

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Maurice Johnson v. Deputy Gonzales, et al.

Johnson v. Gonzales · No. No. 2:24-cv-2412 DAD CSK P · Decided February 28, 2025

SUMMARY

The United States District Court for the Eastern District of California screened Maurice Johnson’s first amended 42 U.S.C. § 1983 complaint. The court found potentially cognizable Fourteenth Amendment excessive-force claims against Deputy Gonzales, dismissed claims against Sgt. Baker and the Sacramento County Sheriff’s Department with leave to amend, and gave Johnson the option to proceed against Gonzales or file a second amended complaint. The order also includes a notice of election and warns that failure to comply may result in a recommendation of dismissal.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 28, 2025
DOCKET	No. 2:24-cv-2412 DAD CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Screening order on a prisoner civil-rights action under 42 U.S.C. § 1983 following the filing of a first amended complaint.
STANDARD OF REVIEW	The court screened the pleading under 28 U.S.C. § 1915A and evaluated whether it stated a cognizable claim, construing the pro se pleading liberally and applying the facial-plausibility standard.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Maurice Johnson v. Deputy Gonzales, Sgt. Baker, Sacramento County Sheriff’s Department

TOPICS

- prisoners rights
- section 1983
- civil rights
- pleadings
- joinder

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the first amended complaint stated a potentially cognizable excessive-force claim against Deputy Gonzales.
2. Whether the first amended complaint stated cognizable claims against Sgt. Baker and the Sacramento County Sheriff's Department.
3. Whether the alleged medical-care claim could be joined with the excessive-force claim in the same action.
4. What pleading standard and amendment opportunity applied to plaintiff's pro se amended complaint.

HOLDINGS

1. The first amended complaint stated potentially cognizable excessive-force claims against Deputy Gonzales under the Fourteenth Amendment Due Process Clause.
2. The first amended complaint did not state cognizable claims against Sgt. Baker or the Sacramento County Sheriff's Department because it contained no charging allegations against those defendants.
3. The alleged medical-care claim was not properly joined with the excessive-force claim against Deputy Gonzales because the claims involved different legal elements and evidence and did not arise from the same transaction or occurrence.
4. Because plaintiff proceeded pro se, the court was required to construe the pleading liberally, identify deficiencies before dismissal, and provide an opportunity to cure; any second amended complaint had to be complete in itself and could not add new claims or defendants.

KEY QUOTATIONS

“A district court must construe a pro se pleading “liberally” to determine if it states a claim and, prior to dismissal, tell a plaintiff of deficiencies in his complaint and give plaintiff an opportunity to cure them.” (at 2)

““Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.”” (at 2)

“Plaintiff must set forth “sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”” (at 2)

FACTUAL BACKGROUND

Maurice Johnson, a county jail inmate, alleged that Deputy Gonzales used excessive force while escorting him at the Sacramento County Main Jail. Johnson also alleged that an unidentified doctor ordered CT scans for head injuries that he had not received as of January 28, 2025, and referred to jail sick-call notes concerning head and back injuries. The amended complaint did not identify charging allegations against Sgt. Baker or the Sacramento County Sheriff's Department, did not name medical personnel as defendants, and did not show that the medical allegations were related to the excessive-force claim.

PROCEDURAL HISTORY

The court dismissed plaintiff's original complaint on January 10, 2025, with leave to amend. Plaintiff filed a first amended complaint on February 3, 2025. On screening under 28 U.S.C. § 1915A, the court found potentially cognizable excessive-force claims against Deputy Gonzales, dismissed the claims against Sgt. Baker and the Sacramento County Sheriff's Department with leave to amend, and gave plaintiff the option either to proceed against Gonzales alone or file a second amended complaint.

