

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hammitt v. El Dorado County Jail, et al.

No. 2:24-cv-2863-JDP (P), 2025 WL unavailable (E.D. Cal. Apr. 17, 2025) · No. 2:24-cv-2863-JDP (P) ·
Decided April 18, 2025

SUMMARY

The United States District Court for the Eastern District of California screened Thomas Franklin Hammitt’s first amended complaint alleging that jail restraint policies and unsafe transport-van conditions violated his Fourteenth Amendment rights. The court dismissed claims against El Dorado County Jail and Deputy Sheriff Duncan but found potentially cognizable claims against Sheriff Jeff Leikauf based on alleged policies or practices involving shackling and transport safety. The court directed Hammitt either to proceed against Leikauf or file a further amended complaint within thirty days.

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	April 18, 2025
DOCKET	2:24-cv-2863-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se pretrial detainee's first amended complaint under 28 U.S.C. § 1915(e).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e), the court must dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. The court applied the Rule 8(a)(2) and Twombly/Iqbal plausibility standard and construed the pro se pleading liberally.
PRECEDENTIAL VALUE	unpublished district court screening order; precedential status unknown
PARTIES	Thomas Franklin Hammitt v. El Dorado County Jail, Jeff Leikauf, Duncan

TOPICS

section 1983 prisoners rights fourteenth amendment pleadings civil procedure

PRACTICE AREAS

civil rights prisoner civil rights constitutional litigation federal civil procedure

QUESTIONS PRESENTED

1. Whether the claims against El Dorado County Jail stated a cognizable claim for monetary damages under 42 U.S.C. § 1983.
2. Whether the allegations that Deputy Sheriff Duncan failed to assist Hammitt when his shackles became entangled stated a Fourteenth Amendment excessive-force claim.
3. Whether the allegations concerning Sheriff Leikauf's policies or practices regarding shackling and transport vans stated potentially cognizable Fourteenth Amendment claims under § 1983.

HOLDINGS

1. The claim against El Dorado County Jail was not cognizable because a § 1983 damages claim must be brought against a person acting under color of state law, and a state or its entities are not persons for purposes of § 1983.
2. The allegations against Duncan failed to state a cognizable Fourteenth Amendment excessive-force claim because Hammitt did not allege that Duncan used force against him.
3. The allegations against Sheriff Leikauf stated potentially cognizable Fourteenth Amendment claims based on alleged policies or practices of shackling Hammitt and placing him in an unsafe transport van, where those policies or practices allegedly caused his injury.

KEY QUOTATIONS

“Because a § 1983 claim for monetary damages can only be brought against a person acting under color of state law, and a state and its entities are not “persons” for purposes of § 1983, plaintiff fails to state a claim against El Dorado County Jail.” (at 3)

“As such, plaintiff’s Fourteenth Amendment excessive force claims against Sheriff Leikauf based on his practice of shackling plaintiff and then placing him in an unsafe transport van which resulting in plaintiff breaking his toe may proceed.” (at 4)

FACTUAL BACKGROUND

Hammitt, a county pretrial detainee, alleged that he broke his toe while exiting a jail transport van while shackled at the waist and feet. He alleged that Sheriff Leikauf maintained policies or practices involving classification-based leg restraints and the purchase or use of transport vans without adequate safety testing, handrails, or safe transitions for shackled detainees. Hammitt alleged that Deputy Duncan saw the shackles become entangled but did not intervene. He sought monetary damages.

PROCEDURAL HISTORY

Hammitt filed a first amended complaint alleging that El Dorado County Jail, Sheriff Jeff Leikauf, and Deputy Sheriff Duncan violated his Fourteenth Amendment rights through excessive force and unsafe transportation conditions that resulted in a broken toe. The court screened the complaint, dismissed the claims against El Dorado County Jail and Duncan for failure to state a cognizable claim, and allowed potentially cognizable claims against Leikauf to proceed. The court gave Hammitt thirty days either to proceed solely against Leikauf or to file a second amended complaint.

