

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Erik Pyle v. Glenn County Sheriff's Department, et al.

Pyle · No. 2:24-cv-02940-TLN-CSK · Decided October 14, 2025

SUMMARY

The United States District Court for the Eastern District of California considers Plaintiff Erik Pyle’s motion to electronically file documents and Defendant Glenn County Sheriff’s Department’s motion to dismiss the First Amended Complaint. The court grants the e-filing motion in part as to electronic service and denies it as to use of the CM/ECF system. It recommends granting the motion to dismiss for failure to plead individual liability or a sufficient Monell policy or custom, with leave to amend.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 14, 2025
DOCKET	2:24-cv-02940-TLN-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on a defendant's Rule 12(b)(6) motion to dismiss a pro se plaintiff's First Amended Complaint, together with an order resolving the plaintiff's motion to e-file.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 12(b)(6), dismissal is appropriate when the complaint lacks a cognizable legal theory or sufficient facts to support one. Well-pleaded factual allegations are accepted as true and construed in the light most favorable to the nonmoving party, but conclusory allegations, contradicted allegations, and legal conclusions are not assumed true.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- motions to dismiss
- section 1983
- municipal liability
- civil rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the First Amended Complaint stated a claim under 42 U.S.C. § 1983 against Glenn County Sheriff's Department and related municipal defendants.
2. Whether the complaint adequately alleged individual participation or a causal connection by any named individual defendant.
3. Whether the complaint adequately alleged a municipal policy or custom sufficient to support Monell liability.
4. Whether dismissal should be with leave to amend.
5. Whether plaintiff's late opposition and unauthorized sur-reply should be considered.
6. Whether plaintiff should receive permission to use CM/ECF and electronic service.

HOLDINGS

1. The First Amended Complaint failed to state a § 1983 claim because it did not allege facts connecting a named individual defendant to the alleged constitutional violations and did not allege facts showing that a municipal policy or custom caused the injuries.
2. Dismissal should be recommended with leave to amend because it was conceivable that plaintiff could allege additional facts supporting a Monell claim.
3. The court considered plaintiff's late opposition because of his pro se status and defendant's substantive response, but declined to consider the unauthorized sur-reply because plaintiff had no right to file it and no new argument or evidence justified it.
4. Plaintiff's motion to e-file was denied insofar as it sought permission to use CM/ECF, but granted insofar as it sought electronic service and email notifications.

KEY QUOTATIONS

"In order to establish municipal liability [under Monell], a plaintiff must show that a 'policy or custom' led to the plaintiff's injury." (at 7)

"The FAC makes conclusory allegations and does not allege specific facts demonstrating Plaintiff's alleged constitutional violations resulted from Defendants Glenn County Sheriff's Department and Orland Police Department's "execution of a government's policy or custom" as required." (at 8)

"Leave to amend should be granted if it appears possible that the defects in the complaint could be corrected, especially if a plaintiff is pro se." (at 9)

"This means that pleadings and filings that include "hallucinations" from the use of generative AI (i.e., made up facts or legal authority) can violate Rule 11." (at 6)

FACTUAL BACKGROUND

Plaintiff alleged that on June 8, 2024, approximately ten deputies from the Glenn County Sheriff's Department and Orland Police Department responded to his location based on false accusations by his ex-wife. He alleged that deputies approached him with firearms, escalated the encounter, arrested him without a warrant or probable cause, and used excessive force. He further alleged that he was held in jail under unsanitary and inhumane conditions, denied medical care, telephone access, and legal counsel, and was not promptly informed of the charges.

PROCEDURAL HISTORY

Plaintiff filed the action on October 25, 2024, and later paid the filing fee after his in forma pauperis request was denied without prejudice. After plaintiff failed to timely oppose an earlier motion to dismiss, the court granted him leave to amend and denied that motion as moot. Plaintiff filed the First Amended Complaint, alleging § 1983 claims for unlawful arrest and detention, excessive force, and inhumane jail conditions. Defendant Glenn County Sheriff's Department moved to dismiss, and the magistrate judge recommended granting the motion with leave to amend; the recommendation was subject to objections and review by the assigned district judge.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. The magistrate judge recommended that the motion to dismiss be granted and that plaintiff be given thirty days from any order adopting the findings and recommendations to file a Second Amended Complaint. The recommendation was submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), with fourteen days allowed for objections.

