

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Young v. County of Alameda

Case No. 24-cv-03914-PCP · No. 24-cv-03914-PCP · Decided April 28, 2025

SUMMARY

The United States District Court for the Northern District of California dismisses Walter Lee Young’s pro se Section 1983 complaint. The court grants leave to amend claims concerning an alleged sexual assault and strip search, requiring factual allegations, exhaustion information, and identification of proper defendants. Claims concerning privileges allegedly denied in violation of the Babu v. Ahern consent decree are dismissed without leave to amend in this action, without prejudice to pursuing them through the consent decree’s procedures.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	P. Casey Pitts
JURISDICTION	United States District Court for the Northern District of California
DECIDED	April 28, 2025
DOCKET	24-cv-03914-PCP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983 screened under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must identify cognizable claims and dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pro se pleadings are liberally construed.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown
PARTIES	Walter Lee Young v. County of Alameda, Gregory Ahern, Inmate Ishmal

TOPICS

- section 1983
- prisoners rights
- civil rights
- pleadings
- civil procedure

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

municipal liability

QUESTIONS PRESENTED

1. Whether Young's allegations concerning a sexual assault and strip search stated cognizable § 1983 claims when the complaint lacked facts describing the conduct, did not establish exhaustion, and did not identify proper defendants.
2. Whether Young could pursue claims concerning denied jail privileges in this separate action when those claims alleged violations of the consent decree entered in the Babu class action.
3. Whether the complaint adequately stated claims against Alameda County, Sheriff Gregory Ahern, and fellow inmate Ishmal under § 1983.

HOLDINGS

1. The allegations did not state cognizable claims because Young failed to plead facts identifying who harmed him, when the harm occurred, and the nature and circumstances of the alleged conduct; he also failed to adequately address exhaustion and proper defendants.
2. The constitutional analysis for the alleged sexual assault and strip search would depend on whether Young was a convicted inmate or a pretrial detainee: the Eighth Amendment would apply to a convicted inmate, while the Fourteenth Amendment Due Process Clause would apply to a pretrial detainee.
3. To proceed against Alameda County, Young must identify a constitutional policy or practice that was the moving force behind the alleged violation and must support an alleged custom or practice with evidence creating a triable issue of fact; a single incident is insufficient to establish Monell liability.
4. Sheriff Ahern could not be held liable merely because he was a supervisor or allegedly knew about constitutional violations; Young had to identify Ahern's own actions that directly caused the alleged injury.
5. A private fellow inmate is not a proper § 1983 defendant unless the plaintiff alleges that the inmate acted under color of state law.
6. The claims concerning privileges allegedly denied in violation of the Babu consent decree had to be pursued through class counsel using the procedures established by that decree and were dismissed without leave to amend in this action, without prejudice to pursuing them through the decree's procedures.

KEY QUOTATIONS

“if Mr. Young believes the strip search constituted a sexual assault, he must explain what actions the officers took that were beyond the scope of a normal search.” (at 15-20)

“Exhaustion in prisoner cases covered by § 1997e(a) is mandatory.” (at 13-18)

“a single incident of unconstitutional activity is not sufficient to impose liability under Monell.” (at 9-13)

“Under no circumstances is there liability under section 1983 on the theory that one is responsible for the actions or omissions of another.” (at 15-19)

FACTUAL BACKGROUND

Young, an inmate at Santa Rita Jail, alleged that he had been sexually assaulted, subjected to an illegal strip search, and denied privileges because of his mental-health diagnosis. His complaint and attached materials did not provide facts describing the alleged assault or strip search, and the materials did not show exhaustion of the jail grievance process. The privileges claims substantially overlapped with claims covered by the Babu v. Ahern class action and its consent decree, which required class members to use class counsel and the decree's dispute-resolution procedures.

PROCEDURAL HISTORY

Walter Lee Young, an inmate at Santa Rita Jail, filed a pro se § 1983 complaint against Alameda County, Sheriff Gregory Ahern, and fellow inmate Ishmal. The court screened the complaint, found no cognizable claim as pleaded, dismissed the sexual-assault and strip-search claims with leave to amend, and dismissed the claims concerning privileges allegedly denied under the Babu consent decree without leave to amend in this action. The court allowed Young until June 6, 2025, to file a first amended complaint.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand. Young may file a first amended complaint by June 6, 2025, using the caption and civil case number specified in the order, and must plead facts supporting each claim. Failure to amend timely may result in dismissal.

