

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Crosby v. Siordia

No. 24-cv-07714-HSG (N.D. Cal. June 12, 2025) · No. 24-cv-07714-HSG · Decided June 12, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed Robert Lee Crosby’s amended 42 U.S.C. § 1983 complaint against Salvador Siordia and former warden Koenig for failure to state a claim. The court dismissed the due process claim with prejudice, found the Bane Act and supervisory-liability allegations insufficient, and granted leave to file a second amended complaint or elect to proceed on the previously cognizable First Amendment retaliation claim.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 12, 2025
DOCKET	24-cv-07714-HSG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of a prisoner's amended complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must identify cognizable claims and dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pro se pleadings are liberally construed, but a complaint must satisfy Federal Rule of Civil Procedure 8(a)(2) and state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court order; limited persuasive value
PARTIES	Robert Lee Crosby v. Salvador Siordia, Koenig, Nunez, Martinez

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the amended complaint stated a due process claim based on correctional officials' alleged failure to comply with CDCR regulations governing the identification and logging of contraband.
2. Whether the amended complaint stated a claim under California Civil Code § 52.1, the Bane Act.
3. Whether the amended complaint stated a 42 U.S.C. § 1983 claim against former warden Koenig based on supervisory responsibility and alleged negligence.
4. Whether the amended complaint preserved or adequately repleaded the previously cognizable First Amendment retaliation claim against Siordia.
5. Whether dismissal should be with leave to amend.

HOLDINGS

1. An alleged failure to comply with CDCR regulations requiring a line supervisor to identify inmate-manufactured alcohol and requiring the discovery to be logged does not state a federal due process violation because the Due Process Clause does not require prison officials to follow their own more generous procedures.
2. The amended complaint did not state a Bane Act claim because conclusory allegations of harassment and racist behavior did not permit a reasonable inference that Siordia threatened violence or caused the harm required for liability.
3. The amended complaint did not state a Section 1983 claim against Koenig because it alleged no causal link between Koenig and the deprivation, did not establish liability merely through supervision, and alleged only negligence.
4. An amended complaint completely replaces prior complaints; because Crosby did not re-allege the previously cognizable First Amendment retaliation claim, that claim was not part of the operative amended complaint and was treated as waived for purposes of the amended pleading.

KEY QUOTATIONS

“The failure to comply with CDCR regulations requiring that a line supervisor determine whether the liquid discovered was inmate-manufactured alcohol and to log the discovery of alcohol fails to state a due process violation as a matter of law because the Due Process Clause does not require that correctional officials comply with these prison regulations.” (at 3)

“An amended complaint completely replaces the previous complaints.” (at 5)

FACTUAL BACKGROUND

Crosby, a California state prisoner, alleged that correctional officer Siordia searched his cell and discovered inmate-manufactured alcohol and an altered tablet, resulting in rules violations. The amended complaint alleged that Siordia violated due process by failing to follow prison regulations concerning identification and logging of

the liquids, and asserted Bane Act and retaliation allegations. It also alleged that former warden Koenig acted negligently and failed to prevent Siordia's conduct.

PROCEDURAL HISTORY

The court previously screened the complaint, found a First Amendment retaliation claim against Siordia cognizable, dismissed other claims and defendants, and ordered service. After Siordia appeared and waived service, Crosby filed an amended complaint that omitted the previously cognizable retaliation claim and asserted due process, Bane Act, and Section 1983 claims. The court dismissed the amended complaint, dismissed the due process claim with prejudice, granted leave to file a second amended complaint, and alternatively allowed Crosby to elect to proceed on the initial complaint and the previously cognizable retaliation claim.

DISPOSITION

dismissed

CASES CITED

- United States v. Qazi, 975 F.3d 989, 993 (9th Cir. 2020)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 677-78 (2009)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Wolff v. McDonnell, 418 U.S. 539, 564-67 (1974)
- Superintendent v. Hill, 472 U.S. 445, 454 (1985)
- Cato v. Rushen, 824 F.2d 703, 704-05 (9th Cir. 1987)
- Walker v. Sumner, 14 F.3d 1415, 1419-20 (9th Cir. 1994)
- Sandin v. Connor, 515 U.S. 472 (1995)
- Leadsinger, Inc. v. BMG Music Publishing, 512 F.3d 522, 532 (9th Cir. 2008)
- Reese v. County of Sacramento, 888 F.3d 1030, 1040 (9th Cir. 2018)
- Austin B. v. Escondido Union School District, 149 Cal. App. 4th 860, 882 (2007)
- Leer v. Murphy, 844 F.2d 628, 634 (9th Cir. 1988)
- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- Farmer v. Brennan, 511 U.S. 825, 835-36 & n.4 (1994)
- Lacey v. Maricopa County, 693 F.3d 896, 925 (9th Cir. 2012)
- Rhodes v. Robinson, 408 F.3d 559, 567-68 (9th Cir. 2005)