CASES CITED

- *Faulkner v. ADT Security Services*, 706 F.3d 1017, 1019 (9th Cir. 2013)
- *Paulsen v. CNF Inc.*, 559 F.3d 1061, 1071 (9th Cir. 2009)
- *Chambers v. Herrera*, 78 F.4th 1100, 1104 (9th Cir. 2023)
- *Garity v. APWU National Labor Organization*, 828 F.3d 848, 854 (9th Cir. 2016)
- *Lathus v. City of Huntington Beach*, 56 F.4th 1238, 1243 (9th Cir. 2023)
- *Broam v. Bogan*, 320 F.3d 1023, 1026 n.2 (9th Cir. 2003)
- *Mollett v. Netflix, Inc.*, 795 F.3d 1062, 1065 (9th Cir. 2015)
- *Wilder v. Virginia Hospital Association*, 496 U.S. 498, 508 (1990)
- *Albright v. Oliver*, 510 U.S. 266, 271 (1994)
- *Florer v. Congregation Pidyon Shevuyim, N.A.*, 639 F.3d 916, 921 (9th Cir. 2011)
- *Hansen v. Black*, 885 F.2d 642, 645 (9th Cir. 1989)
- *Johnson v. Duffy*, 588 F.2d 740, 743-44 (9th Cir. 1978)
- *Castro v. County of Los Angeles*, 833 F.3d 1060, 1073 (9th Cir. 2016) (en banc)
- *Anderson v. Warner*, 451 F.3d 1063, 1070 (9th Cir. 2006)

- Oviatt v. Pearce, 954 F.2d 1470, 1474 (9th Cir. 1992)
- Lee v. City of Los Angeles, 250 F.3d 668, 681 (9th Cir. 2001)
- Connick v. Thompson, 563 U.S. 51, 60 (2011)
- Lopez v. Smith, 203 F.3d 1122, 1126-31 (9th Cir. 2000)
- Cato v. United States, 70 F.3d 1103, 1105-06 (9th Cir. 1995)
- McHenry v. Renne, 84 F.3d 1172, 1177, 1179-80 (9th Cir. 1996)
- Lacey v. Maricopa County, 693 F.3d 896, 927 (9th Cir. 2012)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153, 1156-57 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
 CALIFORNIA 10 11 ERIK PYLE, Case No. 2:24-cv-02940-TLN-CSK 12 Plaintiff, ORDER
 DENYING IN PART AND GRANTING IN PART PLAINTIFF’S 13 v. MOTION TO EFILE 14
 GLENN COUNTY SHERIFF’S (ECF No. 23) DEPARTMENT, et al., 15 FINDINGS AND
 RECOMMENDATIONS Defendants. GRANTING DEFENDANT GLENN 16 COUNTY
 SHERIFF’S DEPARTMENT’S MOTION TO DISMISS 17 (ECF No. 18) 18 19 Pending before
 the Court is Defendant Glenn County Sheriff’s Department’s 20 motion to dismiss the First
 Amended Complaint (“FAC”) pursuant to Federal Rules of 21 Civil Procedure 12(b)(6), which is
 fully briefed.

(ECF Nos. 18, 21, 22.) Pursuant to Local 22 Rule 230(g), the Court submitted the motion without
 appearance and without argument 23 and vacated the September 9, 2025 hearing. 8/19/2025 Order
 (ECF No. 20). Plaintiff has 24 also filed a motion to electronically file documents. (ECF No. 23.)

For the reasons that 25 follow, the Court ORDERS that Plaintiff’s motion to electronically file
 documents is 26 GRANTED IN PART AND DENIED IN PART. The Court further recommends
 27 GRANTING Defendant’s motion to dismiss the FAC with leave to amend. 28 / / / 1 I.
 BACKGROUND 2 A. Facts1 3 Plaintiff alleges on June 8, 2024, “approximately ten deputies
 from the Glenn 4 County Sherriff’s Department and Orland police department responded to
 Plaintiff’s 5 location” based on false accusations reported by Plaintiff’s ex-wife.

FAC ¶¶ 11-13. 6 Plaintiff alleges “Deputies approached [Plaintiff] with high-powered firearms,
 escalated 7 the encounter, [] arrested Plaintiff without a warrant or probable cause[,]” and used 8
 excessive force to detain him. Id. ¶¶ 14, 16. Prior to being detained, Plaintiff alleges 9 “Defendants
 Main Chief shouted, ‘When are you going to get enough of this woman after 10 30 years?’” Id. ¶
 15.

