

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Young v. Herrea

Young · No. 1:24-cv-0873-BAM (PC) · Decided April 10, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends allowing Gale Joseph Young’s action to proceed against correctional officer Herrea on an Eighth Amendment excessive-force claim. The court recommends dismissing all other claims and defendants, including claims concerning property deprivation, supervisory liability, retaliation, false reports, and claims barred by Eleventh Amendment immunity.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                    |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                                                                                |
| WRITING FOR THE COURT | Barbara A. McAuliffe                                                                                                                                                                                                                               |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                                                                                                |
| DECIDED               | April 10, 2025                                                                                                                                                                                                                                     |
| DOCKET                | 1:24-cv-0873-BAM (PC)                                                                                                                                                                                                                              |
| DISPOSITION           | other                                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | Prisoner civil-rights action under 42 U.S.C. § 1983; magistrate judge screened the second amended complaint and issued findings and recommendations that one excessive-force claim proceed and all other claims and defendants be dismissed.       |
| STANDARD OF REVIEW    | Screening under 28 U.S.C. § 1915A; the complaint must contain sufficient factual matter to state a facially plausible claim under Federal Rule of Civil Procedure 8(a)(2), and conclusory allegations and unwarranted inferences are insufficient. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                    |
| PARTIES               | Gale Joseph Young v. Herrea, Sgt. Gonzales, California Department of Rehabilitation and Correction                                                                                                                                                 |

TOPICS

- section 1983
- prisoners rights
- civil rights
- eleventh amendment immunity

## PRACTICE AREAS

prisoner civil rights

constitutional law

federal civil procedure

remedies

## QUESTIONS PRESENTED

1. Whether Plaintiff's allegations that correctional officer Herrea slammed him headfirst while handcuffed plausibly state an Eighth Amendment excessive-force claim.
2. Whether Plaintiff's allegations concerning the confiscation and nonreturn of his television, CD player, and CD state a Fourteenth Amendment procedural due-process claim.
3. Whether Plaintiff stated a First Amendment prisoner-retaliation claim.
4. Whether supervisory-liability allegations stated a § 1983 claim against Sergeant Gonzales or other supervisors.
5. Whether claims for damages or injunctive relief against the California Department of Rehabilitation and Correction or other state entities are barred by the Eleventh Amendment.
6. Whether alleged false prison reports or chronos, standing alone, state a claim under § 1983.

## HOLDINGS

1. Liberally construed, Plaintiff stated a cognizable Eighth Amendment excessive-force claim against correctional officer Herrea based on allegedly slamming Plaintiff headfirst while Plaintiff was handcuffed.
2. Plaintiff failed to state a cognizable Fourteenth Amendment due-process claim based on the alleged unauthorized deprivation of his property because California provides a meaningful post-deprivation remedy.
3. Plaintiff failed to state a supervisory-liability claim against Sergeant Gonzales or any other supervisor because he did not allege personal participation, direction, knowledge coupled with failure to act, or a constitutionally deficient policy that was the moving force behind a violation.
4. Plaintiff could not pursue damages or injunctive-relief claims against California, the California Department of Corrections and Rehabilitation, or Corcoran because the Eleventh Amendment bars such § 1983 claims absent waiver or valid congressional abrogation.
5. Plaintiff failed to state a cognizable First Amendment retaliation claim because he did not adequately identify protected conduct, the adverse action and actor, a chilling effect or more-than-minimal harm, and the absence of a legitimate correctional goal.
6. The alleged falsification of prison reports or chronos, standing alone, did not state a claim under § 1983.

