

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Coffer v. Mosely

No. 2:25-cv-1358 CSK P (E.D. Cal. July 23, 2025) · No. 2:25-cv-1358 CSK P · Decided July 23, 2025

SUMMARY

The court recommends dismissal of Jonathan Christopher Coffer’s prisoner civil rights action under 42 U.S.C. § 1983. The claims against one defendant were duplicative of claims in another action, while the claim against the other defendant based on failure to investigate a grievance did not state a constitutional claim; the court also denied two motions and directed assignment of a district judge.

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	July 23, 2025
DOCKET	2:25-cv-1358 CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983; after screening, the magistrate judge recommended dismissal because the action was duplicative as to one defendant and failed to state a claim as to another. The court also denied two pending motions.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915A; the court accepts complaint allegations as true and construes the pleading in the light most favorable to the plaintiff when evaluating whether it is frivolous or fails to state a claim.
PRECEDENTIAL VALUE	nonprecedential district-court findings and recommendations; no reporter citation
PARTIES	Jonathan Christopher Coffer v. Howard E. Mosely, J. Purtle, et al.

TOPICS

- prisoners rights
- section 1983
- due process
- civil rights
- civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

federal civil procedure

in forma pauperis screening

QUESTIONS PRESENTED

1. Whether the claims against Purtle should be dismissed as duplicative of claims in *Coffer v. Purtle*, No. 2:25-cv-1302 CKD P.
2. Whether an inmate's allegation that a prison official failed to investigate or respond adequately to a grievance states a constitutional claim.
3. Whether plaintiff's motion to file by mail was moot and whether his emergency request for subpoenas should be denied in light of the recommended dismissal.

HOLDINGS

1. An inmate cannot state a colorable due-process claim merely by alleging that prison officials inadequately investigated, responded to, or handled an inmate grievance because inmates have no constitutional right to an effective grievance or appeal procedure.
2. The claims against Purtle in this action should be dismissed as duplicative of substantially identical claims asserted in *Coffer v. Purtle*, No. 2:25-cv-1302 CKD P.
3. The action should be dismissed under 28 U.S.C. § 1915A because the claims were duplicative or failed to state a claim upon which relief may be granted.

KEY QUOTATIONS

“Inmates do not have a constitutional right to an effective grievance or appeal procedure.” (at 3)

“The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity.” (at 1)

FACTUAL BACKGROUND

Plaintiff, a state prisoner, alleged that J. Purtle applied handcuffs too tightly and refused to remove them on July 17, 2024. He alleged that Howard Mosely failed to investigate a grievance concerning that incident. The court determined that the claims against Purtle substantially duplicated claims in a separate action and that the allegations against Mosely concerned only the handling of a grievance.

PROCEDURAL HISTORY

Plaintiff filed the complaint in the Northern District of California on May 9, 2025. That court transferred the action to the Eastern District of California on May 13, 2025. After screening, the court gave plaintiff thirty days to voluntarily dismiss the action and warned that dismissal would be recommended if he failed to respond. Plaintiff did not respond, so the magistrate judge denied his motions to file by mail and for emergency subpoenas and recommended dismissal, subject to review by an assigned district judge.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended dismissal and directed that objections be filed within fourteen days; a district judge was to review the findings and recommendations.

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Franklin v. Murphy, 745 F.2d 1221, 1227-28 (9th Cir. 1984)
- Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989)
- Lopez v. Smith, 203 F.3d 1122, 1130-31 (9th Cir. 2000)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Davis v. Scherer, 468 U.S. 183 (1984)
- Ramirez v. Galaza, 334 F.3d 850, 860 (9th Cir. 2003)
- Mann v. Adams, 855 F.2d 639, 640 (9th Cir. 1988)
- Antonetti v. McDaniels, 2018 WL 11362954, at *7 (D. Nev. May 25, 2018)
- Terrill v. Grannis, 2012 WL 5906648, at *8 (E.D. Cal. Nov. 26, 2012), findings and recommendations adopted, 2013 WL 524320 (E.D. Cal. Feb. 11, 2013)
- Spencer v. Barajas, 2025 WL 1600926, at *3 (9th Cir. June 6, 2025)
- Cato v. United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995)
- LeBlanc v. Asuncion, 699 F. App'x 762 (9th Cir. 2017)
- MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986)
- United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)
- Coffey v. Purtle, No. 2:25-cv-1302 CKD P

