

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

George A. Laguer v. H. Arreola, et al.

Laguer v. Arreola · No. 1:24-cv-00979-KES-SAB (PC) · Decided July 2, 2025

SUMMARY

The document is a magistrate judge’s Findings and Recommendations in a 42 U.S.C. § 1983 action brought by a pro se, in forma pauperis prisoner. The court recommends granting defendants’ motion to dismiss the plaintiff’s official-capacity claims because monetary claims against state officials in their official capacities are barred by Eleventh Amendment immunity and are not cognizable under § 1983 absent state consent. The recommendations also direct defendants to file an answer within fourteen days of any order adopting them.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 2, 2025
DOCKET	1:24-cv-00979-KES-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on defendants' Rule 12(b)(6) motion to dismiss the plaintiff's claims against defendants in their official capacities in a 42 U.S.C. § 1983 prisoner civil-rights action.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded allegations as true and construes the complaint in the light most favorable to the plaintiff, but disregards naked assertions, labels, conclusions, and formulaic recitations of the elements. A pro se complaint is liberally construed, but liberal construction cannot supply essential elements not pleaded.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- section 1983
- eleventh amendment immunity
- sovereign immunity
- motions to dismiss
- prisoners rights

PRACTICE AREAS

civil rights

prisoner civil rights

federal courts

constitutional litigation

QUESTIONS PRESENTED

1. Whether the Eleventh Amendment bars plaintiff's claims for monetary damages against state officials sued in their official capacities.
2. Whether state officials sued in their official capacities are persons subject to suit for damages under 42 U.S.C. § 1983.
3. Whether plaintiff's official-capacity claims should be dismissed under Rule 12(b)(6) where plaintiff sought only monetary relief and alleged no basis for prospective injunctive relief.

HOLDINGS

1. The Eleventh Amendment bars plaintiff's claims for monetary damages against defendants in their official capacities because the State had not consented to the action and plaintiff sought no prospective relief.
2. Defendants sued in their official capacities are not persons subject to a damages action under § 1983 in these circumstances, because an official-capacity suit is effectively a suit against the State and plaintiff alleged no prospective injunctive claim.

KEY QUOTATIONS

“Because the State has not consented to this action, Eleventh Amendment sovereign immunity bars all damage claims against Defendants in their official capacities.” (at 4)

“For these reasons, Plaintiff’s claims against Defendants in their official capacities are not cognizable under § 1983.” (at 5)

FACTUAL BACKGROUND

Plaintiff, an LGBTQ inmate at Kern Valley State Prison, alleged that prison officials knew of threats by the STG 25er gang and failed to protect plaintiff from an ensuing attack with weapons on September 18, 2023. Plaintiff further alleged that, after the attack, officers left plaintiff handcuffed on a patio for more than eleven hours in temperatures exceeding 90 degrees. The complaint sought monetary compensation from defendants in both their official and individual capacities and did not seek prospective injunctive relief.

PROCEDURAL HISTORY

Plaintiff, proceeding pro se and in forma pauperis, brought a § 1983 action alleging that prison officials failed to protect plaintiff from an inmate attack. Defendants moved to dismiss the official-capacity claims on May 10, 2025. Plaintiff filed no opposition. The magistrate judge recommended that the motion be granted and the official-capacity claims be dismissed, subject to review by the assigned district judge after any objections.

DISPOSITION

other

REMAND INSTRUCTIONS

If the district judge adopts the findings and recommendations, defendants are to file an answer within fourteen days of the adoption order.

CASES CITED

- Erickson v. Pardus, 551 U.S. 89 (2007)
- Jenkins v. McKeithen, 395 U.S. 411, 421 (1969)
- Meek v. County of Riverside, 183 F.3d 962, 965 (9th Cir. 1999)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Lee v. City of Los Angeles, 250 F.3d 668, 688-89 (9th Cir. 2001), overruled on other grounds by Galbraith v. County of Santa Clara, 307 F.3d 1119 (9th Cir. 2002)
- Galbraith v. County of Santa Clara, 307 F.3d 1119 (9th Cir. 2002)
- Parrino v. FHD, Inc., 146 F.3d 699, 705-06 (9th Cir. 1998)
- Hishon v. King & Spaulding, 467 U.S. 69, 73 (1984)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Bretz v. Kelman, 773 F.2d 1026, 1027 n.1 (9th Cir. 1985) (en banc)
- Ivey v. Bd. of Regents of Univ. of Alaska, 673 F.2d 266, 268 (9th Cir. 1982)
- Kentucky v. Graham, 473 U.S. 159, 169 (1985)
- Quern v. Jordan, 440 U.S. 332, 344-45 (1979)
- Hafer v. Melo, 502 U.S. 21, 30 (1991)
- Krainski v. Nevada ex rel. Bd. of Regents of Nevada Sys. of Higher Educ., 616 F.3d 963, 967 (9th Cir. 2010)
- Will v. Michigan Dep't of State Police, 491 U.S. 58, 65, 71 (1989)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

