

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hernandez v. Constable

No. 2:19-cv-02195-DC-SCR (PC) (E.D. Cal. Aug. 4, 2025) · No. 2:19-cv-02195-DC-SCR (PC) · Decided
August 5, 2025

SUMMARY

The United States District Court for the Eastern District of California granted plaintiff Cesar N. Hernandez’s request to wear civilian clothing during trial but denied his request to appear without restraints. The court ordered that he be restrained with concealed leg irons during trial, while permitting hand and waist chains only outside the jury’s presence during transport.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dena Coggins
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 5, 2025
DOCKET	2:19-cv-02195-DC-SCR (PC)
DISPOSITION	other
PROCEDURAL POSTURE	In a prisoner civil-rights action under 42 U.S.C. § 1983, plaintiff moved for permission to wear civilian clothing and to avoid shackling during the jury trial. After an evidentiary hearing, the district court granted the clothing request and denied the request for no shackles.
STANDARD OF REVIEW	The district court applied the individualized-security-determination standard governing visible restraints in civil proceedings and exercised its discretion regarding courtroom security measures.
PRECEDENTIAL VALUE	Unpublished district-court order with limited precedential value

TOPICS

- prisoners rights
- civil rights
- civil procedure
- due process

PRACTICE AREAS

- prisoner civil rights
- constitutional litigation
- trial procedure
- courtroom security

QUESTIONS PRESENTED

1. Whether Hernandez should be permitted to wear civilian clothing during the jury trial.
2. Whether Hernandez could be visibly or otherwise shackled during the jury trial without an individualized determination that restraints were necessary for courtroom security.

HOLDINGS

1. Hernandez was permitted to wear his own civilian clothing during trial, subject to inspection and search by the California Department of Corrections and Rehabilitation and the United States Marshals Service.
2. Limited restraints were warranted based on an individualized security determination considering Hernandez's life sentence for murder and history and propensity for violence. The court authorized leg irons attached to a cement bucket under the counsel table, concealed from the jury, while prohibiting shackling of his hands and waist during trial or testimony.

KEY QUOTATIONS

“The judge has wide discretion to decide whether a defendant who has a propensity for violence poses a security risk and warrants increased security measures.” (Opinion at 1)

“The Ninth Circuit held that an inmate may only be visibly shackled during a civil proceeding “when there is an ‘individualized security determination’ that ‘take[s] account of the circumstances of the particular case.’”” (Opinion at 1)

FACTUAL BACKGROUND

Hernandez was incarcerated and serving a life sentence for murder. His prison central file reportedly showed no incidents involving prison staff, although he had been involved in a 2018 fight with another inmate. A correctional officer with fifteen years of transportation experience recommended leg and waist restraints during trial, and the court ordered concealed leg irons while prohibiting shackling of Hernandez's hands and waist during trial or testimony.

PROCEDURAL HISTORY

Cesar N. Hernandez, proceeding pro se and in forma pauperis, brought a § 1983 civil-rights action against A. Constable and other defendants. Before trial, Hernandez requested permission to wear civilian clothing and not be shackled in front of the jury. The court held a hearing on August 1, 2025, received testimony from a correctional officer, and entered an order granting the clothing request while authorizing limited, concealed leg restraints.

DISPOSITION

other

CASES CITED

- Illinois v. Allen, 397 U.S. 337, 343 (1970)

- Deck v. Missouri, 544 U.S. 622, 631-632 (2005)
- Morgan v. Bunnell, 24 F.3d 49, 51 (9th Cir. 1994)
- Claiborne v. Blauser, 934 F.3d 885, 895, 900-901 (9th Cir. 2019)
- United States v. Yandell, No. 19-cv-00107-KJM, 2020 WL 5982096, at *2 (E.D. Cal. Oct. 8, 2020)
- Wilson v. McCarthy, 770 F.2d 1482, 1485 (9th Cir. 1985)
- Jones v. Mora, No. 20-cv-04093-TSH, 2022 WL 17365253, at *6 (N.D. Cal. Dec. 1, 2022)
- McCurdy v. Kernan, No. 17-cv-01356-SAB, 2022 WL 198546, at *2 (E.D. Cal. Jan. 21, 2022)
- Hwa Sung Sim v. Duran, No. 16-cv-01051-SAB, 2019 WL 4571944, at *4 (E.D. Cal. Sept. 20, 2019)

OPINION

(PC)Hernandez v. Constable

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 CESAR N. HERNANDEZ, No. 2:19-cv-02195-DC-SCR (PC)

12 Plaintiff,

13 v. ORDER GRANTING PLAINTIFF’S

REQUEST TO WEAR CIVILIAN CLOTHING

14 A. CONSTABLE, et al., AND DENYING PLAINTIFF’S REQUEST

TO NOT BE SHACKLED DURING TRIAL

15 Defendants. (Doc. No. 145) 16 17 Plaintiff Cesar N. Hernandez is appearing pro se and in
 forma pauperis in this civil rights 18 action filed pursuant to 42 U.S.C. § 1983. 19 Pending before
 the court is Plaintiff’s requests that he not be shackled before the jury 20 during the trial and that
 he be permitted to wear civilian clothing (jeans and a shirt) for the trial. 21 (Doc. No. 145 at 2.) On
 August 1, 2025, a hearing was held on Plaintiff’s requests. Plaintiff 22 appeared on behalf of
 himself. Attorney Brian Chan appeared on behalf of Defendants. 23 Correctional Officer Walter
 William Mayfield appeared as a witness to provide evidence related 24 to the individualized need
 for Plaintiff to be shackled or otherwise restrained during the jury trial.

