

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Hilbert Thomas v. Oak Smith, et al.

No. 23-cv-05617-JSC, United States District Court for the Northern District of California (April 17, 2025)

SUMMARY

The United States District Court for the Northern District of California granted Plaintiff Hilbert Thomas’s motion to proceed only on the retaliation claim in his First Amended Complaint and dismissed the remaining claims with prejudice. The Court set deadlines for Defendants’ summary judgment motion, Plaintiff’s opposition, and Defendants’ reply, and included the required Rand summary-judgment warning.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jacqueline Scott Corley
JURISDICTION	United States District Court for the Northern District of California
DECIDED	April 17, 2025
DOCKET	23-cv-05617-JSC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to proceed with his First Amended Complaint solely on his retaliation claim instead of filing a Second Amended Complaint, after the court granted defendants' motion to dismiss the other claims and granted leave to amend.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value.

TOPICS

- section 1983
- civil rights
- pleadings
- motions to dismiss
- summary judgment

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether plaintiff could elect to proceed on the retaliation claim in his First Amended Complaint rather than file a Second Amended Complaint.
2. Whether the other claims in the First Amended Complaint should be dismissed with prejudice.
3. What schedule and procedural requirements should govern defendants' anticipated motion for summary judgment.

HOLDINGS

1. The court granted plaintiff's motion to proceed only with the retaliation claim in his First Amended Complaint.
2. The claims other than the retaliation claim were dismissed with prejudice.

KEY QUOTATIONS

“Plaintiff’s motion to proceed only with the retaliation claim in his First Amended Complaint is GRANTED. The other claims in the First Amended Complaint are DISMISSED with prejudice.” (at 1)

“Generally, summary judgment must be granted when there is no genuine issue of material fact--that is, if there is no real dispute about any fact that would affect the result of your case, the party who asked for summary judgment is entitled to judgment as a matter of law, which will end your case.” (at 2)

FACTUAL BACKGROUND

Plaintiff is a California prisoner who filed a civil-rights action under 42 U.S.C. § 1983. Defendants' motion to dismiss the First Amended Complaint was granted, with leave for plaintiff to file a Second Amended Complaint; the retaliation claim was not included in the dismissal request. Plaintiff chose not to file a Second Amended Complaint and sought to proceed only on the retaliation claim in the First Amended Complaint.

PROCEDURAL HISTORY

Plaintiff, a California prisoner proceeding pro se, brought a civil-rights action under 42 U.S.C. § 1983. The court previously granted defendants' motion to dismiss the First Amended Complaint and allowed plaintiff to file a Second Amended Complaint, while advising that failure to amend would leave the retaliation claim as the operative claim. Plaintiff elected to proceed only on that retaliation claim. The court granted his motion, dismissed the remaining claims with prejudice, and set a schedule for defendants' anticipated summary-judgment motion.

DISPOSITION

other

CASES CITED

- Rand v. Rowland, 154 F.3d 952, 953-954 (9th Cir. 1998) (en banc)
- Woods v. Carey, 684 F.3d 934, 940-941 (9th Cir. 2012)