Plaintiff was then transported and held in jail in inhumane 11 conditions, “including a non-
 functional and unsanitary toilet, a cold cell with no clothing 12 or blanket, and a foul odor of

human waste throughout.” Id. ¶ 18. Plaintiff further alleges 13 he was “denied medical care, phone access and legal counsel” and was “never promptly 14 informed of his charges.” Id. ¶¶ 18-19.

15 B. Procedural Posture 16 On October 25, 2024, Plaintiff filed his initial complaint and sought leave to 17 proceed in forma pauperis (“IFP”) pursuant to 28 U.S.C. § 1915. (ECF Nos. 1, 2.) Prior to 18 the screening of Plaintiff’s initial complaint, Defendants Glenn County Sheriff’s 19 Department, Glenn County Board of Supervisors, and Orland Police Department filed a 20 motion to dismiss the entire complaint on November 19, 2024.

(ECF No. 3.) On 21 November 22, 2024, the Court issued a minute order denying Defendants’ motion as 22 premature due to the Court’s mandatory prerequisite screening process pursuant to 23 28 U.S.C. § 1915. 11/22/2024 Order (ECF No. 7).

On April 25, 2025, the Court issued an 24 order denying Plaintiff’s IFP request without prejudice to refiling a renewed IFP request 25 26 1 These facts primarily derive from the First Amended Complaint (ECF No. 17), which are construed in the light most favorable to Plaintiff as the non-moving party. *Faulkner v. 27 ADT Sec. Servs.*, 706 F.3d 1017, 1019 (9th Cir.

2013). However, the Court does not assume the truth of any conclusory factual allegations or legal conclusions. *Paulsen v. 28 CNF Inc.*, 559 F.3d 1061, 1071 (9th Cir. 2009). 1 within thirty (30) days of the order. 4/25/2025 Order (ECF No. 8).

On May 9, 2025, 2 Plaintiff paid the filing fee. 3 On May 28, 2025, Defendants Glenn County Sheriff’s Department, Glenn County 4 Board of Supervisors, and Orland Police Department filed a motion to dismiss the entire 5 complaint and noticed it for a hearing for July 8, 2025 before the undersigned. (ECF No. 6 12.) Plaintiff did not file an opposition or statement of non-opposition to the motion.

See 7 Docket. On June 17, 2025, the Court issued a minute order directing Plaintiff to show 8 cause why the Court should not construe Plaintiff’s failure to file a timely opposition as a 9 non-opposition to Defendants’ motion and why this case should not be dismissed for 10 failure to prosecute. 6/17/2025 Order (ECF No. 14).

The Court also continued the 11 hearing on the motion to dismiss to July 22, 2025. Id. On June 23, 2025, Plaintiff filed a 12 response to the Court’s June 17, 2025 Order, requesting leave to file an amended 13 complaint pursuant to Federal Rules of Civil Procedure 15(a)(2). (ECF No. 15.)

On June 14 27, 2025, the Court issued a minute order granting Plaintiff’s request to file an amended 15 complaint for good cause pursuant to Federal Rule of Civil Procedure 15; granting 16 Plaintiff twenty-one (21) days to file an amended complaint; denying Defendants Glenn 17 County Sheriff’s Department, Glenn County Board of Supervisors, and Orland Police 18 Department’s motion to dismiss as moot; and vacating the hearing on the motion.

19 6/27/2025 Order (ECF No. 16). 20 On July 14, 2025, Plaintiff filed the operative FAC. See FAC. The FAC alleges 21 three causes of action against Defendants Glenn County Sheriff's Department, Orland 22 Police Department, and Does 1-10 for: (1) unlawful arrest and detention in violation of 23 the Fourth Amendment pursuant to 42 U.S.C. § 1983; (2) excessive force pursuant to 24 42 U.S.C. § 1983; and (3) inhumane jail conditions in violation of the Eighth and 25 Fourteenth Amendments pursuant to 42 U.S.C. § 1983.

FAC at 4-5. For relief, Plaintiff 26 seeks monetary damages and injunctive relief. Id. at 5. On July 31, 2025, Defendant 27 Glenn County Sheriff's Department filed the instant motion to dismiss, setting it for a 28 / / / 1 September 9, 2025 hearing before the undersigned.² (ECF No. 18). Plaintiff did not 2 respond to the motion. See Docket.