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 JONATHAN CHRISTOPHER COFFER, No. 2:25-cv-1358 CSK P 12
Plaintiff, 13 v. ORDER AND FINDINGS AND RECOMMENDATIONS 14 HOWARD E.
MOSELY, et al., 15 Defendants. 16 17 I. INTRODUCTION 18 Plaintiff is a state prisoner,
proceeding without counsel, with a civil rights action pursuant 19 to 42 U.S.C. § 1983.

On June 17, 2025, this Court filed an order screening plaintiff's complaint. 20 (ECF No. 12.) In the June 17, 2025 order, this Court granted plaintiff thirty days to file a notice 21 of voluntary dismissal. (Id.) This Court warned plaintiff that if he did not voluntarily dismiss 22 this action, this Court would recommend dismissal of this action for the reasons discussed in the 23 order.

(Id.) Thirty days passed from June 17, 2025 and plaintiff did not file a notice of voluntary 24 dismissal or otherwise respond to the order filed June 17, 2025. Accordingly, for the following 25 reasons, this Court recommends dismissal of this action. 26 II. SCREENING STANDARDS 27 The court is required to screen complaints brought by prisoners seeking relief against a 28 governmental entity or officer or employee of a governmental entity.

28 U.S.C. § 1915A(a). The 1 court must dismiss a complaint or portion thereof if the prisoner raised claims that are legally 2 "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek 3 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1), (2). 4 A claim is legally frivolous when it lacks an arguable basis either in law or in fact.

5 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Franklin v. Murphy*, 745 F.2d 1221, 1227-28 (9th 6 Cir. 1984). The court may, therefore, dismiss a claim as frivolous when it is based on an 7 indisputably meritless legal theory or where the factual contentions are clearly baseless. *Neitzke*, 8 490 U.S. at 327.

The critical inquiry is whether a constitutional claim, however inartfully 9 pleaded, has an arguable legal and factual basis. See *Jackson v. Arizona*, 885 F.2d 639, 640 (9th 10 Cir. 1989), superseded by statute as stated in *Lopez v. Smith*, 203 F.3d 1122, 1130-31 (9th Cir. 11 2000) ("[A] judge may dismiss [in forma pauperis] claims which are based on indisputably 12 meritless legal theories or whose factual contentions are clearly baseless."); *Franklin*, 745 F.2d at 13 1227.

14 Rule 8(a)(2) of the Federal Rules of Civil Procedure "requires only 'a short and plain 15 statement of the claim showing that the pleader is entitled to relief,' in order to 'give the 16 defendant fair notice of what the... claim is and the grounds upon which it rests.'" *Bell Atlantic 17 Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)).

18 In order to survive dismissal for failure to state a claim, a complaint must contain more than "a 19 formulaic recitation of the elements of a cause of action;" it must contain factual allegations 20 sufficient "to raise a right to relief above the speculative level." *Bell Atlantic*, 550 U.S. at 555. 21 However, "[s]pecific facts are not necessary; the statement [of facts] need only 'give the 22 defendant fair notice of what the... claim is and the grounds upon which it rests.'" *Erickson v. 23 Pardus*, 551 U.S. 89, 93 (2007) (quoting *Bell Atlantic*, 550 U.S. at 555, citations and internal 24 quotations marks omitted).

In reviewing a complaint under this standard, the court must accept as true the allegations of the complaint in question, *Erickson*, 551 U.S. at 93, and construe the pleading in the light most favorable to the plaintiff. *Scheuer v. Rhodes*, 416 U.S. 232, 236-27 (1974), overruled on other grounds, *Davis v. Scherer*, 468 U.S. 183 (1984). 28 III. DISCUSSION 2 On May 9, 2025, plaintiff filed his complaint in the United States District Court for the Northern District of California.

