

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PRECEDENTIAL VALUE	Nonprecedential magistrate judge findings and recommendations; subject to adoption or rejection by the assigned district judge.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)
- Iletto 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)

OPINION

Benavidez

PER CURIAM.

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7 UNITED STATES DISTRICT COURT

8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9

10 WILLIAM ANGELO LATTEN, JR., No. 2:23-cv-1879-DAD-SCR

11 Plaintiff, 12 v. ORDER

13 J. BENAVIDEZ, et al., FINDINGS AND RECOMMENDATIONS

14 Defendants. 15

16 Plaintiff is an incarcerated person representing himself in this civil rights action filed 17
pursuant to 42 U.S.C. § 1983. This case is proceeding on Eighth Amendment excessive force 18
claims against defendants Salinas-Gonzalez and Ortiz-Garcia and an Eighth Amendment failure 19
to protect claim against defendant Warstler. ECF No. 18 (screening order). Currently pending 20
before the court is defendants' motion to dismiss the second amended complaint on the basis that
21 the claims are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). ECF No. 38. Plaintiff has not
22 filed an opposition and the time to do so has expired. For the reasons explained in further detail
23 below, the undersigned recommends denying the motion to dismiss. 24 I. Factual and
Procedural History 25 In the second amended complaint,¹ plaintiff alleges that while incarcerated
at the 26 27 1 The amended complaint does not indicate what date any of the events occurred.
However, plaintiff's original complaint asserted that these same events occurred on January 20,
2023. 28 Compare ECF No. 17 with ECF No. 1. 1 California Medical Facility ("CMF"), he was
punched in the face by Correctional Officer Ortiz- 2 Garcia. ECF No. 17 at 4. After raising his
hands with palms facing out to show his lack of 3 resistance, plaintiff was punched again in the
face with a closed fist by defendant Ortiz-Garcia. 4 ECF No. 17 a 4. Correctional Officer Salinas-
Gonzalez also punched plaintiff repeatedly in the 5 face. *Id.* Defendant Salinas-Gonzalez told
plaintiff to "cuff up" and then immediately grabbed 6 plaintiff's legs and forced him to the ground.
Id. Salinas-Gonzalez then struck plaintiff in the 7 face and head. *Id.* Correctional Officer Warstler
watched the use of force on plaintiff by the 8 other two defendants and did not intervene. ECF No.
17 at 5. Plaintiff denies resisting defendant 9 Salinas Gonzalez's application of handcuffs to him.
Id. 10 Defendants seek dismissal of the second amended complaint on the grounds that the 11
claims are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). ECF No. 38-1. In support of the 12
motion, defendants request that the court take judicial notice of records from the Solano County 13
Superior Court demonstrating that plaintiff entered a no contest plea to obstructing or resisting an
14 executive officer in the performance of their duties by means of threats, force, or violence in 15
violation of California Penal Code § 69. ECF No. 38-2 at 11-17. As part of this plea, plaintiff 16
stipulated to the following factual basis to support his plea: "On January 20, 2023 the [plaintiff] 17
while a confined person serving a prison sentence at the California Medical Facility in the County
18 of Solano, did willfully and unlawfully resist lawful orders by Correctional Officer Y. Salinas
19 Gonzalez using force." ECF No. 38-2 at 23 (transcript of plea hearing). Defendants argue that
20 these stipulated facts show that "Plaintiff was the true aggressor, attacking Defendants, while
21 Defendants' response was lawful." ECF No. 38-1 at 7. Defendants contend that "[t]his case 22
would, in effect, re-litigate Plaintiff's conviction for his January 20, 2023 attack, on which he 23
pleaded no contest in Solano County, stipulating that he unlawfully resisted Officer Salinas- 24
Gonzalez's lawful orders while using force." ECF No. 38-1 at 7. Since plaintiff's conviction has
25 not been invalidated, defendants assert that his § 1983 claims are barred by *Heck*. ECF No. 38-
1 26 at 6. 27 II. Legal Standards 28 A motion to dismiss under Federal Rule of Civil Procedure