CASES CITED

- Babu v. Ahern, 18-cv-07677-NC (N.D. Cal.)
- Balistreri v. Pacifica Police Department, 901 F.2d 696, 699 (9th Cir. 1990)
- Bearchild v. Cobban, 947 F.3d 1130, 1144-45 (9th Cir. 2020)
- Bell v. Wolfish, 441 U.S. 520, 535 n.16 (1979)
- Porter v. Nussle, 534 U.S. 516, 524 (2002)
- Ross v. Blake, 578 U.S. 632, 638-39 (2016)
- Booth v. Churner, 532 U.S. 731, 741 (2001)
- Woodford v. Ngo, 548 U.S. 81, 84 (2006)
- Oviatt By and Through Waugh v. Pearce, 954 F.2d 1470, 1474 (9th Cir. 1992)
- Monell v. Department of Social Services of City of New York, 436 U.S. 658 (1978)
- Gordon v. Orange County, 6 F.4th 961, 974 (9th Cir. 2021)

- Oklahoma City v. Tuttle, 471 U.S. 808, 823-24 (1985)
- Ashcroft v. Iqbal, 556 U.S. 662, 677 (2009)
- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- Hydrick v. Hunter, 669 F.3d 937, 942 (9th Cir. 2012)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- London v. Coopers & Lybrand, 644 F.2d 811, 814 (9th Cir. 1981)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1262-63 (9th Cir. 1992)

OPINION

Young v. County of Alameda

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 WALTER LEE YOUNG, Case No. 24-cv-03914-PCP 8 Plaintiff,

ORDER DISMISSING COMPLAINT

9 v. WITH LEAVE TO AMEND IN PART

10 COUNTY OF ALAMEDA, et al., Defendants. 11 12 13 Walter Young, an inmate at Santa Rita Jail in Dublin, California, filed a pro se civil rights 14 action under 42 U.S.C. § 1983. Dkt. No. 1 (“Compl.”) For the reasons stated below, Mr. Young’s 15 Complaint is DISMISSED with leave to amend the claims identified below. 16 I. Background 17 A class action was filed before United States Magistrate Judge Cousins, accusing Santa 18 Rita Jail of mistreating inmates with mental health diagnoses. See Babu v. Ahern, 18-cv-07677- 19 NC (N.D. Cal.). A consent decree was entered in that action. See Dkt. No. 436, Babu v. Ahern, 18- 20 cv-07677-NC (N.D. Cal. Feb. 7, 2022). After that consent decree was entered, Mr. Young filed 21 several declarations in the class action and referred to himself as a member of the class. See Dkt.

22 Nos. 547–49, 554, Babu v. Ahern, 18-cv-07677-NC (N.D. Cal.). Magistrate Judge Cousins 23 reviewed those declarations and informed Mr. Young that, “to the extent” he “raise[d] grievances 24 regarding Defendants’ compliance with the Consent Decree, he must work with class counsel to 25 follow the Consent Decree’s procedures for dispute resolution.” Dkt. No. 555 at 2, Babu v. Ahern, 26 18-cv-07677-NC (N.D. Cal. Nov. 13, 2024). 27 In the instant action, Mr. Young asks the Court to “review documents provided” in support 1 provides no facts regarding the assaults. See id. at 2. The grievances attached to the Complaint do 2 not mention any sexual assaults. See id. at 4–21. 1 Mr. Young provides copies of a claim made to 3 Alameda County that he had been sexually assaulted at Santa Rita Jail, see Dkt. Nos., 9, 13, but 4 none of his filings provide facts regarding the alleged sexual assault, see Dkt. Nos. 5, 9–14. 5 Mr. Young complains that his “privileges were taken away.” Compl. at 2. He filed multiple 6 declarations and exhibits regarding this loss of privileges. See id. at 4–21; see also Dkt. Nos. 5, 9– 7 14. These documents

