

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Williams v. City of Sacramento

No. 2:24-cv-0768-TLN-JDP (PS) (E.D. Cal. May 1, 2025) · No. 2:24-cv-0768-TLN-JDP (PS) · Decided May 1, 2025

SUMMARY

The document is a magistrate judge’s findings and recommendations in a Section 1983 action brought by Donta Williams against the City of Sacramento and other municipal defendants. The court recommends dismissal without leave to amend because the second amended complaint failed to identify a municipal policy, custom, or practice causing the alleged detention and destruction of personal property. The recommendations were issued under 28 U.S.C. § 636(b)(1), with fourteen days allowed for objections.

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	May 1, 2025
DOCKET	2:24-cv-0768-TLN-JDP (PS)
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff proceeding in forma pauperis filed a second amended complaint under 42 U.S.C. § 1983. A magistrate judge screened the complaint and issued findings and recommendations that the action be dismissed without leave to amend for failure to state a claim.
STANDARD OF REVIEW	At the screening stage under 28 U.S.C. § 1915(e), the court must dismiss claims that are frivolous or malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from an immune defendant. The complaint must contain sufficient factual matter to state a plausible claim under Federal Rule of Civil Procedure 8(a)(2), and a pro se complaint is construed liberally, although the court may not supply essential elements that were not pleaded.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

section 1983

municipal liability

pleadings

motions to dismiss

civil procedure

PRACTICE AREAS

civil rights

civil procedure

municipal liability

QUESTIONS PRESENTED

1. Whether the second amended complaint stated a plausible § 1983 claim against municipal defendants without identifying a policy, custom, or practice that caused the alleged constitutional injuries.
2. Whether plaintiff should be granted further leave to amend after failing to cure the same pleading deficiency in three complaints.

HOLDINGS

1. A plaintiff suing municipal entities under § 1983 must identify a specific policy, custom, or practice of the entity and plausibly explain how it caused the alleged constitutional injury. Because the second amended complaint did not do so, it failed to state a claim.
2. Further leave to amend should be denied where the plaintiff has repeatedly failed to cure a previously identified pleading deficiency.

KEY QUOTATIONS

“The second amended complaint still fails to identify a specific policy, custom, or practice underlying the alleged violations.” (at 1)

“At best, plaintiff alleges that the City of Sacramento ordered the sweep, ECF No. 9 at 8, but does not connect the violations of his rights that occurred because of the sweep to any specific, identifiable policy or custom.” (at 2)

FACTUAL BACKGROUND

During a sweep of Stockton Boulevard in Sacramento, where plaintiff maintained an encampment, unnamed Sacramento Police Department officers allegedly confiscated and destroyed some of his personal property, including his phone, and briefly detained him. Plaintiff sued the City of Sacramento, the Sacramento Police Department, the Department of Community Response, and Forensiclean, but did not identify a specific municipal policy, custom, or practice that caused the alleged detention or property deprivation.

PROCEDURAL HISTORY

Plaintiff previously received notice that municipal defendants could be liable under § 1983 only if he identified a policy, custom, or practice that was the moving force behind the alleged constitutional violations. After plaintiff filed a second amended complaint, the magistrate judge concluded that he still had not identified such a policy,

custom, or practice and recommended dismissal without leave to amend. The findings and recommendations were submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), subject to objections.

DISPOSITION

other

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Kobold v. Good Samaritan Regional Medical Center, 832 F.3d 1024, 1038 (9th Cir. 2016)
- Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hayes v. Idaho Correctional Center, 849 F.3d 1204, 1208 (9th Cir. 2017)
- Bruns v. National Credit Union Administration, 122 F.3d 1251, 1257 (9th Cir. 1997)
- Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Sadoski v. Mosley, 435 F.3d 1076, 1079-80 (9th Cir. 2006)
- Buckley v. County of San Mateo, No. 16-cv-07314-JD, 2018 U.S. Dist. LEXIS 104370, at *8 (N.D. Cal. June 21, 2018)
- Moore v. Kayport Package Express, 885 F.2d 531, 538 (9th Cir. 1989)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PS) Williams v. City of Sacramento

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 DONTA WILLIAMS, Case No. 2:24-cv-0768-TLN-JDP (PS) 12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 CITY OF SACRAMENTO,

15 Defendant. 16

17 18 Donta Williams (“plaintiff”) brings this section 1983 action and alleges that the city of 19 Sacramento, the Sacramento Police Department, the “Department of Community Response” and 20 “Forensiclean” violated his rights when they confiscated and destroyed some of his personal 21 property during a sweep of Stockton Boulevard in Sacramento. ECF No. 9 at 2-3, 7. He also 22 claims that he was briefly detained during this sweep. Id. at 7. I previously explained that these 23 municipal defendants can be sued only if plaintiff identifies some policy, custom, or practice that