On August 19, 2025, the Court took Defendant's 3 motion under submission and vacated the hearing. 8/19/2025 Order (ECF No. 20). 4 Plaintiff filed a late opposition on August 20, 2025. Pl. Oppn (ECF No. 21). On August 5 28, 2025, Defendant filed its reply and on August 29, 2025, Plaintiff filed a sur-reply. 6 (ECF Nos. 22, 24.) 7 II. LEGAL STANDARDS 8 A. Pro Se Pleadings, Construction and Amendment 9 Pro se pleadings are to be liberally construed and afforded the benefit of any 10 doubt.

Chambers v. Herrera, 78 F.4th 1100, 1104 (9th Cir. 2023). Upon dismissal of any 11 claims, the court must tell a pro se plaintiff of a pleading's deficiencies and provide an 12 opportunity to cure such defects. *Garity v. APWU Nat'l Lab. Org.*, 828 F.3d 848, 854 (9th 13 Cir. 2016).

However, if amendment would be futile, no leave to amend need be given. 14 *Lathus v. City of Huntington Beach*, 56 F.4th 1238, 1243 (9th Cir. 2023). 15 To determine the propriety of a dismissal motion, the court may not consider facts 16 raised outside the complaint (such as in an opposition brief), but it may consider such 17 facts when deciding whether to grant leave to amend.

Broam v. Bogan, 320 F.3d 1023, 18 1026 n.2 (9th Cir. 2003). 19 B. Failure to State a Claim under Rule 12(b)(6) 20 A claim may be dismissed because of the plaintiff's "failure to state a claim upon 21 which relief can be granted." Fed. R. Civ. P. 12(b)(6). A complaint fails to state a claim if 22 it either lacks a cognizable legal theory or sufficient facts to support a cognizable legal 23 24 2 It is not clear to the Court why the pending motion to dismiss was only filed by Defendant Glenn County Sheriff's Department, even though counsel represents 25 Defendant Glenn County Sheriff's Department and Defendant Orland Police Department.

26 See Docket; see generally Def. Mot. (ECF No. 18-1). In the pending motion, Defendant Glenn County Sheriff's Department states the FAC names Defendant Orland Police 27 Department as a defendant, but that "nowhere in Plaintiff's FAC does he identity any claim or allegations against the City of Orland or its police department." Def. Mot. at 1 fn. 28 1. This is incorrect.

1 theory. *Mollett v. Netflix, Inc.*, 795 F.3d 1062, 1065 (9th Cir. 2015). When considering 2 whether a claim has been stated, the court must accept the well-pleaded factual 3 allegations as true and construe the complaint in the light most favorable to the non- 4 moving party. *Id.* However, the court is not required to accept as true conclusory factual 5 allegations contradicted by documents referenced in the complaint, or legal conclusions 6 merely because they are cast in the form of factual allegations.

Paulsen, 559 F.3d at 7 171. 8 III. DISCUSSION 9 Defendant Glenn County Sheriff's Department moves to dismiss the entire FAC 10 for failure to state a claim upon which relief can be granted pursuant to Federal Rule of 11 Civil Procedure 12(b)(6). Def. Mot. (ECF No. 18-1). Prior to addressing Defendant's 12 motion to dismiss, the Court first addresses Plaintiff's late opposition and sur-reply.

13 A. Plaintiff's Late Opposition 14 Defendant's motion to dismiss the FAC was filed on July 31, 2025, making 15 Plaintiff's opposition due on August 14, 2025. See Def. Mot; see also E.D. Cal. Local 16 Rule 230(c). Plaintiff filed his opposition to the motion on August 20, 2025. Pl. Oppn. 17 Defendant argues in its reply that because Plaintiff's opposition is untimely, its motion 18 should be deemed unopposed and granted.

Id. at 2. Defendant was able to respond to 19 Plaintiff's late opposition. See Def. Reply (ECF No. 22). In light of Plaintiff's pro se status 20 and Defendant's response to the opposition, the Court will consider Plaintiff's late 21 opposition in its review of Defendant's motion. Plaintiff is cautioned, however, that failing 22 to comply with court-imposed deadlines in the future may result in sanctions, including 23 the striking of an untimely filing.

