

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Evans v. Napa County Department of Corrections

Evans · No. 25-cv-02067-WHO (PR) · Decided September 29, 2025

OPINION

Evans v. Napa County Department of Corrections

PER CURIAM.

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3 UNITED STATES DISTRICT COURT

4 NORTHERN DISTRICT OF CALIFORNIA

5 6 DAVID ARKEEM EVANS, Case No. 25-cv-02067-WHO (PR) Plaintiff, 7 ORDER OF
SERVICE; v.

8 ORDER DIRECTING

DEFENDANTS TO FILE A

9 NAPA COUNTY DEPARTMENT OF DISPOSITIVE MOTION OR

CORRECTIONS, et al., NOTICE REGARDING SUCH

10 Defendants. MOTION;

11 INSTRUCTIONS TO CLERK

12 13

INTRODUCTION

14 Plaintiff David Arkeem Evans alleges that Napa County jail personnel violated his 15
constitutional rights. His 42 U.S.C. § 1983 complaint containing these allegations is now 16
before me for review pursuant to 28 U.S.C. § 1915A(a). 17 When liberally construed, Evans has
stated federal constitutional due process, equal 18 protection, and double jeopardy claims, as well
as state tort claims for negligence and the 19 negligent infliction of emotional distress. The Court
directs defendants Dina Jose, 20 Lieutenant Fernandez, Sergeant Hanft, and Jettski to file in
response to the complaint a 21 dispositive motion, or a notice regarding such motion, on or before
February 17, 2026. 22 Defendants also shall file an answer in accordance with the Federal Rules
of Civil 23 Procedure. 24 No hearing will be held on any motion unless I specifically order one.
25

DISCUSSION

26 A. Standard of Review 27 A federal court must conduct a preliminary screening in any case in
which a 1 prisoner seeks redress from a governmental entity or officer or employee of a 2
governmental entity. See 28 U.S.C. § 1915A(a). In its review, the court must identify any 3
cognizable claims and dismiss any claims that are frivolous, malicious, fail to state a claim 4 upon

which relief may be granted or seek monetary relief from a defendant who is immune 5 from such relief. See *id.* § 1915A(b)(1), (2). Pro se pleadings must be liberally construed. 6 See *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1988). 7 A “complaint must contain sufficient factual matter, accepted as true, to ‘state a 8 claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) 9 (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial 10 plausibility when the plaintiff pleads factual content that allows the court to draw the 11 reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* (quoting 12 *Twombly*, 550 U.S. at 556). Furthermore, a court “is not required to accept legal 13 conclusions cast in the form of factual allegations if those conclusions cannot reasonably 14 be drawn from the facts alleged.” *Clegg v. Cult Awareness Network*, 18 F.3d 752, 754–55 15 (9th Cir. 1994). 16 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential 17 elements: (1) that a right secured by the Constitution or laws of the United States was 18 violated, and (2) that the alleged violation was committed by a person acting under the 19 color of state law. See *West v. Atkins*, 487 U.S. 42, 48 (1988). 20 B. Legal Claims 21 Evans alleges that the conditions under which he was housed as a pretrial detainee 22 in 2024 at the Napa County Department of Corrections violated his Eighth Amendment, 23 due process, and equal protection rights, as well as his right against double jeopardy. 24 (Compl., Dkt. No. 1 at 3-11.) He also contends that defendants are liable for two state tort 25 wrongs. (*Id.*) 26 When liberally construed, he has stated federal constitutional due process, equal 27 protection, and double jeopardy claims, and two state tort claims (negligence and negligent 1 County Department of Corrections; Lieutenant Fernandez, a correctional officer; Sergeant 2 Hanft, a correctional officer; and Jettski, a classification officer. The Napa County 3 Department of Corrections is DISMISSED as a defendant. 4 His Eighth Amendment claims are DISMISSED because a pretrial detainee is 5 protected under the Due Process Clause, not the Eighth Amendment. *Bell v. Wolfish*, 441 6 U.S. 520, 535 n.16 (1979).

