

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)