DISPOSITION

other

CASES CITED

- Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Lopez v. Smith, 203 F.3d 1122, 1130-31 (9th Cir. 2000)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ramirez v. County of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015)

OPINION

(PC) Johnson v. Sacramento County Sheriff's Office

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 MAURICE JOHNSON, No. 2:24-cv-2412 DAD CSK P

12 Plaintiff, 13 v. ORDER 14 DEPUTY GONZALES, et al., 15 Defendants. 16 17 Plaintiff is a
county jail inmate proceeding without counsel in an action brought under 18 42 U.S.C. § 1983. On
January 10, 2025, the Court dismissed plaintiff's complaint with leave to 19 amend. On February
3, 2025, plaintiff filed a first amended complaint. 20 The Court reviewed plaintiff's first amended
complaint and, for the limited purposes of 21 § 1915A screening, finds that claims one and two of
the complaint state potentially cognizable 22 excessive force claims against defendant Deputy
Gonzales, escorting deputy at the Sacramento 23 County Main Jail. See 28 U.S.C. § 1915A. 24
However, plaintiff's first amended complaint contains no charging allegations as to 25 defendants
Sgt. Baker and the Sacramento County Sheriff's Department.1 Plaintiff also alleges 26 that his
third claim is the same as claims one and two, both of which allege excessive force by 27 1
Plaintiff was provided relevant legal standards in the initial screening order. (ECF No. 9 at 5- 28
6.) 1 defendant Deputy Gonzales. (ECF No. 11 at 5.) But in the supporting facts section of his

third 2 claim, plaintiff alleges that an unidentified doctor ordered CT scans for plaintiff's head injuries. 3 (Id.) He does not identify what day the CT scans were ordered, but alleges that as of January 28, 4 2025, he had not received the CT scans. (Id.) In addition, plaintiff alleges he was given a double 5 mattress and double blanket for his head and back injuries, and refers to sick call notes from 6 Sacramento Main County Jail from April to December 2024. (Id.) However, no sick call notes 7 were provided. (Id., passim.) No doctor or other medical personnel are named as a defendant. 8 Plaintiff includes no medically-related allegations as to defendant Gonzales, who is an escorting 9 sheriff's deputy and unlikely to be responsible for medical care at the Sacramento Main Jail. 10 Moreover, although plaintiff states he exhausted administrative remedies, it is unclear whether 11 plaintiff exhausted an administrative grievance concerning medical care prior to filing the instant 12 action on September 5, 2024. Finally, plaintiff's potential medical claim is not related to his 13 excessive force claim against defendant Deputy Gonzales. Fed. R. Civ. P. 20(a)(2).² Plaintiff's 14 excessive force claims against defendant Deputy Gonzales under the Fourteenth Amendment Due 15 Process Clause will involve different legal elements and different evidence from plaintiff's 16 potential Fourteenth Amendment medical claims. 17 Therefore, the Court finds that the first amended complaint does not state cognizable 18 claims against defendants Sgt. Baker and Sacramento Sheriff's Department. The claims against 19 those defendants are dismissed with leave to amend. 20 Plaintiff's Options 21 Plaintiff may proceed forthwith to serve defendant Deputy Gonzales and pursue his 22 excessive force claims against only defendant Gonzales or plaintiff may delay serving any 23 defendant and attempt again to state a cognizable claim against defendants Sgt. Baker and the 24 2 A plaintiff may properly assert multiple claims against a single defendant. Fed. Rule Civ. P. 25 18. In addition, a plaintiff may join multiple defendants in one action where "any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the 26 same transaction, occurrence, or series of transactions and occurrences" and "any question of law or fact common to all defendants will arise in the action." Fed. R. Civ. P. 20(a)(2). Unrelated 27 claims against different defendants must be pursued in separate lawsuits. See *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). This rule is intended, in part, "to prevent the sort of morass [a 28 multiple claim, multiple defendant] suit produce[s]." Id. 1 Sacramento County Sheriff's Office. If plaintiff elects to proceed forthwith against defendant 2 Deputy Gonzales against whom he stated a potentially cognizable excessive force claim for relief, 3 then within thirty days plaintiff must so elect on the appended form. In this event the Court will 4 construe plaintiff's election as consent to dismissal of the noncognizable claims against 5 defendants Sgt. Baker and the Sacramento County Sheriff's Department without prejudice. 6 Under this option, plaintiff does not need to file a second amended complaint. 7 Or, plaintiff may delay serving any defendant and attempt again to state a cognizable 8 claim against defendants Sgt. Baker and the Sacramento County Sheriff's Department. If plaintiff 9 elects to attempt to amend his complaint to state a cognizable claim against defendants Sgt. Baker 10 and the Sacramento County Sheriff's Department, he has thirty

