

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Armstrong v. County of Plumas

No. 2:25-cv-0904 SCR P · No. 2:25-cv-0904 SCR P · Decided August 28, 2025

SUMMARY

The United States District Court for the Eastern District of California screens Eric Armstrong’s 42 U.S.C. § 1983 prisoner complaint under 28 U.S.C. § 1915A. The court grants in forma pauperis status, denies motions for appointment of counsel without prejudice, finds that the complaint states no cognizable claims as pleaded, and grants leave to amend.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 28, 2025
DOCKET	2:25-cv-0904 SCR P
DISPOSITION	other
PROCEDURAL POSTURE	Screening order in a pro se prisoner civil-rights action under 42 U.S.C. § 1983. The court reviewed the complaint under 28 U.S.C. § 1915A, granted leave to proceed in forma pauperis, denied motions for appointment of counsel without prejudice, found no cognizable claims adequately pleaded, declined to serve the complaint, and granted leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner complaint that is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. In evaluating failure to state a claim, the court accepts well-pleaded allegations as true and construes them in the light most favorable to the plaintiff, but conclusory allegations and formulaic recitations do not suffice.
PRECEDENTIAL VALUE	unpublished
PARTIES	Eric Armstrong v. County of Plumas, Andrew Courtright, John Fatheree, Morgan Dillard, Rachel Fatheree, Brandvold, Julia Frazier,

TOPICS

section 1983 prisoners rights civil procedure pleadings

PRACTICE AREAS

civil rights prisoner civil rights constitutional law federal civil procedure

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable First Amendment retaliation claim.
2. Whether the alleged seizure of plaintiff's property stated a Fourth Amendment claim in light of plaintiff's PRCS status and incarceration.
3. Whether the alleged lack of sanitation, heat, blankets, utensils, and adequate meals stated an Eighth Amendment conditions-of-confinement claim.
4. Whether the alleged opening and searching of legal mail stated a First Amendment legal-mail claim.
5. Whether the alleged tight handcuffing stated an Eighth Amendment excessive-force claim.
6. Whether plaintiff established exceptional circumstances warranting appointment of counsel.
7. Whether plaintiff should be granted leave to amend after failure to state a claim.

HOLDINGS

1. The complaint did not state a cognizable First Amendment retaliation claim because it did not identify the state actor who took the adverse actions or allege facts connecting that actor's conduct to plaintiff's protected complaint.
2. The complaint did not state a cognizable Fourth Amendment claim concerning the seizure of plaintiff's property because property seized during a PRCS-related arrest was subject to the statutory search-and-seizure condition, and plaintiff did not allege a protected expectation of privacy in phones seized from his jail cell.
3. The complaint did not state an Eighth Amendment conditions-of-confinement claim because it did not allege facts showing that the conditions deprived plaintiff of the minimal civilized measure of life's necessities or that any defendant knew of and disregarded a substantial risk to plaintiff's health or safety.
4. The complaint did not state a cognizable legal-mail claim because it attributed the alleged interference to 'Defendants' collectively and did not identify the responsible state actor or establish that the mail was properly marked legal mail or was sent by counsel.
5. The complaint did not state an Eighth Amendment excessive-force claim based on tight handcuffing because it did not allege facts supporting an inference that the defendant acted maliciously or sadistically to cause harm.
6. Plaintiff was not entitled to appointment of counsel because indigency, incarceration, limited legal education, and limited law-library access are common prisoner circumstances and did not establish

exceptional circumstances or a likelihood of success on the merits.

KEY QUOTATIONS

“Within the prison context, a viable claim of First Amendment retaliation entails five basic elements: (1) An assertion that a state actor took some adverse action against an inmate (2) because of (3) that prisoner’s protected conduct, and that such action (4) chilled the inmate’s exercise of his First Amendment rights, and (5) the action did not reasonably advance a legitimate correctional goal.” (Order at 5)

“To succeed on an Eighth Amendment conditions of confinement claim, plaintiff must show that (1) the defendant jail official’s conduct deprived him of the minimal civilized measure of life’s necessities and (2) that the defendant acted with deliberate indifference to the plaintiff’s health or safety.” (Order at 8)

“In general, in cases where tight handcuffing was found to constitute excessive force, the plaintiff was in visible pain, repeatedly asked the defendant to remove or loosen the handcuffs, had pre-existing injuries known to the defendant, or alleged other forms of abusive conduct by the defendant.” (Order at 12)

FACTUAL BACKGROUND

Eric Armstrong, incarcerated in the Plumas County Jail, alleged that jail and county officials retaliated against him after he filed a citizen's complaint, seized cell phones and other property, failed to provide adequate cleaning supplies, heat, blankets, utensils, and meals, interfered with legal mail, and applied handcuffs tightly enough to cause a scar and tendon damage. He named Plumas County and eight individual defendants and sought one million dollars in damages. The complaint did not adequately identify the officials responsible for several alleged violations or allege facts showing their personal participation, knowledge, or unconstitutional intent.