DISPOSITION

other

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-679 (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)
- Will v. Michigan Department of State Police, 491 U.S. 58, 64 (1989)
- Bank of Lake Tahoe v. Bank of America, 318 F.3d 914, 918 (9th Cir. 2003)
- Kingsley v. Hendrickson, 576 U.S. 389, 396-397 (2015)
- Dougherty v. City of Covina, 654 F.3d 892, 900-901 (9th Cir. 2011)
- Monell v. Department of Social Services, 436 U.S. 658, 694 (1978)
- Thomas v. County of Riverside, 763 F.3d 1167, 1170 (9th Cir. 2014)
- Lacey v. Maricopa County, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc)

OPINION

(PC) Hammitt v. El Dorado County Jail

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 THOMAS FRANKLIN HAMMITT, Case No. 2:24-cv-2863-JDP (P) 12 Plaintiff, 13 v.
ORDER 14 EL DORADO COUNTY JAIL, et al., 15 Defendants. 16 17 18 Plaintiff, a county
pretrial detainee proceeding pro se, alleges in his first amended 19 complaint that El Dorado

County Jail, Sheriff Jeff Leikauf, and Deputy Sheriff Duncan violated 20 his Fourteenth Amendment right not to be subjected to excessive force. ECF No. 9. Plaintiff 21 fails to state cognizable claims against El Dorado County Jail and Duncan but does state 22 potentially colorable Fourteenth Amendment claims against Sheriff Leikauf. Plaintiff may, if he 23 chooses, file an amended complaint that addresses the deficiencies noted herein, or proceed only 24 on the Fourteenth Amendment claims against Sheriff Leikauf. 25 Screening and Pleading Requirements 26 A federal court must screen the complaint of any claimant seeking permission to proceed 27 in forma pauperis. See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and 28 dismiss any portion of the complaint that is frivolous or malicious, fails to state a claim upon 1 which relief may be granted, or seeks monetary relief from a defendant who is immune from such 2 relief. *Id.* 3 A complaint must contain a short and plain statement that plaintiff is entitled to relief, 4 Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its 5 face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not 6 require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S. 7 662, 678 (2009). If the allegations “do not permit the court to infer more than the mere 8 possibility of misconduct,” the complaint states no claim. *Id.* at 679. The complaint need not 9 identify “a precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024, 10 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that 11 give rise to an enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 12 n.2 (9th Cir. 2006) (en banc) (citations omitted). 13 The court must construe a pro se litigant’s complaint liberally. See *Haines v. Kerner*, 404 14 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it 15 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which 16 would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). 17 However, “a liberal interpretation of a civil rights complaint may not supply essential elements 18 of the claim that were not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 19 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 20 Analysis 21 Plaintiff brings three Fourteenth Amendment claims against El Dorado County Jail, 22 Sheriff Leikauf, and Deputy Sheriff Duncan, each stemming from plaintiff breaking his toe while 23 exiting a jail transport van while shackled. ECF No. 9 at 4, 6, 8-10. First, he alleges that El 24 Dorado County Jail and Sheriff Leikauf implemented a policy that subjected pretrial detainees to 25 different restraints based on their housing unit within the jail. *Id.* at 4. He alleges that pretrial 26 detainees are subjected to wearing leg shackles based on their classifications, which in turn are 27 arbitrarily decided, and notes that pretrial detainees in the “dorm” setting are not subjected to leg 28 restraints. *Id.* 1 Next, plaintiff contends that Sheriff Leikauf failed to conduct safety testing on his 2 transport vans and their potential to injure shackled individuals entering or exiting the van. *Id.* at 3 6. He states that the transport vans do not have handrails, the steps do not have a smooth 4 transition from the seating area to the exit, and the rear seats force individuals to pivot their 5 bodies at odd angles. *Id.*