OPINION

(PC)Laguer v. Arreola

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 GEORGE A. LAGUER, No. 1:24-cv-00979-KES-SAB (PC)

12 Plaintiff, FINDINGS AND RECOMMENDATIONS

RECOMMENDING DEFENDANTS'

13 v. MOTION TO DISMISS BE GRANTED

14 H. ARREOLA, et al., (ECF No. 20) 15 Defendants. 16 17 Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 18 U.S.C. § 1983. 19 Currently before the Court is Defendants' motion to dismiss Plaintiff's official capacity 20 claims, filed May 10, 2025. (ECF No. 20.) 21 I.

22 RELEVANT BACKGROUND

23 This action is proceeding on Plaintiff's failure to protect claim against Defendants August 24 Vasquez, L. Pantoja, F. Correia, and John Does 1 through 3. 25 Defendants filed the instant motion to dismiss on May 10, 2025. Plaintiff did not file an 26 opposition and the time to do has passed. Local Rule 230(l). 27 /// 28 1 II.

2 COMPLAINT ALLEGATIONS

3 Plaintiff, as a LGBTQ inmate, was set-up to be harmed and attacked with weapons by 4 officers at Kern Valley State Prison (KVSP). On September 18, 2023, Plaintiff spoke with 5 Vasquez and other unknown officers about the STG's 25er gang threats to stab her. Plaintiff was 6 later let out of her cell and attacked the STG 25er gang for no reason. Lieutenant Arreola knew 7 the assault was going to happen, and L. Pantoja and F. Correia were told about the possible 8 threats to her life. The patio security and escort officers (John Does 1 through 3) were notified as 9 well and they turned a blind eye. Defendants failed to take reasonable measures to protect 10 Plaintiff from the other inmates who threatened harm to her life. Plaintiff received injuries to his 11 hands, body, face and suffered emotional and mental distress. 12 After the incident was over, lieutenant Arreola ordered Doe officers to handcuff Plaintiff 13 and left him on the patio for over 11 hours in over 90 degrees temperature. Plaintiff was forced to 14 eat while handcuffed, despite continuing to ask for the handcuffs to be removed due to the pain 15 and swelling. All of the Defendants refused to uncuff Plaintiff stating that lieutenant Arreola 16 ordered to leave her handcuffed. Plaintiff was seen by a nurse and given a CDCR form 7219 17 (medical report). 18 III.

19 LEGAL STANDARD

20 Rule 12(b)(6) of the Federal Rules of Civil Procedures provides for motions to dismiss for 21 "failure to state a claim upon which relief can be granted." Fed. R. Civ. P. 12(b)(6). In 22 considering a motion to dismiss pursuant to Rule 12(b)(6), the court must accept as true the 23 allegations of the complaint in question, *Erickson v. Pardus*, 551 U.S. 89 (2007), and construe the 24 pleading in the light most favorable to the plaintiff. *Jenkins v. McKeithen*, 395 U.S. 411, 421 25 (1969); *Meek v. County of Riverside*, 183 F.3d 962, 965 (9th Cir. 1999). Still, to survive 26 dismissal for failure to state a claim, a pro se complaint must contain more than "naked 27 assertions," "labels and conclusions" or "a formulaic recitation of the elements of a cause of 28 action." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-57 (2007). In other words, 1 "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory 2 statements do not suffice." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Furthermore, a claim 3

