

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jesse James Rayburn v. California Highway Patrol, et al.

Rayburn · No. 24-cv-02704 SCR P · Decided March 28, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing Jesse James Rayburn’s 42 U.S.C. § 1983 action without prejudice for failure to state a claim. The recommendation follows plaintiff’s failure to file a second amended complaint after being granted leave to amend, and it advises that objections may be filed within twenty-one days.

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	March 28, 2025
DOCKET	24-cv-02704 SCR P
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner brought a civil-rights action under 42 U.S.C. § 1983. After the court determined that the first amended complaint failed to state a claim and granted leave to amend, the magistrate judge recommended dismissal without prejudice when the plaintiff failed to file a second amended complaint or otherwise respond.
STANDARD OF REVIEW	Screening for failure to state a claim under 28 U.S.C. § 1915A(b)(1).
PRECEDENTIAL VALUE	unpublished_nonprecedential

TOPICS

- prisoners rights
- section 1983
- civil procedure
- pleadings

PRACTICE AREAS

- prisoner civil rights
- federal civil procedure

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for failure to state a claim after plaintiff failed to file a further amended complaint within the time allowed by the court.
2. Whether the matter should be submitted to an assigned district judge through findings and recommendations under 28 U.S.C. § 636(b)(1).

KEY QUOTATIONS

“Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly assign a district judge to this action.” (at 2)

“In addition, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice for failure to state a claim upon which relief can be granted” (at 2)

FACTUAL BACKGROUND

Plaintiff Jesse James Rayburn is a county prisoner in Arkansas proceeding pro se in a civil-rights action against the California Highway Patrol and other defendants. The court had found that his first amended complaint failed to state any claim for relief and allowed him thirty days to file another amended complaint. The deadline expired without a second amended complaint or other response.

PROCEDURAL HISTORY

The court previously found that plaintiff's first amended complaint did not state a claim for relief and granted thirty days to file a second amended complaint. Plaintiff did not amend or respond within the allotted time. The magistrate judge ordered assignment of a district judge and recommended dismissal without prejudice under 28 U.S.C. § 1915A(b)(1), subject to objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Rayburn v. California Highway Patrol

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 JESSE JAMES RAYBURN, No. 24-cv-02704 SCR P

12 Plaintiff,

13 v. ORDER AND FINDINGS AND
RECOMMENDATIONS

14 CALIFORNIA HIGHWAY PATROL, et

al., 15 Defendants. 16 17 Plaintiff is a county prisoner in the state of Arkansas proceeding pro se in
this civil rights 18 action under 42 U.S.C. § 1983. By order filed February 6, 2025, the court found
plaintiff’s first 19 amended complaint did not state any claim for relief and granted thirty days
leave to file an 20 amended complaint. (ECF No. 6.) The order advised that if Plaintiff does not
file a second 21 amended complaint within 30 days, the court will issue Findings and
Recommendations that the 22 action be dismissed for failure to state a claim upon which relief
may be granted. (Id. at 6.) The 23 time granted for that purpose has expired, and plaintiff has not
filed an amended complaint, or 24 otherwise responded to the court’s order. 25 ///// 26 ///// 27 /////
28 /////] Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly 2 ||
assign a district judge to this action. 3 In addition, IT IS HEREBY RECOMMENDED that this
action be dismissed without 4 || prejudice for failure to state a claim upon which relief can be
granted, for the reasons explained in 5 || the court’s earlier order, ECF No. 6. See 28 U.S.C. §
1915A(b)(1). 6 These findings and recommendations are submitted to the United States District
Judge 7 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-
one days 8 | after being served with these findings and recommendations, plaintiff may file written
objections 9 || with the court. Such a document should be captioned “Objections to Magistrate
Judges Findings 10 | and Recommendations.” Plaintiff is advised that failure to file objections
within the specified 11 | time may waive the right to appeal the District Court’s order. Martinez v.
YIst, 951 F.2d 1153 12 | (9th Cir. 1991). 13 | DATED: March 27, 2025. 14 15 17

SEAN C. RIORDAN

18 UNITED STATES MAGISTRATE JUDGE

19 20 21 22 23 24 25 26 27 28