

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.

OPINION

(PC)Hernandez v. Constable

PER CURIAM.

1 2 3 4 5 6 7

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. 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 7 during a civil proceeding “when there is an ‘individualized security determination’ that ‘take[s] 8 account of the circumstances of the particular case.’” *Claiborne*, 934 F.3d at 900 (quoting *Deck* 9 544 U.S. at 632). *Claiborne* calls for a two-step analysis. *Id.* at 895. First, the court must be 10 persuaded by compelling circumstances that the measure is necessary to maintain security. *Id.* 11 Second, the court must pursue less restrictive alternatives before imposing physical restraints. *Id.* 12 Compelling circumstances may include a prisoner’s status, propensity for violence, and history of 13 unruly conduct. *Wilson v. McCarthy*, 770 F.2d 1482, 1485 (9th Cir. 1985). 14 Here, Plaintiff contends he has no history of violence towards prison staff and notes his 15 disciplinary history is negligible despite being incarcerated in seven prisons. (Doc. No. 145 at 2.) 16 During the August 1, 2025 hearing, Officer Mayfield testified and confirmed that Plaintiff’s 17 central file did not reflect any incidents between Plaintiff and prison staff, and that Plaintiff was 18 involved in a fight with another inmate in 2018. Officer Mayfield Officer also testified that 19 Plaintiff was serving a life sentence due to his conviction for having committed the offense of 20 murder. Based on his experience as a correctional officer, specifically his fifteen years as a 21 transportation officer, and his knowledge of the transportation policies of the California 22 Department of Corrections and Rehabilitation (“CDCR”), Officer Mayfield recommended 23 Plaintiff be restrained by leg and waist chains during trial. 24 Having considered the evidence presented at the hearing, in particular the length of his 25 sentence and his history of, and propensity for, violence as shown by his underlying conviction, 26 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 28 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 2 restrained with leg irons attached to a cement bucket under the counsel table, which will have a 3 skirt to block the jury’s view. Plaintiff’s hands and waist will not be shackled during the trial or 4 while testifying. However, officers may use hand and waist chains in transporting Plaintiff 5 to/from the courtroom or witness stand but must do so outside the presence of the jury. If 6 Plaintiff’s conduct warrants reconsideration of the use of these limited restraints, the court may 7 order additional restraints. 8 As for Plaintiff’s request to wear civilian clothing, the court finds Plaintiff’s request 9 appropriate. See *Hwa Sung Sim v. Duran*, No. 16-cv-01051-SAB, 2019 WL 4571944, at *4 (E.D. 10 Cal. Sep. 20, 2019) (permitting plaintiff to wear their civilian clothing in the courtroom during 11 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 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