

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)