

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Forrest Gray v. Cassie

No. 2:22-cv-0099-DC-JDP (P), Order (E.D. Cal. Mar. 4, 2025) · No. 2:22-cv-0099-DC-JDP (P) · Decided March 5, 2025

SUMMARY

The court denied plaintiff Forrest Gray’s motion to proceed with a bench trial in his 42 U.S.C. § 1983 civil rights action. The court held that defendant properly demanded a jury trial under the Seventh Amendment, Federal Rule of Civil Procedure 38, and the applicable local rule.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 5, 2025
DOCKET	2:22-cv-0099-DC-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to proceed with a bench trial instead of a jury trial in a 42 U.S.C. § 1983 action. Defendant opposed the motion and asserted that he had properly demanded a jury trial.
STANDARD OF REVIEW	The court applied the governing constitutional and procedural rules concerning the right to a jury trial and the timeliness and waiver of a jury demand.
PRECEDENTIAL VALUE	unpublished and nonprecedential district-court order
PARTIES	Forrest Gray v. Cassie

TOPICS

- civil procedure
- section 1983
- prisoners rights
- constitutional law

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether a defendant in a § 1983 action seeking legal relief has a Seventh Amendment right to a jury trial.
2. Whether defendant properly demanded a jury trial under Federal Rule of Civil Procedure 38 and Local Rule 201, thereby preventing plaintiff from obtaining a bench trial without defendant's consent.

HOLDINGS

1. A § 1983 action seeking legal relief is an action at law within the meaning of the Seventh Amendment, so a party is entitled to a jury trial upon a proper demand.
2. Defendant preserved the right to a jury trial by filing a timely jury demand in his answer and not withdrawing it; plaintiff's motion for a bench trial was therefore denied.

KEY QUOTATIONS

“the Supreme Court has held that such an action “seeking legal relief is an action at law within the meaning of the Seventh Amendment,”” (at 1)

“Therefore, because defendant has a right to a jury trial in this action and he has complied with the procedures for demanding a jury trial, plaintiff's motion is denied.” (at 2)

FACTUAL BACKGROUND

Plaintiff is a state inmate proceeding without counsel in a civil-rights action under 42 U.S.C. § 1983. Both his initial and operative complaints requested a jury trial, while defendant filed an answer demanding a jury trial and maintained that demand. Plaintiff later sought to proceed with a bench trial.

PROCEDURAL HISTORY

Plaintiff, a state inmate proceeding without counsel, brought this § 1983 civil-rights action. Defendant filed an answer containing a jury demand and did not withdraw it. The district court denied plaintiff's motion for a bench trial.

DISPOSITION

other

CASES CITED

- *Curtis v. Loether*, 415 U.S. 189, 194 (1974)
- *City of Monterey v. Del Monte Dunes at Monterey, Ltd.*, 526 U.S. 687, 707, 709 (1999)

OPINION

(PC) Gray v. Cassie

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 FORREST GRAY, Case No. 2:22-cv-0099-DC-JDP (P) 12 Plaintiff, 13 v. ORDER

14 CASSIE,

15 Defendant. 16

17 Plaintiff is a state inmate proceeding without counsel in this civil rights action brought 18 under
42 U.S.C. § 1983. Plaintiff has filed a motion seeking to proceed with a bench trial, as 19 opposed
to a jury trial.¹ ECF No. 62. Defendant opposes, arguing that he properly asserted his 20 right to a
jury trial in his answer and that because plaintiff brought this action under 42 U.S.C. 21 § 1983,
defendant has the right to a jury trial. ECF No. 63. 22 The Seventh Amendment provides that “[i]n
Suits at common law, where the value in 23 controversy shall exceed twenty dollars, the right of
trial by jury shall be preserved” U.S. 24 Const. amend. VII. This constitutional guarantee
“appl[ies] to actions enforcing statutory rights, 25 and requires a jury trial upon demand, if the
statute creates legal rights and remedies, enforceable 26 in an action for damages in the ordinary
courts of law.” *Curtis v. Loether*, 415 U.S. 189, 194 27 1 Both plaintiff’s initial and the operative
complaint request a jury trial. See ECF No. 1 & 28 13. 1 | (1974). While 42 U.S.C. § 1983 does
not expressly provide for the right to a jury trial, see *City of 2 | Monterey v. Del Monte Dunes at*
Monterey, Ltd., 526 U.S. 687, 707 (1999), the Supreme Court 3 | has held that such an action
“seeking legal relief is an action at law within the meaning of the 4 | Seventh Amendment,” *id.* at
709. 5 Rule of Civil Procedure 38 and Local Rule 201 govern the procedure for when a demand 6 |
is made for a jury trial. Federal Rule of Civil Procedure 38 provides in the relevant part: 7 (b)
Demand. On any issue triable of right by a jury, a party may demand a jury trial by serving the
other parties with a written 8 demand—which may be included in the pleadings—no later than 14
9 days after the last pleading directed to the issue is served (d) Waiver; Withdrawal. A party
waives a jury trial unless its 10 demand is properly served and filed. A proper demand may be
withdrawn only if the parties consent. 12 Defendant filed an answer with a demand for a jury trial,
ECF No. 36 at 5, and has not 13 | withdrawn his demand for a jury trial, ECF No. 63. Therefore,
because defendant has a right to a 14 | jury trial in this action and he has complied with the
procedures for demanding a jury trial, 15 | plaintiff’s motion is denied. 16 Accordingly, it is hereby
ORDERED that plaintiff’s motion for a bench trial, ECF No. 62, 17 | is DENIED. 18 19 IT IS SO
ORDERED. 20 (— Dated: _ March 4, 2025 q———

21 JEREMY D. PETERSON

9 UNITED STATES MAGISTRATE JUDGE

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