

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Taylor v. Gordan

Taylor · No. 2:24-cv-0403 CKD P · Decided February 25, 2025

SUMMARY

The United States District Court for the Eastern District of California screens a state prisoner’s amended 42 U.S.C. § 1983 complaint concerning opened legal mail, threatened disciplinary proceedings, and confiscated food. Magistrate Judge Carolyn K. Delaney recommends dismissal for failure to state a claim and closure of the case, finding that a further opportunity to amend would be futile.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 25, 2025
DOCKET	2:24-cv-0403 CKD P
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983. After the original complaint was dismissed with leave to amend, plaintiff filed an amended complaint, which the magistrate judge recommended dismissing under the prisoner-screening statute.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915A; the court must dismiss claims that are frivolous or malicious, fail to state a claim, or seek monetary relief from an immune defendant.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Arthur Taylor v. Gordan, et al.

TOPICS

- prisoners rights
- section 1983
- cruel and unusual punishment
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the amended prisoner complaint stated a cognizable claim under 42 U.S.C. § 1983.
2. Whether the allegations concerning prison conditions and conduct by prison officials stated an Eighth Amendment claim.
3. Whether plaintiff should be granted another opportunity to amend after the original complaint had already been dismissed with leave to amend.

HOLDINGS

1. The amended complaint failed to state a claim upon which relief could be granted and should be dismissed under the prisoner-screening statute.
2. The allegations did not approach a violation of the Eighth Amendment because the alleged de minimis harms were not constitutionally actionable.

KEY QUOTATIONS

“The Eighth Amendment affords plaintiff the right not to be subjected to cruel and unusual punishment, but nothing he alleges approaches a violation of the Eighth Amendment.” (at 2)

“The Constitution “does not mandate comfortable prisons.”” (at 2)

FACTUAL BACKGROUND

Plaintiff is a state prisoner proceeding pro se and alleged events at the California Medical Facility. He alleged a single instance in which outgoing legal mail was opened, threats of prisoner disciplinary proceedings, and confiscation and disposal of food following a search. He also made allegations the court characterized as vague or incomprehensible.

PROCEDURAL HISTORY

The court previously dismissed plaintiff's complaint with leave to amend on September 19, 2024. Plaintiff filed an amended complaint alleging, among other things, that outgoing legal mail was opened, he was threatened with disciplinary proceedings, and food was confiscated and discarded after a search. The magistrate judge found that the amended complaint failed to state a claim and recommended dismissal and closure of the case, subject to objections and review by an assigned district judge.

DISPOSITION

other

CASES CITED

- Rhodes v. Chapman, 452 U.S. 337, 349 (1981)

- McKune v. Lile, 536 U.S. 24, 41 (2002)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Taylor v. Gordan

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 ARTHUR TAYLOR, No. 2:24-cv-0403 CKD P

12 Plaintiff,

13 v. ORDER AND

14 GORDAN, et al., FINDINGS AND RECOMMENDATIONS

15 Defendants. 16

17 Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 18
1983. On September 19, 2024, plaintiff's complaint was dismissed with leave to file an amended
19 complaint. Plaintiff has filed an amended complaint. 20 The court is required to screen
complaints brought by prisoners seeking relief against a 21 governmental entity or officer or
employee of a governmental entity. 28 U.S.C. § 1915A(a). The 22 court must dismiss a complaint
or portion thereof if the prisoner has raised claims that are legally 23 "frivolous or malicious," that
fail to state a claim upon which relief may be granted, or that seek 24 monetary relief from a
defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2). 25 Plaintiff complains
about events occurring at the California Medical Facility including a 26 single instance of his
outgoing legal mail being opened, being threatened with prisoner 27 disciplinary proceedings and,
following a search, food being confiscated and thrown on the 28 ground. Plaintiff makes other
allegations that are either vague or incomprehensible.] Nothing in plaintiff's complaint amounts
to a claim upon which plaintiff can proceed. 2 || The Eighth Amendment affords plaintiff the right
not to be subjected to cruel and unusual 3 || punishment, but nothing he alleges approaches a
violation of the Eighth Amendment. The 4 || Constitution "does not mandate comfortable prisons."
Rhodes v. Chapman, 452 U.S. 337, 349 5 || (1981). De minimus harm, such as that described by
plaintiff, is not protected under the 6 || Constitution. McKune v. Lile, 536 U.S. 24, 41 (2002). 7 For
these reasons, plaintiff's amended complaint fails to state a claim upon which plaintiff 8 || can
proceed. The court has already given plaintiff an attempt to cure the defects in his pleadings 9 ||
and plaintiff has not been able to do so. Granting a second attempt appears futile. 10 In accordance
with the above, IT IS HEREBY ORDERED that the Clerk of the Court 11 | assign a district court
judge to this case. 12 IT IS HEREBY RECOMMENDED that: 13 1. Plaintiff's amended complaint
be dismissed; and 14 2. This case be closed. 15 These findings and recommendations are

submitted to the United States District Judge 16 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 17 || after being served with these findings and recommendations, plaintiff may file written objections 18 || with the court. The document should be captioned “Objections to Magistrate Judge’s Findings 19 | and Recommendations.” Plaintiff is advised that failure to file objections within the specified 20 || time waives the right to appeal the District Court’s order. *Martinez v. Ylst*, 951 F.2d 1153 (9th 21 | Cir. 1991). 22 | Dated: February 24, 2025 / Lae / a ly. ae

8 CAROLYNK. DELANEY

24 UNITED STATES MAGISTRATE JUDGE

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