 20(a) of the Federal Rules of Civil 20 Procedure provides that all persons may be
joined in one action as defendants if "any right to 21 relief is asserted against them jointly,
severally, or in the alternative with respect to or arising out 22 of the same transaction, occurrence,
or series of transactions or occurrences" and "any question of 23 law or fact common to all
defendants will arise in the action." Fed. R. Civ. P. 20(a)(2); see also 24 *George v. Smith*, 507 F.3d
605, 607 (7th Cir. 2007) ("Unrelated claims against unrelated 25 defendants belong in different
suits"). Plaintiff's putative due process claims will not involve the 26 same questions of law or
fact common to plaintiff's First and Eighth Amendment claims against 27 defendants D.
Leatherman, R. McLeod, D. Heinkel, and A. Konrad. Thus, any claim that C. 28 Pierce violated
plaintiff's due process rights must be pursued in a separate civil rights action. 1 Pursuant to
plaintiff's October 14, 2025 election, this action proceeds on plaintiff's first 2 || amended complaint
(ECF No. 18) against defendants D. Leatherman, R. McLeod, D. Heinkel, 3 || and A. Konrad for
violations of the Eighth Amendment; and against defendant J. Leatherman for 4 | violation of the
First Amendment. (ECF No. 27.) In an abundance of caution, plaintiff is granted 5 || thirty days to
file a second amended complaint, re-alleging his claims against defendants D. 6 || Leatherman, R.
McLeod, D. Heinkel, and A. Konrad for violations of the Eighth Amendment; 7 || and against
defendant J. Leatherman for violation of the First Amendment, and including 8 | plaintiffs First or
Eighth Amendment claims against C. Pierce, if plaintiff can allege specific 9 || facts demonstrating
that C. Pierce violated plaintiff's First or Eighth Amendment rights. 10 If plaintiff fails to file a
second amended complaint within thirty days, this action will 11 || proceed solely on plaintiffs
claims against defendants D. Leatherman, R. McLeod, D. Heinkel, 12 | and A. Konrad for
violations of the Eighth Amendment; and against defendant J. Leatherman for 13 | violation of the
First Amendment, as set forth in the September 30, 2025 screening order, and as 14 || elected by
plaintiff on October 14, 2025. If plaintiff wishes to avoid further delay, he may file a 15 ||
statement declining to file a second amended complaint. 16 Accordingly, IT IS HEREBY
ORDERED that: 17 1. The Clerk of the Court is directed to edit ECF No. 26 to read "copy of first
amended 18 || complaint," and to strike the filing as duplicative of ECF No. 18. 19 2. Plaintiff is
granted thirty days from the date of this order to file a second amended 20 || complaint as set forth
above. If plaintiff fails to file a second amended complaint, this action will 21 || proceed as
plaintiff elected on October 14, 2025. (ECF No. 27.) 22 3. The Clerk of the Court is directed to

send plaintiff a copy of his first amended 23 || complaint (ECF No. 18). 24 25 || Dated: October
22, 2025 A aA Aan Spe |
CHI SOO KIM
27 UNITED STATES MAGISTRATE JUDGE
38 /1/tayl1100.clar

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-california-united-states-district-court-for/2025/forrest-c-taylor-v-j-leatherman-et-al-2er69bi8>