days to do so. Plaintiff is not 11 granted leave to add new claims or new defendants. 12 Any second amended complaint must show the federal court has jurisdiction, the action is 13 brought in the right place, and plaintiff is entitled to relief if plaintiff's allegations are true. It 14 must contain a request for particular relief. Plaintiff must identify as a defendant only persons 15 who personally participated in a substantial way in depriving plaintiff of a federal constitutional 16 right. *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978) (a person subjects another to the 17 deprivation of a constitutional right if he does an act, participates in another's act or omits to 18 perform an act he is legally required to do that causes the alleged deprivation). 19 A district court must construe a pro se pleading "liberally" to determine if it states a claim 20 and, prior to dismissal, tell a plaintiff of deficiencies in his complaint and give plaintiff an 21 opportunity to cure them. See *Lopez v. Smith*, 203 F.3d 1122, 1130-31 (9th Cir. 2000). While 22 detailed factual allegations are not required, "[t]hreadbare recitals of the elements of a cause of 23 action, supported by mere conclusory statements, do not suffice." *Ashcroft v. Iqbal*, 556 U.S. 24 662, 678 (2009) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). Plaintiff 25 must set forth "sufficient factual matter, accepted as true, to 'state a claim to relief that is 26 plausible on its face.'" *Ashcroft*, 556 U.S. at 678 (quoting *Bell Atlantic Corp.*, 550 U.S. at 570). 27 A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the 28 defendant is liable for the misconduct alleged. The plausibility] standard is not akin to a "probability requirement," but it asks for more than a sheer possibility that a defendant has acted unlawfully. 2 Where a complaint pleads facts that are merely consistent with a defendant's liability, it stops short of the line between possibility and 3 plausibility of entitlement to relief. 4 || *Ashcroft*, 556 U.S. at 678 (citations and quotation marks omitted). Although legal conclusions 5 || can provide the framework of a complaint, they must be supported by factual allegations, and are 6 || not entitled to the assumption of truth. *Id.* 7 A second amended complaint must be complete in itself without reference to any prior g | pleading. Local Rule 220; see *Ramirez v. Cnty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. g || 2015) ('an 'amended complaint supersedes the original, the latter being treated thereafter as non- 10 || existent.'" (internal citation omitted)). Once plaintiff files a second amended complaint, the 11 || original pleading is superseded. Plaintiff is not granted leave to add new claims or new 12 || defendants. 13 Accordingly, IT IS HEREBY ORDERED that: 14 1. Claims against defendants Sgt. Baker and the Sacramento County Sheriff's Department 15 || are dismissed with leave to amend. Within thirty days of service of this order, plaintiff may 16 || amend his complaint to attempt to state cognizable claims against these defendants. Plaintiff is 17 | not obligated to amend his complaint. 18 2. The allegations in the first amended complaint are sufficient at least to state a 19 || potentially cognizable excessive force claim against defendant Deputy Gonzales. See 28 U.S.C. 20 | § 1915A. If plaintiff chooses to proceed solely as to such claims, plaintiff shall so indicate on the 21 || attached form and return it to the Court within thirty days from the date of this order. In this 22 || event, the Court will construe plaintiff's election to proceed forthwith as consent to an order 23 ||

dismissing the defective claims without prejudice. 24 3. Failure to comply with this order will
result in a recommendation that this action be 25 || dismissed. eq -_c' . 26 (RAR Sp 5 927 || Dated:
February 27, 2025 CHI 500 KEIM
UNITED STATES MAGISTRATE JUDGE
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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 MAURICE JOHNSON, No. 2:24-cv-2412 DAD CSK P
12 Plaintiff,
13 v. NOTICE OF ELECTION
14 SACRAMENTO COUNTY SHERIFF'S
OFFICE, et al., 15 Defendants. 16 17 18 Plaintiff elects to proceed as follows: 19 _____ Plaintiff
opts to proceed with his excessive force claim against defendant 20 Deputy Gonzales. Under this
option, plaintiff consents to dismissal of defendants Sgt. Baker and the Sacramento County
Sheriff's Department, 21 and dismissal of plaintiff's other defective claims, without prejudice. 22
OR 23 _____ Plaintiff opts to file a second amended complaint and delay service of process. 24
25 DATED: 26 _____ Plaintiff 27 28