upon which the court can grant relief must have facial plausibility. *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. 6 at 678. “As a general rule, a district court may not consider any material beyond the pleadings in ruling on a Rule 12(b)(6) motion.” *Lee v. City of Los Angeles*, 250 F.3d 668, 688 (9th Cir. 2001) (internal quotes and citation omitted), overruled on other grounds by *Galbraith v. County of Santa Clara*, 307 F.3d 1119 (9th Cir. 2002). Otherwise, the motion is treated as one for summary judgment. *Lee*, 250 F.3d at 688. There are exceptions for material which is properly submitted as part of the complaint and “matters of public record” which may be judicially noticed. *Id.* at 688-89. “If the documents are not physically attached to the complaint, they may be considered if the documents’ ‘authenticity ... is not contested’ and ‘the plaintiff’s complaint necessarily relies’ on them.” *Id.* at 688 (quoting *Parrino v. FHD, Inc.*, 146 F.3d 699, 705-06 (9th Cir. 1998)). A motion to dismiss for failure to state a claim should not be granted unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claims which would entitle him to relief. *Hishon v. King & Spaulding*, 467 U.S. 69, 73 (1984). In general, pro se pleadings are held to a less stringent standard than those drafted by lawyers. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). The court has an obligation to construe such pleadings liberally. *Bretz v. Kelman*, 773 F.2d 1026, 1027 n.1 (9th Cir. 1985) (en banc). However, the court’s liberal interpretation of a pro se complaint may not supply essential elements of the claim that were not pled. *Ivey v. Bd. of Regents of Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982). IV.

DISCUSSION

Claims for damages against the state, its agencies, or its officers for actions performed in their official capacities are barred under the Eleventh Amendment, unless the state waives its immunity. *Kentucky v. Graham*, 473 U.S. 159, 169 (1985). Section 1983 does not abrogate the states’ Eleventh Amendment immunity from suit. See *Quern v. Jordan*, 440 U.S. 332, 344-45 (1979); see also *Hafer v. Melo*, 502 U.S. 21, 30 (1991) (clarifying that the Eleventh Amendment does not bar suits against state officials sued in their individual capacities, nor does it bar suits for prospective injunctive relief against state officials sued in their official capacities). Although a “narrow exception exists” for prospective relief under the *Ex Parte Young* doctrine, *Krainski v. Nevada ex rel. Bd. of Regents of Nevada Sys. of Higher Educ.*, 616 F.3d 963, 967 (9th Cir. 2010). Plaintiff seeks no prospective relief here. (See ECF No. 1 at 8.) In this action, Plaintiff is seeking only monetary compensation from Defendants, but she is doing so in both their official and individual capacities. (ECF No. 1 at 5:27-28.) Because the State has not consented to this action, Eleventh Amendment sovereign immunity bars all damage claims against Defendants in their official capacities. Plaintiff also cannot sue Defendants in their official capacities because Defendants, while acting in such a capacity, are not “persons” under § 1983, and because Plaintiff did not bring injunctive claims against them. As the Supreme Court explained in *Will*

v. Michigan Dep't of 15 State Police, 491 U.S. 58, 65 (1989), a "State is not a 'person' within the meaning of § 1983" 16 because "a suit against a state official in his or her official capacity is" essentially "a suit against 17 the State itself," and "officials acting in their official capacities are [not] 'persons' under § 1983" 18 and thus cannot be sued for damages absent consent from the State. Id. at 71. For these reasons, 19 Plaintiff's claims against Defendants in their official capacities are not cognizable under § 1983. 20 V.

21 RECOMMENDATIONS

22 Accordingly, IT IS HEREBY RECOMMENDED that: 23 1. Defendants motion to dismiss (ECF No. 20) be granted; and Plaintiff's claims 24 against Defendants in their official capacity be dismissed. 25 2. Defendants be ordered to file an answer within fourteen days from the date of any 26 order adopting these Findings and Recommendations. 27 These Findings and Recommendations will be submitted to the United States District 28 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen 1 | (14) days after being served with these Findings and Recommendations, the parties may file 2 | written objections with the Court, limited to 15 pages in length, including exhibits. The 3 | document should be captioned "Objections to Magistrate Judge's Findings and 4 | Recommendations." The parties are advised that failure to file objections within the specified 5 | time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 6 | (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)). 7

8 IT IS SO ORDERED. FA. ee

9 | Dated: _ July 1, 2025

STANLEY A. BOONE

10 United States Magistrate Judge 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28