7 CONCLUSION

8 For the foregoing reasons, the Court orders as follows: 9 1. The Clerk of the Court shall issue summons and the United States Marshal 10 shall serve, without prepayment of fees, a copy of the complaint in this matter (Dkt. No. 11 1), all attachments thereto, on defendants Dina Jose, Lieutenant Fernandez, Sergeant 12 Hanft, and Jettski, all employees of the Napa County Department of Corrections, and 13 orders these defendants to respond to the cognizable claims raised in the complaint. 14 2. Defendants shall file an answer in accordance with the Federal Rules of Civil 15 Procedure. 16 3. On or before February 17, 2026, defendants shall file a motion for summary 17 judgment or other dispositive motion with respect to the claim(s) in the complaint found to 18 be cognizable above if appropriate. 19 a. If defendants elect to file a motion to dismiss on the grounds plaintiff 20 failed to exhaust his available administrative remedies as required by 42 U.S.C. 21 § 1997e(a), defendants shall do so in a motion for summary judgment, as required by 22 *Albino v. Baca*, 747 F.3d 1162 (9th Cir. 2014). 23 b. Any motion for summary judgment shall

be supported by adequate 24 factual documentation and shall conform in all respects to Rule 56 of the Federal Rules of 25 Civil Procedure. Defendants are advised that summary judgment cannot be granted, nor 26 qualified immunity found, if material facts are in dispute. If any defendant is of the 27 opinion that this case cannot be resolved by summary judgment, he shall so inform the 1 2 4. Plaintiff's opposition to the dispositive motion shall be filed with the Court 3 and served on defendants no later than forty-five (45) days from the date defendants' 4 motion is filed. 5 5. Defendants shall file a reply brief no later than fifteen (15) days after 6 plaintiff's opposition is filed. 7 6. The motion shall be deemed submitted as of the date the reply brief is due. 8 No hearing will be held on the motion unless the Court so orders at a later date. 9 7. All communications by the plaintiff with the Court must be served on 10 defendants, or on defendants' counsel once counsel has been designated, by mailing a true 11 copy of the document to defendants or defendants' counsel. 12 8. Discovery may be taken in accordance with the Federal Rules of Civil 13 Procedure. No further court order under Federal Rule of Civil Procedure 30(a)(2) or Local 14 Rule 16-1 is required before the parties may conduct discovery.

15 Plaintiff is reminded that state prisoners may review all non-confidential material in 16 their medical and central files, pursuant to *In re Olson*, 37 Cal. App. 3d 783 (Cal. Ct. App. 17 1974); 15 California Code of Regulations § 3370; and the CDCR's Department Operations 18 Manual §§ 13030.4, 13030.16, 13030.16.1-13030.16.3, 13030.21, and 71010.11.1. 19 Requests to review these files or for copies of materials in them must be made directly to 20 jail or prison officials, not to the Court. 21 9. It is plaintiff's responsibility to prosecute this case. Plaintiff must keep the 22 Court informed of any change of address and must comply with the Court's orders in a 23 timely fashion. Failure to do so may result in the dismissal of this action for failure to 24 prosecute pursuant to Federal Rule of Civil Procedure 41(b). 25 10. Extensions of time must be filed no later than the deadline sought to be 26 extended and must be accompanied by a showing of good cause. 27 11. A decision from the Ninth Circuit requires that pro se prisoner-plaintiffs be 1 at the time of filing of the motions, rather than when the court orders service of process or 2 || otherwise before the motions are filed. *Woods v. Carey*, 684 F.3d 934, 939-41 (9th Cir. 3 || 2012). Defendants shall provide the following notice to plaintiff when he files and serves 4 || any motion for summary judgment: The defendants have made a motion for summary judgment by which they 6 seek to have your case dismissed. A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end your 7 case. 8 Rule 56 tells you what you must do in order to oppose a motion for summary 9 judgment. Generally, summary judgment must be granted when there is no 10 genuine issue of material fact — that is, if there is no real dispute about any fact that would affect the result of your case, the party who asked for 11 summary judgment is entitled to judgment as a matter of law, which will end your case. When a party you are suing makes a motion for summary 12 judgment that is properly supported by declarations (or other sworn S 13 testimony), you cannot simply rely on what your complaint says. Instead, you must set out specific facts in declarations, depositions, answers to interrogatories, or authenticated

documents, as provided in Rule 56(e), that 5 5 contradict the facts shown in the defendants' declarations and documents and show that there is a genuine issue of material fact for trial. If you do not a 16 submit your own evidence in opposition, summary judgment, if appropriate, may be entered against you. If summary judgment is granted, your case will 17 be dismissed and there will be no trial. 4 18 || Rand v. Rowland, 154 F.3d 952, 962-963 (9th Cir. 1998). 19 12. No hearing will be held on any motion unless I specifically order one. 20 13. The Clerk shall terminate the Napa County Department of Corrections as a 21 || defendant. 22 IT IS SO ORDERED. 23 || Dated: September 29, 2025 . \f 24 :
LIAM H. ORRICK
25 United States District Judge 26 27 28