(ECF No. 1.) On May 13, 2025, the United States District Court for the Northern District of California transferred this action to this district, the United States District Court for the Eastern District of California. (ECF No. 5.) 6 Named in the complaint as defendants are Howard Mosely and J. Purtle. (ECF No. 1 at 7 1.) Plaintiff alleges that on July 17, 2024, defendant Purtle refused to remove handcuffs that were 8 applied too tightly on plaintiff.

(Id. at 2.) Plaintiff alleges that on July 18, 2024, plaintiff wrote a 9 grievance regarding the July 17, 2024 incident involving defendant Purtle. (Id. at 4.) Plaintiff 10 alleges that defendant Mosely failed to investigate this grievance. (Id.) 11 In the June 17, 2025 order, this Court found that the court's own records revealed that on May 6, 2025, plaintiff filed a complaint in this district court containing virtually identical 13 allegations against defendant Purtle: *Coffer v. Purtle*, No. 2:25-cv-1302 CKD P.1 (ECF No. 12 at 14 3.)

Due to the duplicative nature of the present action, this Court found that plaintiff's claims 15 against defendant Purtle raised in the instant action should be dismissed as duplicative of the 16 claims raised against defendant Purtle in *Coffer v. Purtle*, No. 2:25-cv-1302 CKD P. (Id.) 17 In the June 17, 2025 order, this Court found that in *Coffer v. Purtle*, No. 2:25-cv-1302 18 CKD P, plaintiff did not raise any claims against defendant Mosely.

(Id.) This Court found that 19 plaintiff's claims against defendant Mosely raised in the instant action should be raised in an 20 amended complaint filed in case no. 2:25-cv-1302 CKD P. (Id.) Nevertheless, for the following 21 reasons, this Court found that the claims raised against defendant Mosely in the instant action 22 were not potentially colorable. 23 As discussed above, plaintiff alleged that defendant Mosely failed to investigate plaintiff's 24 grievance raising his claims against defendant Purtle.

(Id. at 4.) While plaintiff claimed that 25 defendant Mosely violated the First Amendment, this Court found that plaintiff's claims against 26 27 1 A court may take judicial notice of court records. See *MGIC Indem. Co. v. Weisman*, 803 F.2d 500, 505 (9th Cir. 1986); *United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980). 28 1 defendant Mosely raised a Fourteenth Amendment claim.

(Id.) Inmates do not have a 2 constitutional right to an effective grievance or appeal procedure. Id.; see *Ramirez v. Galaza*, 334 3 F.3d 850, 860 (9th Cir. 2003); *Mann v. Adams*, 855 F.2d 639, 640

(9th Cir. 1988). Accordingly, 4 an inmate cannot make a colorable due process claim by generally alleging that the investigation 5 into their grievance was inadequate.

See *Antonetti v. McDaniels*, 2018 WL 11362954, at *7 (D. 6 Nev. May 25, 2018) (finding plaintiff failed to state a cognizable due process claim to the extent 7 plaintiff's claim asserted the denial of grievance or failure to investigate or respond to grievance); 8 see also *Terrill v. Grannis*, 2012 WL 5906648, at *8 (E.D. Cal. Nov. 26, 2012), findings and 9 recommendations adopted, 2013 WL 524320 (E.D.

Cal. Feb. 11, 2013) (dismissing for failure to 10 state a claim plaintiff's due process claims based on dissatisfaction with the inmate grievance 11 procedure). For these reasons, in the June 17, 2025 order, this Court found that plaintiff's claim 12 alleging that defendant Mosely failed to investigate plaintiff's grievance was not potentially 13 colorable.