24 was the moving force behind the violations he alleges. ECF No. 8 at 2. The second amended 25 complaint still fails to identify a specific policy, custom, or practice underlying the alleged 26 violations. Accordingly, I recommend that this action be dismissed for failure to state a claim. 27

28 1 Screening and Pleading Requirements 2 A federal court must screen the complaint of any claimant seeking permission to proceed 3 in forma pauperis. See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and 4 dismiss any portion of the complaint that is frivolous or malicious, fails to state a claim upon 5 which relief may be granted, or seeks monetary relief from a defendant who is immune from such 6 relief. *Id.* 7 A complaint must contain a short and plain statement that plaintiff is entitled to relief, 8 Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its 9 face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not 10 require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S. 11 662, 678 (2009). If the allegations “do not permit the court to infer more than the mere 12 possibility of misconduct,” the complaint states no claim. *Id.* at 679. The complaint need not 13 identify “a precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024, 14 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that 15 give rise to an enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 16 n.2 (9th Cir. 2006) (en banc) (citations omitted). 17 The court must construe a pro se litigant’s complaint liberally. See *Haines v. Kerner*, 404 18 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it 19 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which 20 would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). 21 However, “a liberal interpretation of a civil rights complaint may not supply essential elements 22 of the claim that were not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 23 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 24 Analysis 25 Plaintiff alleges that unnamed Sacramento Police Department officers took his phone, 26 detained him, and deprived him of other personal property during a sweep of Stockton Boulevard, 27 where he maintained an encampment. ECF No. 9 at 7. As an initial matter, the complaint is 28 somewhat difficult to read due to plaintiff’s handwriting and the complaint’s lack of organization. 1 As before, however, the fatal flaw is that plaintiff has sued only municipal defendants without 2 identifying an offending policy or custom. I warned him in my previous order that these 3 defendants could only be sued under section 1983 if he identified some custom or policy of the 4 defendants and explained how that custom or policy contributed to his alleged injury. See 5 *Sadoski v. Mosley*, 435 F.3d 1076, 1079-80 (9th Cir. 2006) (“*Sadoski’s* claim against Clark 6 County also fails. Because *Sadoski* does not contend that Clark County maintains a policy or 7 custom pertinent to her alleged injury, and because *Sadoski* does not explain how such a policy 8 caused her injury, *Sadoski’s* claim against Clark County cannot succeed as a matter of law.”). I 9 have reviewed the complaint and cannot discern any allegation that a custom or policy of any 10 defendant caused plaintiff’s detention or deprivation of property. At best, plaintiff alleges that the

11 City of Sacramento ordered the sweep, ECF No. 9 at 8, but does not connect the violations of
his 12 rights that occurred because of the sweep to any specific, identifiable policy or custom. See
13 Buckley v. Cnty. of San Mateo, No. 16-cv-07314-JD, 2018 U.S. Dist. LEXIS 104370, *8 (N.D.
14 Cal. June 21, 2018) (“[A] plaintiff suing a municipal entity must allege sufficient facts
regarding 15 the specific nature of the alleged policy, custom or practice to allow the defendant to
effectively 16 defend itself, and these facts must plausibly suggest that plaintiff is entitled to
relief.”). 17 This is now plaintiff’s third complaint, and he has failed to remedy the critical
deficiency 18 that I identified in my previous screening order. Accordingly, I now recommend that
this action 19 be dismissed for failure to state a claim upon which relief may be granted. See
Moore v. Kayport 20 Package Express, 885 F.2d 531, 538 (9th Cir. 1989) (repeated failure to cure
deficiencies is a 21 factor to be considered in whether to grant further leave to amend). 22
Accordingly, it is hereby RECOMMENDED that: 23 1. The second amended complaint, ECF No.
9, be DISMISSED without leave to amend 24 for failure to state a claim upon which relief may be
granted. 25 2. The Clerk of Court be directed to close the case. 26 These findings and
recommendations are submitted to the United States District Judge 27 assigned to the case,
pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of 28 service of these
findings and recommendations, any party may file written objections with the 1 | court and serve a
copy on all parties. Any such document should be captioned “Objections to 2 | Magistrate Judge’s
Findings and Recommendations,” and any response shall be served and filed 3 | within fourteen
days of service of the objections. The parties are advised that failure to file 4 | objections within
the specified time may waive the right to appeal the District Court’s order. See 5 | Turner v.
Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Yist, 951 F.2d 1153 (9th Cir. 6 | 1991). 7 g
IT IS SO ORDERED. Dated: _ May 1, 2025 aw——

10 JEREMY D. PETERSON

i UNITED STATES MAGISTRATE JUDGE

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