24 B. Plaintiff's Sur-Reply and Generative AI Use Warning 25 On August 29, 2025, Plaintiff filed a sur-reply without seeking or receiving leave of 26 court to do so. (ECF No. 24.) Plaintiff did not have a right to file a sur-reply under the 27 Local Rules or the Federal Rules of Civil Procedure. See E.D. Cal. Local Rule 230(m).

In 28 addition, Defendant's reply did not raise any new arguments or evidence that would 1 justify granting a request to file a sur-reply. The Court therefore declines to consider 2 Plaintiff's sur-reply. 3 The Court notes that Plaintiff's sur-reply appears to have used generative artificial 4 intelligence ("AI") or some other tool as the sur-reply includes prompts and responses to 5 prompts.

(See ECF No. 24 at 3, 7.) Federal Rule of Civil Procedure 11 applies to all 6 parties, including parties such as Plaintiff who are proceeding without an attorney. See 7 Fed. R. Civ. P. 11. Though the Court has not issued an order prohibiting the use of 8 generative AI by parties in its pleadings and filings, Plaintiff is cautioned that whether he 9 uses or does not use generative AI or some other tool, Rule 11 still applies and he is 10 responsible to ensure that any pleading or filing

submitted to the court: “(1) [] is not being 11 presented for any improper purpose, such as to harass, cause unnecessary delay, or 12 needlessly increase the cost of litigation; (2) the claims, defenses, and other legal 13 contentions are warranted by existing law or by a nonfrivolous argument for extending, 14 modifying, or reversing existing law or for establishing new law; (3) the factual 15 contentions have evidentiary support or, if specifically so identified, will likely have 16 evidentiary support after a reasonable opportunity for further investigation or discovery; 17 and (4) the denials of factual contentions are warranted on the evidence or, if specifically 18 so identified, are reasonably based on belief or a lack of information.” See Fed.

R. Civ. 19 P. 11(b). 20 This means that pleadings and filings that include “hallucinations” from the use of 21 generative AI (i.e., made up facts or legal authority) can violate Rule 11. Plaintiff is 22 further warned that a violation of Rule 11 can result in the imposition of sanctions. See 23 Fed. R. Civ. P. 11(c). 24 C. Motion to Dismiss 25 Defendant Glenn County Sheriff’s Department moves to dismiss the entire FAC 26 for failure to allege sufficient facts to support a claim.

Def. Mot. at 3-5. Defendant 27 indicates that Plaintiff has not sued any named individuals and therefore, must be 28 1 proceeding on a Monell³ theory to impose municipal liability. Id. at 3. Even if proceeding 2 under a Monell theory, Defendant argues Plaintiff has failed to allege any facts to identity 3 or support an unconstitutional custom, policy or practice by Defendant.

Id. at 5. 4 42 U.S.C. § 1983 “provides a cause of action for the deprivation of any rights, 5 privileges, or immunities secured by the Constitution and laws of the United States.” 6 *Wilder v. Virginia Hosp. Ass’n*, 496 U.S. 498, 508 (1990) (internal quotation marks 7 omitted). “Section 1983 is not itself a source of substantive rights but merely provides a 8 method for vindicating federal rights elsewhere conferred.” *Albright v. Oliver*, 510 U.S. 9 266, 271 (1994) (citation and internal quotation marks omitted).

To state a cognizable 10 § 1983 claim, a plaintiff must allege the violation of a right protected by the Constitution 11 and laws of the United States, and that the alleged deprivation was committed by a 12 person who acted under color of state law. 42 U.S.C. § 1983. See also *Florer v. 13 Congregation Pidyon Shevuyim, N.A.*, 639 F.3d 916, 921 (9th Cir. 2011).

An individual 14 defendant is not liable on a civil rights claim unless the facts establish the defendant's 15 personal involvement in the constitutional deprivation or a causal connection between 16 the defendant's wrongful conduct and the alleged constitutional deprivation. See *Hansen 17 v. Black*, 885 F.2d 642, 645 (9th Cir. 1989); *Johnson v. Duffy*, 588 F.2d 740, 743-44 (9th 18 Cir.

1978). 19 In order to establish municipal liability [under Monell], a plaintiff must show that a 20 ‘policy or custom’ led to the plaintiff’s injury.” *Castro v. County of Los Angeles*, 833 F.3d 21 1060, 1073 (9th Cir. 2016) (en banc) (quoting *Monell*, 436 U.S. at 694).