12(b)(6) tests the legal sufficiency of the claims alleged in the complaint. *Ileto v. Glock Inc.*, 349 F.3d 1191, 1199-1200 (9th Cir. 2003). Dismissal under Rule 12(b)(6) may be based on either: (1) lack of a cognizable legal theory; or (2) insufficient facts under a cognizable legal theory. *Chubb Custom Ins. Co. v. Space Sys./Loral, Inc.*, 710 F.3d 946, 956 (9th Cir. 2013). In considering a motion to dismiss, the court must accept as true the allegations of the complaint in question, *Hospital Bldg. Co. v. Trustees of Rex Hospital*, 425 U.S. 738, 740 (1976), construe the pleading in the light most favorable to the party opposing the motion, and resolve all doubts in the pleader's favor, *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1969). Additionally, pro se pleadings are held to a less stringent standard than those drafted by lawyers. *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam). In ruling on a motion to dismiss pursuant to Rule 12(b)(6), the court "may generally consider only allegations contained in the pleadings, exhibits attached to the complaint, and matters properly subject to judicial notice." *Outdoor Media Group, Inc. v. City of Beaumont*, 506 F.3d 895, 899 (9th Cir. 2007) (citation and quotation marks omitted). In *Heck v. Humphrey*, 512 U.S. 477 (1994), the Supreme Court held that a state prisoner may not bring a civil suit for damages pursuant to 42 U.S.C. § 1983 which questions the validity of his underlying conviction until he has had the conviction set aside. However, where "a successful section 1983 action for excessive force would not necessarily imply the invalidity of [plaintiff's] arrest or conviction, Heck does not preclude [plaintiff's] excessive force claim." *Smithart v. Towery*, 79 F.3d 951, 952-53 (9th Cir. 1996) (per curiam). III. Analysis The court first addresses defendants' request for judicial notice of "the Court filings, orders, plea agreement, and transcripts in Superior Court of California, Solano County Case No F23-00402" supporting their motion to dismiss. Rule 201 of the Federal Rules of Evidence allows a court to take judicial notice of "a fact that is not subject to reasonable dispute" which is "generally known within the trial court's territorial jurisdiction," or "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b). Under this rule, judicial notice is appropriate for publicly available records such as hearing transcripts from other court proceedings. *Foster Poultry Farms v. Alkar-Rapidpak-MP Equip., Inc.*, 868 F. Supp. 2d 983, 990 (E.D. Cal. 2012). Judicial notice of the court records submitted by defendants is appropriate. Turning to the merits of defendants' motion to dismiss, the recent Ninth Circuit decision in *King v. Villegas*, --- F.4th ---, 2025 WL 2950508 (Oct. 20, 2025), controls the outcome. 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. As result, the district court erred in considering "both evidence of 'a nolo contendere plea' and 'statements made during a proceeding on' that plea 'in a civil case' against 'the defendant who made the plea'" under Rule 410(a). *King*, 2025 WL 2950508 at *5. The Ninth Circuit emphasized that "[n]either King's plea nor statements during the hearing culminating in 11

his nolo plea constituted admissions of the factual basis for the plea.” Id. Thus, the district court 12
erred in admitting plaintiff’s nolo plea as well as the stipulated factual basis supporting the plea in
13 determining whether the § 1983 claims were Heck barred. Based on this precedential decision,
14 defendants are foreclosed from relying on plaintiff’s no contest plea in the Solano County 15
Superior Court as evidence that his claims in this case are Heck barred. Accordingly, the 16
undersigned recommends denying defendants’ motion to dismiss. 17 IT IS HEREBY ORDERED
that defendants’ request for judicial notice (ECF No. 38-2) is 18 granted. 19 IT IS FURTHER
RECOMMENDED that: 20 1. Defendants’ motion to dismiss (ECF No. 38) be denied; and, 21 2.
Defendants be required to answer plaintiff’s second amended complaint within 30 days of 22 an
order adopting these Findings and Recommendations, if they are adopted. 23 These findings and
recommendations are submitted to the United States District Judge 24 assigned to the case,
pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty one days 25 after being served
with these findings and recommendations, any party may file written 26 objections with the court
and serve a copy on all parties. Such a document should be captioned 27 “Objections to Magistrate
Judge’s Findings and Recommendations.” Any response to the 28 objections shall be filed and
served within fourteen days after service of the objections. The 1 || parties are advised that failure
to file objections within the specified time may waive the right to 2 || appeal the District Court’s
order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). 3 | DATED: November 24, 2025

6 SEAN C. RIORDAN

UNITED STATES MAGISTRATE JUDGE

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