discuss privileges that Mr. Young believes he was denied because of his mental health diagnosis, which overlaps with the claims raised by his membership in the Babu class. See generally *id.* Indeed, several of Mr. Young's failings are copies of the declarations that Mr. Young filed in the Babu class action. See, e.g., Dkt. No. 10. Mr. Young's filings repeatedly state that Mr. Young lost privileges "in full violation of the Consent Decree" entered in the Babu v. Ahern class action. Compl. at 5; see also *id.* at 7–8, 11, 21. One document mentions that Mr. Young complained of an illegal strip search on April 18, 2023, but does not provide any facts regarding this search. See Dkt. No. 5 at 10. This strip search was not mentioned in the Complaint. See generally Compl. Mr. Young states on the face of the Complaint that he did not appeal his grievance(s) to the highest level at Santa Rita Jail, but also asks the Court to review the grievances attached to the Complaint. See *id.* at 2. As defendants, Mr. Young names the County of Alameda; Gregory Ahern, the Sheriff for Alameda County; and felly inmate "Ishmal." *Id.* II. Legal Standard Federal courts must screen any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). The court must identify cognizable claims and dismiss claims that are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant immune from such relief. 28 U.S.C. § 1915A(b)(1), (2). Pro se pleadings must be liberally construed. See *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990). III. Analysis of Complaint At this time, Mr. Young has not stated any cognizable claim. A. Claims regarding sexual assault and strip search Mr. Young's claims regarding sexual assault and a strip search are dismissed with leave to amend. He must provide facts to support his claims; must explain whether he exhausted or, if he failed to exhaust, why the exhaustion requirement must be excused; and must identify proper defendants. 1. Need for facts Rather than providing facts to support his claims, Mr. Young asks the Court to "please obtain information." Compl. at 2. This is not the Court's role. Instead, Mr. Young must provide the Court with the facts necessary to show he has cognizable claims. Mr. Young must identify who harmed him, when that harm occurred, and the general nature of and circumstances surrounding the harm. For example, if Mr. Young believes the strip search constituted a sexual assault, he must explain what actions the officers took that were beyond the scope of a normal search. See, e.g., *Bearchild v. Cobban*, 947 F.3d 1130, 1144–45 (9th Cir. 2020) (recognizing that an assault may begin as a legitimate penological search and explaining that to show officer's actions rose to the level of an assault, the prisoner must show that the official's "conduct exceeded the scope of what was required to satisfy whatever institutional concern justified the initiation of the procedure"). Mr. Young also must explain whether he is a convicted inmate or a pretrial detainee. If he is a convicted inmate, claims regarding a sexual assault and/or strip search are likely to be analyzed under the Eighth Amendment's proscription against cruel and unusual punishment. If he is a pretrial detainee, the same events will be analyzed under the Due Process Clause of the Fourteenth Amendment.

See *Bell v. Wolfish*, 441 U.S. 520, 535 n.16 (1979) (“[T]he State does not acquire the power to punish with which the Eighth Amendment is concerned until after it has secured a formal adjudication of guilt in accordance with due process of law. Where the State Process Clause of the Fourteenth Amendment.”) (citations omitted).

2. Exhaustion

3 On the face of the Complaint, Mr. Young states that he did not appeal his grievances to the 4 highest administrative level possible. See Compl. at 2. He also asks the Court to review the 5 grievances attached to his Complaint. See *id.* The Court reviewed these documents and did not 6 find any jail grievance regarding a sexual assault. It therefore appears that Mr. Young did not 7 exhaust this claim. Mr. Young’s later-filed exhibits mention a strip search, but that was not raised 8 in the Complaint and it is not clear whether Mr. Young pursued this grievance to the highest 9 administrative level possible. Compare Dkt. No. 5 with Compl. 10

Federal law provides that “[n]o action shall be brought with respect to prison conditions 11 under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or 12 other correctional facility until such administrative remedies as are available are exhausted.” 42 13 U.S.C. § 1997e(a). Exhaustion in prisoner cases covered by § 1997e(a) is mandatory. *Porter v. Nussle*, 534 U.S. 516, 524 (2002); *Ross v. Blake*, 578 U.S. 632, 638–39 (2016) (mandatory 15 language of § 1997e(a) forecloses judicial discretion to craft exceptions). All available remedies 16 must be exhausted and exhaustion is a prerequisite to suit. See *Porter*, 534 U.S. at 524; see also 17 *Booth v. Churner*, 532 U.S. 731, 741 (2001). District courts lack discretion to ignore a failure to 18 exhaust. See *Woodford v. Ngo*, 548 U.S. 81, 84 (2006). 19 Here, the apparent failure to exhaust is another reason why Mr. Young’s claims must be 20 dismissed. If Mr. Young believes he has exhausted his sexual assault and strip search claims, and 21 if wishes to pursue those claims in an amended complaint, he must explain whether he pursued 22 those claims to the highest level of administrative appeal available, or why exhaustion should not 23 be required of him. 24

3. Defendants

25 Mr. Young sues Alameda County, Alameda County Sheriff Ahern, and another inmate. 26 See Compl. at 2. 27 To sue Alameda County, Mr. Young must establish: “(1) that he possessed a constitutional 1 amount[ed] to deliberate indifference to the plaintiff’s constitutional rights; and (4) that the policy 2 [was] the moving force behind the constitutional violation.” *Oviatt By and Through Waugh v. Pearce*, 954 F.2d 1470, 1474 (9th Cir. 1992) (citations and quotation marks omitted) (explaining 4 how a government agency may be held liable under *Monell v. Dep’t of Soc. Servs. of City of New York*, 436 U.S. 658 (1978)). If a plaintiff cannot identify an unconstitutional policy of the 6 government agency, the plaintiff must “produce evidence creating a triable issue of fact regarding 7 the existence of an unconstitutional practice or custom.” *Gordon v. Orange County*, 6 F.4th 961, 8 974 (9th Cir. 2021) (concluding no custom or practice was shown where the record lacked 9 evidence of any other event involving similar conduct or constitutional violations). “[A] single 10 incident of unconstitutional activity is not sufficient to impose liability under *Monell*.” *Oklahoma City v. Tuttle*, 471 U.S. 808, 823–24 (1985). Here, Mr. Young has not identified any policy or 12 practice which caused the alleged sexual assault or strip search. If he chooses to amend these 13 claims