To impose 22 liability under Monell, a plaintiff must show that (1) he was deprived of a constitutional 23 right; (2) the municipality has a policy; (3) the policy amounts to deliberate indifference to 24 plaintiff's constitutional rights; and (4) the policy is the moving force behind the 25 constitutional violation. *Anderson v. Warner*, 451 F.3d 1063, 1070 (9th Cir.

2006) (citing 26 *Oviatt v. Pearce*, 954 F.2d 1470, 1474 (9th Cir. 1994)). The complaint must identify the 27 28 3 *Monell v. Dep't of Soc. Servs. of City of New York*, 436 U.S. 658, 694 (1978). 1 particular policy that plaintiff alleges caused his constitutional injury. See *Lee v. City of 2 Los Angeles*, 250 F.3d 668, 681 (9th Cir. 2002); see also *Connick v. Thompson*, 563 3 U.S. 51, 60 (2011) (under § 1983, local governments are responsible only for “their own 4 illegal acts,” and therefore to impose liability on a local government, plaintiffs must prove 5 that an “action pursuant to official municipal policy” caused their injury) (citations 6 omitted).

Further, the policy at issue must be the result of a decision of a person 7 employed by the entity who has final decision or policymaking authority. *Monell*, 436 8 U.S. at 694. There must be a direct causal link between the policy or custom and the 9 injury, and a plaintiff must be able to demonstrate that his injury resulted from a 10 permanent and well-settled practice.

Anderson, 451 F.3d at 1070. 11 Here, the FAC fails to state a claim under Section 1983. First, the FAC does not 12 contain specific allegations against a named individual defendant showing their 13 connection or involvement to Plaintiff’s alleged violations as required to bring a Section 14 1983 claim against individual defendants. See *Hansen*, 885 F.2d at 645; *Johnson*, 588 15 F.2d at 743-44.

Second, the FAC does not contain specific allegations to support a 16 *Monell* claim against municipal defendants. See generally FAC. The FAC makes 17 conclusory allegations and does not allege specific facts demonstrating Plaintiff’s alleged 18 constitutional violations resulted from Defendants Glenn County Sheriff’s Department 19 and Orland Police Department’s “execution of a government’s policy or custom” as 20 required.

Monell, 436 U.S. at 694. Accordingly, the Court finds the FAC should be 21 dismissed. 22 D. Leave to Amend 23 If the court finds that a complaint should be dismissed for failure to state a claim, it 24 has discretion to dismiss with or without leave to amend. *Lopez v. Smith*, 203 F.3d 1122, 25 1126-30 (9th Cir. 2000). Leave to amend should be granted if it appears possible that 26 the defects in the complaint could be corrected, especially if a plaintiff is pro se.

Id. at 27 1130-31; see also *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995) (“A pro se 28 litigant must be given leave to amend his or her complaint, and some notice of its 1 deficiencies, unless it is absolutely clear that the deficiencies of the complaint could not 2 be cured by amendment.”) (citation omitted).

However, if, after careful consideration, it is 3 clear that a complaint cannot be cured by amendment, the court may dismiss without 4 leave to amend. *Cato*, 70 F.3d at 1105-06. 5 In light of Plaintiff's pro se status, and because it is at least conceivable that 6 Plaintiff could allege additional facts to state a Monell claim pursuant to Section 1983 7 against Defendants Glenn County Sheriff's Department and Orland Police Department, 8 the Court finds it appropriate to grant Plaintiff an opportunity to amend the Complaint.

9 See *Lopez*, 203 F.3d at 1130-31 (indicating that prior to dismissal, the court is to tell the 10 plaintiff of deficiencies in the complaint and provide an opportunity to cure if it appears at 11 all possible the defects can be corrected). Plaintiff will be provided an opportunity to 12 amend his amended complaint to the extent he can allege facts that sufficiently plead his 13 claims.

To bring a Monell claim, Plaintiff must allege specific facts demonstrating the 14 constitutional violations Plaintiff alleges resulted from Defendants Glenn County Sheriff's 15 Department and Orland Police Department's "execution of a government's policy or 16 custom." *Monell*, 436 U.S. at 694. Plaintiff is warned that conclusory allegations are 17 insufficient to state a claim for relief pursuant to Section 1983.

Therefore, the Court 18 recommends Defendant's motion to dismiss be granted and that the FAC be dismissed 19 with leave to amend. 20 The allegations of the amended complaint must be set forth in sequentially 21 numbered paragraphs, with each paragraph number being one greater than the one 22 before, each paragraph having its own number, and no paragraph number being 23 repeated anywhere in the complaint.