PROCEDURAL HISTORY

Plaintiff, an incarcerated person proceeding pro se, filed a § 1983 complaint, an application to proceed in forma pauperis, and two motions for appointment of counsel. The court granted in forma pauperis status, screened the complaint under § 1915A, concluded that the pleaded claims for retaliation, search and seizure, conditions of confinement, legal-mail interference, and excessive force were not cognizable as pleaded, denied appointment of counsel without prejudice, and allowed thirty days to file an amended complaint.

DISPOSITION

other

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Erickson v. Pardus, 551 U.S. 89, 93-94 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)

- *Benavidez v. County of San Diego*, 993 F.3d 1134, 1144 (9th Cir. 2021)
- *Monell v. Department of Social Services*, 436 U.S. 658, 694 (1978)
- *Rizzo v. Goode*, 423 U.S. 362, 370-71 (1976)
- *Starr v. Baca*, 652 F.3d 1202, 1207-08 (9th Cir. 2011)
- *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)
- *Rhodes v. Robinson*, 408 F.3d 559, 567-68 (9th Cir. 2005)
- *Bruce v. Ylst*, 351 F.3d 1283, 1288 (9th Cir. 2003)
- *Castaneda v. CDCR*, 2018 WL 11474352, at *4 (E.D. Cal. Jan. 23, 2018)
- *Wood v. Yordy*, 753 F.3d 899, 905 (9th Cir. 2014)
- *Jimenez v. City of Sacramento*, 2025 WL 1344371, at *3 (E.D. Cal. May 8, 2025)
- *Hudson v. Palmer*, 468 U.S. 517, 526 (1984)
- *Flores v. County of Fresno*, 2020 WL 4339825, at *3 n.3 (E.D. Cal. July 28, 2020)
- *United States v. Miller*, 694 F. App'x 609, 610 (9th Cir. 2017)
- *Johnson v. Lewis*, 217 F.3d 726, 731 (9th Cir. 2000)
- *Farmer v. Brennan*, 511 U.S. 825, 834, 847 (1994)
- *Anderson v. County of Kern*, 45 F.3d 1310, 1314 (9th Cir. 1995)
- *Cockcroft v. Kirkland*, 548 F. Supp. 2d 767, 775 (N.D. Cal. 2008)
- *Hoptowit v. Ray*, 682 F.2d 1237, 1259 (9th Cir. 1982)
- *Antonetti v. Skolnik*, 748 F. Supp. 2d 1201, 1211 (D. Nev. 2010)
- *Keenan v. Hall*, 83 F.3d 1083, 1091, 1094 (9th Cir. 1996)
- *Graves v. Arpaio*, 623 F.3d 1043, 1049 (9th Cir. 2010) (per curiam)
- *LeMaire v. Maass*, 12 F.3d 1444, 1456 (9th Cir. 1993)
- *Foster v. Runnels*, 554 F.3d 807, 813 (9th Cir. 2009)
- *Witherow v. Paff*, 52 F.3d 264, 265 (9th Cir. 1995) (per curiam)
- *Thornburgh v. Abbott*, 490 U.S. 401, 412 (1989)
- *Hayes v. Idaho Correctional Center*, 849 F.3d 1204, 1211-12 (9th Cir. 2017)
- *Nordstrom v. Ryan*, 762 F.3d 903, 909 (9th Cir. 2014)
- *Al-Amin v. Smith*, 511 F.3d 1317, 1333 (11th Cir. 2008)
- *Whitley v. Albers*, 475 U.S. 312, 319 (1986)
- *Hudson v. McMillan*, 503 U.S. 1, 7 (1992)
- *Hughes v. Rodriguez*, 31 F.4th 1211, 1221 (9th Cir. 2022)
- *Wall v. County of Orange*, 364 F.3d 1107, 1112 (9th Cir. 2004)
- *Reviere v. Phillips*, 2014 WL 711002, at *6 (E.D. Cal. Feb. 21, 2014)
- *Arnold v. International Business Machines Corp.*, 637 F.2d 1350, 1355 (9th Cir. 1981)
- *Ivey v. Board of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)
- *Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967)
- *Mallard v. United States District Court*, 490 U.S. 296, 298 (1989)

- Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991)
- Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990)
- Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986)
- Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)
- Riley v. Franke, 340 F. Supp. 3d 783, 787 (E.D. Wis. 2018)
- Franco-Gonzalez v. Holder, 2013 WL 3674492, at *3-*9 (C.D. Cal. Apr. 23, 2013)
- Turner v. Rogers, 564 U.S. 431, 444-45 (2011)
- Mathews v. Eldridge, 424 U.S. 319 (1976)

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