## KEY QUOTATIONS

*“whenever prison officials stand accused of using excessive physical force in violation of the [Eighth Amendment], the core judicial inquiry is...whether force was applied in a good-faith effort to maintain or restore discipline, or maliciously and sadistically to cause harm.”* (at 5)

*“an unauthorized intentional deprivation of property by a state employee does not constitute a violation of the procedural requirements of the Due Process Clause of the Fourteenth Amendment if a meaningful post deprivation remedy for the loss is available.”* (at 6)

*“The creation of false evidence, standing alone, is not actionable under § 1983.”* (at 8)

## FACTUAL BACKGROUND

Plaintiff, a state prisoner, alleged that during a June 5, 2022 cell search, correctional officer Herrea confiscated his television and CD player, then squeezed Plaintiff's arm and slammed him headfirst while he was handcuffed, causing loss of consciousness and a concussion requiring outside-hospital treatment. Plaintiff alleged that Sergeant Gonzales failed to return the property and falsely asserted that it bore another inmate's identification number. Plaintiff also alleged retaliation-related conduct and false reports, but the Court found those allegations insufficient to state separate claims.

## PROCEDURAL HISTORY

Plaintiff filed a civil-rights complaint, then a first amended complaint. After screening, the Court granted leave to amend or proceed on a cognizable claim. Plaintiff filed a second amended complaint on April 7, 2025. The magistrate judge found a cognizable Eighth Amendment excessive-force claim against correctional officer Herrea, found all other claims deficient, recommended dismissal of those claims and defendants without further leave to amend, and directed the Clerk to randomly assign a district judge.

## DISPOSITION

other

## CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 676-78 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Doe I v. Wal-Mart Stores, Inc., 572 F.3d 677, 681 (9th Cir. 2009)
- Moss v. U.S. Secret Service, 572 F.3d 962, 969 (9th Cir. 2009)
- Simmons v. Navajo County, Arizona, 609 F.3d 1011, 1020-21 (9th Cir. 2010)
- Ewing v. City of Stockton, 588 F.3d 1218, 1235 (9th Cir. 2009)
- Jones v. Williams, 297 F.3d 930, 934 (9th Cir. 2002)
- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- Starr v. Baca, 652 F.3d 1202, 1205-06 (9th Cir. 2011)
- Corales v. Bennett, 567 F.3d 554, 570 (9th Cir. 2009)
- Redman v. County of San Diego, 942 F.2d 1435, 1446 (9th Cir. 1991)
- Farmer v. Brennan, 511 U.S. 825 (1994)
- Aholelei v. Department of Public Safety, 488 F.3d 1144, 1147 (9th Cir. 2007)
- Dittman v. California, 191 F.3d 1020, 1025-26 (9th Cir. 1999)

- Fireman's Fund Insurance Co. v. City of Lodi, California, 302 F.3d 928, 957 n.28 (9th Cir. 2002)
- Atascadero State Hospital v. Scanlon, 473 U.S. 234, 241 (1985)
- Brown v. California Department of Corrections, 554 F.3d 747, 752 (9th Cir. 2009)
- Morgan v. Morgensen, 465 F.3d 1041, 1045 (9th Cir. 2006)
- Hudson v. McMillian, 503 U.S. 1, 5-9 (1992)
- Whitley v. Albers, 475 U.S. 312, 321-22, 327 (1986)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Hansen v. May, 502 F.2d 728, 730 (9th Cir. 1974)
- Hudson v. Palmer, 468 U.S. 517, 532-33 & n.13 (1984)
- Logan v. Zimmerman Brush Co., 455 U.S. 422, 435-36 (1982)
- Quick v. Jones, 754 F.2d 1521, 1524 (9th Cir. 1985)
- Rizzo v. Dawson, 778 F.2d 527, 532 (9th Cir. 1985)
- Valandingham v. Bojorquez, 866 F.2d 1135 (9th Cir. 1989)
- Pratt v. Rowland, 65 F.3d 802, 807 (9th Cir. 1995)
- Rhodes v. Robinson, 408 F.3d 559, 567-68 (9th Cir. 2005)
- Watison v. Carter, 668 F.3d 1108, 1114-15 (9th Cir. 2012)
- Brodheim v. Cry, 584 F.3d 1262, 1269 (9th Cir. 2009)
- Hernandez v. Johnston, 833 F.2d 1316, 1319 (9th Cir. 1987)
- Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)