(ECF No. 12 at 4.) 14 Because it was unclear whether plaintiff intended to proceed with the instant action, which 15 is largely duplicative of *Coffer v. Purtle*, No. 2:25-cv-1302 CKD P, in the June 17, 2025 order 16 this Court granted plaintiff thirty days to file a notice of voluntary dismissal of the instant action. 17 (ECF No. 12 at 4-5.) This Court advised plaintiff that a voluntarily dismissed action does not 18 constitute a strike pursuant to 28 U.S.C. § 1915(g).² *Id.*; see *Spencer v. Barajas*, --- F.4th ---, 19 2025 WL 1600926, at *3 (9th Cir.

June 6, 2025). This Court advised plaintiff that if plaintiff did 20 not voluntarily dismiss this action within thirty days, this Court would recommend that the claims 21 against defendant Purtle be dismissed as duplicative of the claims raised against defendant Purtle 22 2 Qualifying indigent litigants may litigate with in forma pauperis status, meaning that they do 23 not have to prepay filing fees.

See 28 U.S.C. § 1915(a). But the three-strikes provision of the Prison Litigation Reform Act restricts that ability for incarcerated litigants, providing: 24 In no event shall a prisoner bring a civil action or appeal a judgment 25 in a civil action or proceeding under [IFP status] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any 26 facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or 27 fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 28 U.S.C. § 1915(g). 1 in *Coffer v. Purtle*, No 2:25-cv-1302 CKD P. (*Id.* at 4-5.) This Court advised plaintiff that this 2 Court would also recommend that plaintiff's claims against defendant Mosely be dismissed for 3 failing to state a claim upon which relief may be granted. (*Id.* at 5.)

Therefore, the instant action 4 may be a strike pursuant to 42 U.S.C. § 1915(g). See 28 U.S.C. § 1915(g) (action dismissed for 5 failing to state a claim upon which relief may granted is a strike);

Cato v. United States, 70 F.3d 6 1103, 1105 n.2 (9th Cir. 1995) (recognizing that a duplicative complaint is either frivolous or 7 malicious); LeBlanc v. Asuncion, 699 F.App'x 762 (9th Cir.

2017) (holding that dismissal of 8 duplicative complaint was properly deemed a strike pursuant to 42 U.S.C. § 1915(g) (citing Cato, 9 70 F.3d at 1105 n.2). 10 Thirty days passed from June 17, 2025 and plaintiff did not file a notice of voluntary 11 dismissal or otherwise respond to the June 17, 2025 order.

Accordingly, for the reasons discussed 12 above, this Court recommends that this action be dismissed. 13 IV. PLAINTIFF'S MOTIONS FILED MAY 9, 2025 14 On May 9, 2025, plaintiff filed a motion to file his "petition" by mail because he was in 15 segregation and could not access the library for e-file. (ECF No. 2.) This motion is denied as 16 moot because the United States District Court for the Northern District of California apparently 17 permitted plaintiff to file his complaint by mail.

18 On May 9, 2025, plaintiff filed a pleading docketed as "emergency request for 19 subpoenas." (ECF No. 3.) In this pleading, plaintiff requests that the court issue a subpoena to 20 plaintiff so that he may obtain video footage. (Id.) This request is denied because this Court 21 recommends dismissal of this action. 22 Accordingly, IT IS HEREBY ORDERED: 23 1.

Plaintiff's motion to file by mail (ECF No. 2) is denied as moot; 24 2. Plaintiff's emergency request for subpoenas (ECF No. 3) is denied; 25 3. The Clerk of the Court shall assign a district judge to this action; and 26 IT IS HEREBY RECOMMENDED that this action be dismissed. 27 These findings and recommendations are submitted to the United States District Judge 28 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).

Within fourteen days 1 | after being served with these findings and recommendations, plaintiff may file written objections 2 || with the court and serve a copy on all parties. Such a document should be captioned 3 || "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that 4 || failure to file objections within the specified time may waive the right to appeal the District 5 || Court's order.

Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). 6 7 || Dated: July 23, 2025 4 aA Aan Spe | CHI SOO KIM? UNITED STATES MAGISTRATE JUDGE 10 1] 12 13 Coff1358.56/2 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28