25 DISCUSSION

26 A court must balance the potential risks prisoners place on courtroom security and the 27 need
 “to maintain a judicial process that is a dignified process.” Illinois v. Allen, 397 U.S. 337, 28 343
 (1970); Deck v. Missouri, 544 U.S. 622, 631 (2005); see Morgan v. Bunnell, 24 F.3d 49, 51 1 (9th
 Cir. 1994) (“The judge has wide discretion to decide whether a defendant who has a 2 propensity
 for violence poses a security risk and warrants increased security measures.”). 3 In Claiborne v.
 Blauser, 934 F.3d 885 (9th Cir. 2019), the Ninth Circuit “recognized the 4 prejudicial effect
 shackling has on inmates proceeding pro se in civil cases.” United States v. 5 Yandell, No. 19-cv-

00107-KJM, 2020 WL 5982096, at *2 (E.D. Cal. Oct. 8, 2020) (citing 6 *Claiborne*, 934 F.3d at 901). The Ninth Circuit held that an inmate may only be visibly shackled during a civil proceeding “when there is an ‘individualized security determination’ that ‘take[s] account of the circumstances of the particular case.’” *Claiborne*, 934 F.3d at 900 (quoting *Deck*, 544 U.S. at 632). *Claiborne* calls for a two-step analysis. *Id.* at 895. First, the court must be persuaded by compelling circumstances that the measure is necessary to maintain security. *Id.* Second, the court must pursue less restrictive alternatives before imposing physical restraints. *Id.* Compelling circumstances may include a prisoner’s status, propensity for violence, and history of unruly conduct. *Wilson v. McCarthy*, 770 F.2d 1482, 1485 (9th Cir. 1985). Here, Plaintiff contends he has no history of violence towards prison staff and notes his disciplinary history is negligible despite being incarcerated in seven prisons. (Doc. No. 145 at 2.) During the August 1, 2025 hearing, Officer Mayfield testified and confirmed that Plaintiff’s central file did not reflect any incidents between Plaintiff and prison staff, and that Plaintiff was involved in a fight with another inmate in 2018. Officer Mayfield also testified that Plaintiff was serving a life sentence due to his conviction for having committed the offense of murder. Based on his experience as a correctional officer, specifically his fifteen years as a transportation officer, and his knowledge of the transportation policies of the California Department of Corrections and Rehabilitation (“CDCR”), Officer Mayfield recommended Plaintiff be restrained by leg and waist chains during trial. Having considered the evidence presented at the hearing, in particular the length of his sentence and his history of, and propensity for, violence as shown by his underlying conviction, the court finds a sufficient basis to order the use of limited restraints during the trial. See *Jones v. Mora*, No. 20-cv-04093-TSH, 2022 WL 17365253, at *6 (N.D. Cal. Dec. 1, 2022) (“Plaintiff’s lengthy sentence also supports the need for shackling.”); *McCurdy v. Kernan*, No. 17-cv-01356-1 SAB, 2022 WL 198546, at *2 (E.D. Cal. Jan. 21, 2022) (same). During trial, Plaintiff will be restrained with leg irons attached to a cement bucket under the counsel table, which will have a skirt to block the jury’s view. Plaintiff’s hands and waist will not be shackled during the trial or while testifying. However, officers may use hand and waist chains in transporting Plaintiff to/from the courtroom or witness stand but must do so outside the presence of the jury. If Plaintiff’s conduct warrants reconsideration of the use of these limited restraints, the court may order additional restraints. As for Plaintiff’s request to wear civilian clothing, the court finds Plaintiff’s request appropriate. See *Hwa Sung Sim v. Duran*, No. 16-cv-01051-SAB, 2019 WL 4571944, at *4 (E.D. Cal. Sep. 20, 2019) (permitting plaintiff to wear their civilian clothing in the courtroom during trial). Plaintiff or someone on his behalf, will be permitted to bring clothing to the court on the morning of trial. The clothing will be subject to inspection and search by CDCR and the United States Marshal Service.

14 CONCLUSION

15 For the reasons explained above: 16 1. Plaintiff’s request to wear his own civilian clothing during trial (Doc. No. 145) is 17 GRANTED; 18 2. Plaintiff, or someone on his behalf, is

permitted to bring clothing to court on the 19 morning of trial; 20 3. The clothing will be subject to inspection and search by the California Department 21 of Corrections and Rehabilitation and the United States Marshal Service; 22 4. Plaintiff's request to not be shackled during the trial (Doc. No. 145) is DENIED; 23 5. Plaintiff will be restrained by use of leg irons attached to a cement bucket under 24 the table and his restraints will not be visible to the jury; and 25 ///// 26 ///// 27 ///// 28 ///// 1 6. The jury will not be present when Plaintiff enters and exits the courtroom or when 2 he takes or leaves the witness stand. 3

4 IT IS SO ORDERED. □

5 | Dated: _ August 4, 2025 EIU Os Dena Coggins 6 United States District Judge 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28