Each paragraph should be limited "to a single set of 24 circumstances" where possible. See Fed. R. Civ. P. 10(b). Forms are available to help 25 plaintiff organize his complaint in the proper way. They are available at the Clerk's 26 Office, 501 I Street, 4th Floor (Rm. 4-200), Sacramento, CA 95814, or online at 27 www.uscourts.gov/forms/pro-se-forms.

The amended complaint filed should be titled 28 "Second Amended Complaint." 1 The amended complaint must not require the Court and the defendant to guess at 2 what is being alleged against whom. See *McHenry v. Renne*, 84 F.3d 1172, 1177 (9th Cir. 1996) (affirming dismissal of a complaint where the district court was "literally 4 guessing as to what facts support the legal claims being asserted against certain 5 defendants").

The amended complaint must not require the Court to spend its time 6 "preparing the 'short and plain statement' which Rule 8 obligated plaintiff[] to submit." *Id.* 7 at 1180. The amended complaint must not require the Court and defendants to prepare 8 lengthy outlines "to determine who is being sued for what." *Id.* at 1179. 9 Plaintiff is informed that the court cannot refer to a prior complaint or other filing in 10 order to make the amended complaint complete.

Local Rule 220 requires that an 11 amended complaint be complete in itself without reference to any prior pleading. As a 12 general rule, an amended complaint supersedes prior complaint(s), and once the 13 amended complaint is filed and served, any previous complaint no longer serves any 14 function in the case. *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 927 (9th Cir.

2012). 15 IV. PLAINTIFF’S MOTION TO EFILE 16 Plaintiff also seeks leave to electronically file documents using the Court’s 17 CM/ECF system. (ECF No. 21.) Plaintiff requests e-filing privileges to promote efficiency, 18 reduce time and costs associated with paper filing, and to facilitate easier access to the 19 case docket. *Id.* at 2.

The Local Rules are clear that “any person appearing pro se may 20 not utilize electronic filing except with the permission of the assigned Judge or 21 Magistrate Judge.” See Local Rule 133(b) (2). Plaintiff’s motion does not provide good 22 cause for deviance from this Local Rule.

Therefore, Plaintiff’s motion is denied with 23 respect to utilizing the CM/ECF system to file documents. Plaintiff will continue to file 24 paper documents with the Court through conventional means. 25 The motion is granted, however, with respect to electronic service of documents. 26 The Clerk is directed to configure Plaintiff’s account so that Plaintiff will receive 27 immediate email notifications when documents are filed in the case.

Plaintiff consents to 28 receive service of documents electronically and waives the right to receive service by 1 | first class mail pursuant to Federal Rules of Civil Procedure 5(b)(2)(D). Vz CONCLUSION 3 In conclusion, IT IS HEREBY ORDERED that Plaintiff’s motion to e-file (ECF No. 4 | 23) is GRANTED IN PART AND DENIED IN PART.

The Clerk of the Court is directed to 5 || configure Plaintiff’s account so that Plaintiff will receive immediate email notifications 6 || when documents are filed in this case. 7 Further, based upon the findings above, it is HEREBY RECOMMENDED that: 8 1. Defendant Glenn County Sheriffs Department’s motion to dismiss (ECF 9 No. 18) be GRANTED; 10 2. Plaintiff be granted thirty (30) days from any order adopting these findings 11 and recommendations to file a Second Amended Complaint consistent with 12 the Court’s order.

Failure to timely file an amended complaint will result in a 13 recommendation that this action be dismissed. 14 These findings and recommendations are submitted to the United States District 15 || Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 16 | 14 days after being served with these findings and recommendations, any party may file 17 | written objections with the Court and serve a copy on all parties.

This document should 18 | be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any 19 | reply to the objections shall be served on all parties and filed with the Court within 14 20 | days after service of the objections. Failure to file objections within the specified time 21 may waive the right to appeal the District Court’s order.

Turner v. Duncan, 158 F.3d 449, 22 || 455 (9th Cir. 1998); Martinez v. Yist, 951 F.2d 1153, 1156-57 (9th Cir. 1991). 23 24 | Dated: October 14, 2025 C i s 25 CHI SOO KIM 26 UNITED STATES MAGISTRATE JUDGE 27 28 || 4, pylez940.24 11

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