

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Abdul Howard v. Unknown

Howard v. Unknown · No. 1:24-cv-00429-KES-SAB (PC) · Decided August 25, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations recommending dismissal of Abdul Howard’s Bivens action for failure to state a cognizable claim. The court held that claims against entities such as “Region/USA” could not proceed under Bivens, and that the plaintiff’s allegations of deliberate indifference and equal protection violations were conclusory or arose in an unrecognized Bivens context. The action was dismissed and the clerk was directed to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 25, 2025
DOCKET	1:24-cv-00429-KES-SAB (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's findings and recommendations recommending dismissal of his second amended Bivens complaint for failure to state a claim. The district court conducted de novo review, adopted the findings and recommendations, dismissed the action, and directed the clerk to close the case.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	unpublished
PARTIES	Abdul Howard v. Unknown

TOPICS

- civil rights
- prisoners rights
- cruel and unusual punishment
- equal protection
- pleadings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Howard's allegations stated a cognizable Eighth Amendment claim for deliberate indifference to serious medical needs.
2. Whether a Bivens claim may be asserted against the entities identified as "Region/USA."
3. Whether Howard's conclusory equal-protection allegations stated a claim.
4. Whether an implied Bivens remedy should be recognized for the asserted equal-protection claim arising in a new Bivens context.

HOLDINGS

1. The complaint and objections failed to state a cognizable Eighth Amendment claim because they did not adequately allege that any defendant acted with deliberate indifference to Howard's serious medical needs.
2. Howard could not proceed under Bivens against the entities "Region/USA" because Bivens claims are available against officers in their individual capacities, not against those entities.
3. Howard's brief reference to an equal-protection violation was insufficient because it was conclusory and did not provide facts supporting a reasonable inference that a defendant was liable for the alleged misconduct.
4. The court would not recognize a Bivens remedy for Howard's equal-protection claim because it arose in a new Bivens context and an alternative remedial structure precluded judicially created relief.

KEY QUOTATIONS

"The second component is a subjective showing: that Defendant acted with 'deliberate indifference,' which is 'more than mere negligence,' but 'less than acts or omissions for the very purpose of causing harm or with knowledge that harm will result.'" (at 2)

"a court may not fashion a Bivens remedy if Congress already has provided, or has authorized the Executive to provide, an alternative remedial structure." (at 2)

FACTUAL BACKGROUND

Howard, an inmate serving a life sentence, alleged that he did not receive the same compensation benefits after a slip-and-fall accident as inmates who were eligible for inmate compensation. He also alleged that he was denied medication and transfer to a medical facility, that regional or federal entities were responsible for the alleged violations, and that he received inadequate medical treatment after surgery and hospitalization. In his objections, he asserted Eighth Amendment medical-care and equal-protection violations but offered primarily conclusory allegations and indicated that he might refuse further surgery.

PROCEDURAL HISTORY

Howard proceeded pro se and in forma pauperis on a second amended complaint asserting Bivens claims arising from alleged inadequate medical care, denial of transfer to a medical facility, and unequal inmate compensation benefits. On January 23, 2025, the magistrate judge screened the second amended complaint and recommended dismissal for failure to state a cognizable claim. Howard filed objections on February 13, 2025. After de novo review under 28 U.S.C. § 636(b)(1), the district court found the recommendations supported by the record and proper analysis, adopted them in full, dismissed the action, and ordered the case closed.

DISPOSITION

dismissed

CASES CITED

- Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)
- Toguchi v. Chung, 391 F.3d 1051, 1057 (9th Cir. 2004)
- Farmer v. Brennan, 511 U.S. 825, 834–35 (1994)
- Wilson v. Seiter, 501 U.S. 294, 298 (1991)
- Rhodes v. Chapman, 452 U.S. 337, 347 (1981)
- McDermott v. Idaho Department of Corrections, No. 1:24-CV-00140-DCN, 2024 WL 4930607, at *4 (D. Idaho Dec. 2, 2024)
- Morgan v. U.S., 323 F.3d 776, 780 n.3 (9th Cir. 2003)
- Vaccaro v. Dobre, 81 F.3d 854, 857 (9th Cir. 1996)
- Estelle v. Gamble, 429 U.S. 97, 104–06 (1976)
- Ashcroft v. Iqbal, 556 U.S. 662, 663, 129 S. Ct. 1937, 1940, 173 L. Ed. 2d 868 (2009)
- Ziglar v. Abbasi, 582 U.S. 120, 140 (2017)
- Davis v. Passman, 442 U.S. 228 (1979)
- Egbert v. Boule, 596 U.S. 482, 493 (2022)

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