

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Roman v. Jackson

Roman · No. 1:23-cv-00671-KES-SAB (PC) · Decided May 15, 2025

SUMMARY

The United States Magistrate Judge recommends denying Isidro Roman’s motion to amend his § 1983 complaint and denying as unnecessary his motion to extend the amendment deadline. The proposed amendment was found to unduly delay and prejudice the litigation, seek to revive previously dismissed claims and defendants, and be futile because the due process claims were barred by Heck v. Humphrey and improperly combined habeas and civil-rights theories.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 15, 2025
DOCKET	1:23-cv-00671-KES-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending denial of plaintiff's motion for an extension of time and motion for leave to amend his § 1983 complaint.
STANDARD OF REVIEW	A post-scheduling-order motion to amend is analyzed first under Federal Rule of Civil Procedure 16's good-cause requirement and, if good cause is shown, under Rule 15(a)(2). Leave may be denied for undue delay, bad faith, prejudice, or futility.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Isidro Roman v. K. Jackson

TOPICS

- motion to amend
- civil procedure
- section 1983
- prisoners rights
- due process

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff's motion for an extension of time to seek amendment was necessary when his motion to amend was timely under the mailbox rule.
2. Whether plaintiff showed good cause and satisfied Rule 15(a)(2) standards for leave to amend after the scheduling-order deadline.
3. Whether the proposed due-process claims were futile because they were barred by *Heck v. Humphrey*.
4. Whether habeas claims and § 1983 conditions-of-confinement claims could be combined in the proposed pleading.

HOLDINGS

1. The extension motion should be denied as unnecessary because, applying the mailbox rule, both the extension motion and the motion for leave to amend were constructively filed before the amendment deadline.
2. Leave to amend should be denied where the plaintiff unduly delayed, sought to revive claims previously dismissed after electing to proceed only on a surviving retaliation claim, and offered no explanation for failing to raise the proposed allegations earlier.
3. Leave to amend should be denied as futile because the proposed due-process claims concerning disciplinary proceedings and loss of good-time credits were barred by *Heck v. Humphrey* absent an allegation that the disciplinary decision or resulting sentence had been invalidated.
4. Plaintiff could not avoid the Heck bar by combining a habeas petition with § 1983 claims in one action; challenges to the fact or duration of custody belong in habeas proceedings, while challenges to conditions of confinement belong in a civil-rights action.

KEY QUOTATIONS

“After a responsive pleading is filed, “leave to amend should be granted unless the amendment would cause prejudice to the opposing party, is sought in bad faith, is futile, or creates unnecessary delay.”” (at 3)

“A “prisoner may not bring a civil rights claim that necessarily implies the invalidity of a conviction or sentence until he has succeeded in invalidating the conviction or sentence by other means, such as through the grant of a writ of habeas corpus.”” (at 6)

“A habeas corpus action and a prisoner civil rights suit differ in a variety of respects – including filing fees, the means of collecting them, and restrictions on future filings.” (at 7)

FACTUAL BACKGROUND

Roman's action proceeded only on a retaliation claim against K. Jackson after the court dismissed his other claims and defendants during screening. After the answer and discovery scheduling order, Roman sought to amend to add or revive claims concerning an assault, failure to protect, administrative segregation, disciplinary

proceedings, due process, and loss of good-time credits. The proposed claims involved defendants and theories previously rejected or dismissed, and Roman did not show that the underlying disciplinary decision or sentence had been invalidated.

PROCEDURAL HISTORY

The action proceeded on plaintiff's retaliation claim against K. Jackson after screening dismissed the other claims and defendants. Defendant answered, the court issued a discovery and scheduling order, and plaintiff later moved to extend the amendment deadline and to amend his complaint. The court determined that the motions were timely under the mailbox rule, denied the extension request as unnecessary, and recommended denying leave to amend because plaintiff sought to revive dismissed claims, the amendment would cause delay and prejudice, and the proposed due-process claims were futile under *Heck v. Humphrey*.

DISPOSITION

other

CASES CITED

- *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607, 609 (9th Cir. 1992)
- *Financial Holding Corp. v. Garnac Grain Co.*, 127 F.R.D. 165, 166 (W.D. Mo. 1989)
- *Chudacoff v. Univ. Med. Ctr. of S. Nevada*, 649 F.3d 1143, 1152 (9th Cir. 2011)
- *Saul v. United States*, 928 F.2d 829, 843 (9th Cir. 1991)
- *Moore v. Kayport Package Express*, 885 F.2d 531, 538 (9th Cir. 1989)
- *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 187-188 (9th Cir. 1987)
- *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003)
- *Evans v. Neuhring*, No. 2:09-cv-00292 TLN AC, 2006 WL 7159246, at *2 (E.D. Cal. Dec. 7, 2016)
- *Steckman v. Hart Brewing, Inc.*, 143 F.3d 1293, 1298 (9th Cir. 1998)
- *Klamath-Lake Pharm. Ass'n v. Klamath Med. Serv. Bureau*, 701 F.2d 1276, 1293 (9th Cir. 1983)
- *Jackson v. Bank of Hawaii*, *Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1388 (9th Cir. 1990)
- *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9th Cir. 1990)
- *Heck v. Humphrey*, 512 U.S. 477 (1994)
- *Foman v. Davis*, 371 U.S. 178, 182 (1962)
- *Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991)
- *Hill v. McDonough*, 547 U.S. 573, 579 (2006)
- *Preiser v. Rodriguez*, 411 U.S. 475, 499 (1973)
- *Nelson v. Campbell*, 541 U.S. 637, 643 (2004)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 838-839 (9th Cir. 2014)
- *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)

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