at 6, 8. He contends that these conditions are dangerous to individuals 6 who are shackled at the waist and feet because the chains could become entangled. Id. at 6. He 7 also alleges that El Dorado County Jail has a policy and practice of purchasing these transport 8 vans without ensuring that the vans can safely transport shackled pretrial detainees. Id. at 10. 9 Finally, plaintiff contends that Duncan was responsible for his safe transport. Id. at 8. 10 When plaintiff exited the van, he alleges that Duncan witnessed plaintiff's leg shackles become 11 entangled at the steps, but he did not step in to help plaintiff. Id. Plaintiff seeks only monetary 12 damages. Id. at 11. 13 Plaintiff's claims against El Dorado County Jail are not cognizable because he only seeks 14 monetary damages. Because a § 1983 claim for monetary damages can only be brought against a 15 person acting under color of state law, and a state and its entities are not "persons" for purposes of 16 § 1983, plaintiff fails to state a claim against El Dorado County Jail. See *Will v. Mich. Dep't of State Police*, 491 U.S. 58, 64 (1989); *Bank of Lake Tahoe v. Bank of America*, 318 F.3d 914, 918 18 (9th Cir. 2003). 19 Additionally, plaintiff's allegations against Duncan fail to state a claim. The Fourteenth 20 Amendment's protection for pretrial detainees prohibits "excessive force that amounts to 21 punishment." *Kingsley v. Hendrickson*, 576 U.S. 389, 397 (2015). "[A] pretrial detainee must 22 show only that the force purposely or knowingly used against him was objectively unreasonable."

23 Id. at 396-97. Plaintiff does not allege that Duncan used any force against him. As such, he fails 24 to state a cognizable claim against Duncan. 25 However, for the purposes of screening, plaintiff's allegations against Sheriff Leikauf 26 state cognizable Fourteenth Amendment claims. To bring a claim against a supervisory 27 defendant, a plaintiff must allege that (1) he was deprived of a constitutional right, (2) the City 28 and/or Department has a policy, custom, or practice which amounted to deliberate indifference to 1 that constitutional right; and (3) the policy, custom, or practice was the moving force behind the 2 constitutional violation. See *Dougherty v. City of Covina*, 654 F.3d 892, 900-01 (9th Cir. 2011) 3 (citing *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 694 (1978)). "[A] local government may not 4 be sued under § 1983 for an injury inflicted solely by its employees or agents." *Monell*, 436 U.S. 5 at 694. Instead, a local government may be sued when an employee who committed a 6 constitutional violation was "acting pursuant to an expressly adopted official policy, longstanding 7 practice or custom, or as a final policymaker." *Thomas v. Cnty. of Riverside*, 763 F.3d 1167, 8 1170 (9th Cir. 2014) (citing *Monell*, 436 U.S. at 694). The complaint alleges that plaintiff was 9 deprived of a constitutional right to be free from excess force in his shackling and being placed in 10 an unsafe transport van, that Sheriff Leikauf had a policy, custom, or practice that was 11 deliberately indifferent to plaintiff's constitutional rights, and the policy or practice was the 12 moving force behind plaintiff's constitutional violation. As such, plaintiff's Fourteenth 13 Amendment excessive force claims against Sheriff Leikauf based on his practice of shackling 14 plaintiff and then placing him in an unsafe transport van which resulting in plaintiff breaking his 15 toe may proceed. 16 Plaintiff may either notify the court that he wishes to proceed on his cognizable 17 Fourteenth Amendment

claims against defendant Sheriff Leikauf, in which case I will direct 18 service, or he may elect to amend his complaint. If plaintiff amends his complaint, I will delay 19 serving any defendant and will screen his amended complaint in due course. Plaintiff is reminded 20 that any amended complaint will supersede the current complaint. See *Lacey v. Maricopa Cnty.*, 21 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc). The amended complaint should be titled 22 “Second Amended Complaint” and refer to the appropriate case number. 23 Accordingly, it is hereby ORDERED that: 24 1. Within thirty days from the service of this order, plaintiff must indicate his intent 25 to proceed only with his Fourteenth Amendment claims against defendant Sheriff Leikauf, or he 26 must file another amended complaint. If he selects the latter, no defendants will be served until 27 the new complaint is screened. 28 2. The Clerk of Court shall send plaintiff a § 1983 complaint form with this order. 1 | 1718 SO ORDERED. 3 (— Dated: _ April 17, 2025 ssn (aoe

4 JEREMY D. PETERSON

UNITED STATES MAGISTRATE JUDGE

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