

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

William Angelo Latten, Jr. v. J. Benavidez, et al.

No. 2:23-cv-1879-DAD-SCR, United States District Court for the Eastern District of California (November 24, 2025)

SUMMARY

The document contains findings and recommendations in an Eastern District of California § 1983 action alleging Eighth Amendment excessive force and failure to protect. The magistrate judge recommends denying defendants’ Heck v. Humphrey-based motion to dismiss, concluding that defendants cannot rely on the plaintiff’s no-contest plea and related plea-hearing statements to establish that the claims are Heck-barred under Federal Rule of Evidence 410(a). The court grants defendants’ request for judicial notice of the state-court records and recommends that defendants answer if the findings and recommendations are adopted.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 24, 2025
DOCKET	2:23-cv-1879-DAD-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss an incarcerated plaintiff's second amended complaint, arguing that his 42 U.S.C. § 1983 Eighth Amendment claims were barred by Heck v. Humphrey. The magistrate judge recommended denying the motion and granted defendants' request for judicial notice, subject to review and adoption by the assigned district judge.
STANDARD OF REVIEW	The court reviewed the Rule 12(b)(6) motion for legal sufficiency, accepting complaint allegations as true, construing the pleading in the light most favorable to plaintiff, and resolving doubts in plaintiff's favor. The court also applied the Rule 201(b) standard for judicial notice.

PRECEDENTIAL VALUE	Nonprecedential magistrate judge findings and recommendations; subject to adoption or rejection by the assigned district judge.
PARTIES	William Angelo Latten, Jr. v. J. Benavidez, et al.

TOPICS

section 1983 prisoners rights police misconduct motions to dismiss evidence

PRACTICE AREAS

civil rights prisoner civil rights federal civil procedure evidence

QUESTIONS PRESENTED

1. Whether the court could take judicial notice of publicly available Solano County Superior Court records submitted in support of defendants' motion to dismiss.
2. Whether plaintiff's no-contest plea and the stipulated factual basis for that plea could be used to establish that his § 1983 excessive-force and failure-to-protect claims were barred by Heck v. Humphrey.
3. Whether defendants' Rule 12(b)(6) motion to dismiss should be granted.

HOLDINGS

1. Judicial notice of the publicly available Solano County Superior Court filings, orders, plea materials, and transcripts was appropriate under Federal Rule of Evidence 201(b).
2. Defendants could not rely on plaintiff's no-contest plea or the stipulated factual basis supporting that plea as evidence that his § 1983 claims were barred by Heck v. Humphrey.
3. Defendants' motion to dismiss the second amended complaint should be denied.

KEY QUOTATIONS

“In King, the Ninth Circuit held that evidence of a nolo contendere plea was not admissible under Rule 410(a) of the Federal Rules of Evidence to prove that a § 1983 excessive force claim is Heck barred.” (at 5)

“Neither King’s plea nor statements during the hearing culminating in his nolo plea constituted admissions of the factual basis for the plea.” (at 5)

“Based on this precedential decision, defendants are foreclosed from relying on plaintiff’s no contest plea in the Solano County Superior Court as evidence that his claims in this case are Heck barred.” (at 6)

FACTUAL BACKGROUND

Plaintiff alleged that while incarcerated at California Medical Facility, correctional officers Ortiz-Garcia and Salinas-Gonzalez repeatedly punched him in the face and head and forced him to the ground after he showed his hands and denied resisting. Plaintiff further alleged that Officer Warstler observed the use of force and failed to intervene. Defendants relied on plaintiff's no-contest plea to California Penal Code § 69, including a stipulated factual basis that he used force while resisting lawful orders from Salinas-Gonzalez.

PROCEDURAL HISTORY

Plaintiff proceeded on Eighth Amendment excessive-force claims against Salinas-Gonzalez and Ortiz-Garcia and an Eighth Amendment failure-to-protect claim against Warstler. Defendants moved to dismiss based on plaintiff's no-contest plea to violating California Penal Code § 69 and submitted Solano County Superior Court records. The magistrate judge granted judicial notice of those records but recommended denying dismissal because the Ninth Circuit's decision in *King v. Villegas* foreclosed reliance on the no-contest plea and stipulated factual basis to establish a Heck bar.

DISPOSITION

other

REMAND INSTRUCTIONS

If the district judge adopts the findings and recommendations, defendants must answer the second amended complaint within 30 days of the adoption order.

CASES CITED

- *Heck v. Humphrey*, 512 U.S. 477 (1994)
- *Ileto v. Glock Inc.*, 349 F.3d 1191, 1199-1200 (9th Cir. 2003)
- *Chubb Custom Ins. Co. v. Space Sys./Loral, Inc.*, 710 F.3d 946, 956 (9th Cir. 2013)
- *Hospital Bldg. Co. v. Trustees of Rex Hospital*, 425 U.S. 738, 740 (1976)
- *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1969)
- *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam)
- *Outdoor Media Group, Inc. v. City of Beaumont*, 506 F.3d 895, 899 (9th Cir. 2007)
- *Smithart v. Towery*, 79 F.3d 951, 952-53 (9th Cir. 1996) (per curiam)
- *Foster Poultry Farms v. Alkar-Rapidpak-MP Equip., Inc.*, 868 F. Supp. 2d 983, 990 (E.D. Cal.)
- *King v. Villegas*, 2025 WL 2950508 (9th Cir. Oct. 20, 2025)
- *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991)

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