against Alameda County, he must identify such a policy or practice. 14 Mr. Young's claims against Sheriff Ahern fail because he did not identify any way in 15 which that individual wronged him. "In a § 1983 suit each Government official, his or her title 16 notwithstanding, is only liable for his or her own misconduct." *Ashcroft v. Iqbal*, 556 U.S. 662, 17 677 (2009). Under no circumstances is there liability under section 1983 on the theory that one is 18 responsible for the actions or omissions of another. *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 19 1989) ("There is no respondeat superior liability under section 1983."). It is insufficient for a 20 plaintiff generally to allege that supervisors knew about a constitutional violation and that they 21 generally created policies and procedures that led to the violation. *Hydrick v. Hunter*, 669 F.3d 22 937, 942 (9th Cir. 2012). To sue the Sheriff Ahern, Mr. Young must identify what actions Sheriff 23 Ahern took related to the sexual assault and/or strip search, which directly caused injury to Mr. 24 Mr. Young. 25 It is unclear why Mr. Young sued a fellow inmate. A civil rights action may only be 26 brought against "a person acting under the color of state law." *West v. Atkins*, 487 U.S. 42, 48 27 (1988). It seems unlikely that Inmate Ishmal was acting under color of state law when he caused 1 Inmate Ishmal if Mr. Young specifies exactly how Inmate Ishmal harmed him and how Inmate 2 Ishmal was acting under state law at the time of the harm. 3 B. Claims regarding denied privileges 4 Mr. Young's claims regarding privileges denied by Santa Rita Jail are dismissed without 5 leave to amend. 6 Mr. Young makes clear that he believes he has been denied privileges guaranteed by the 7 Consent Decree entered in the Babu class action. As Magistrate Judge Cousins has already 8 informed Mr. Young, these claims must be raised "through class counsel using the procedures in 9 the Consent Decree." See Dkt. No. 555 at 2, *Babu v. Ahern*, 18-cv-07677-NC (N.D. Cal. Nov. 13, 10 2024). 11 Mr. Young's claims regarding jail privileges thus are dismissed without leave to amend. 12 Dismissal is without prejudice to pursuing these claims as required by the Consent Decree entered 13 in the Babu class action. 14 IV. Conclusion 15 1. The Complaint is dismissed with leave to amend as to the sexual assault and strip 16 search claims, but without leave to amend as to the claims for violations of the Consent Decree 17 entered in the Babu class action. 18 2. Mr. Young may file a FIRST AMENDED COMPLAINT by June 6, 2025. The 19 first amended complaint must include the caption and civil case number used in this order (CV 24- 20 3914-PCP (PR)) and the words FIRST AMENDED COMPLAINT on the first page. If Mr. Young 21 files a first amended complaint, he must allege facts that demonstrate he is entitled to relief on 22 each claim. An amended complaint supersedes the original complaint. See *London v. Coopers & 23 Lybrand*, 644 F.2d 811, 814 (9th Cir. 1981) ("[A] plaintiff waives all causes of action alleged in 24 the original complaint which are not alleged in the amended complaint."); *Ferdik v. Bonzelet*, 963 25 F.2d 1258, 1262-63 (9th Cir. 1992) (where an amended complaint did not name all the defendants 26 to an action, they were no longer defendants). 27 3. Failure to file an amended complaint within the allotted time and in] futile, and this action will be dismissed. If Mr. Young needs an extension of time to amend his 2 || complaint, the extension must be requested before the deadline to amend has passed. 3 4. It is Mr. Young's responsibility to prosecute this case. Mr.

Young must keep the 4 || Court informed of any change of address by filing a separate paper with the Clerk headed “Notice 5 of Change of Address,” and must comply with the Court’s orders in a timely fashion. Failure to do 6 || so will result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of 7 { Civil Procedure 41(b). 8 9 IT IS SO ORDERED. 10 || Dated: April 28, 2025 1] Ze L L Coy 5 P. Casey Pitt 13 United States District Judge (44 16 17 Oo Z 18 19 20 21 22 23 24 25 26 27 28