

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Valencia v. Martinez

No. 1:24-cv-01441-KES-SAB (PC), United States District Court for the Eastern District of California (June 25, 2025)

SUMMARY

The United States District Court for the Eastern District of California partially adopted findings and recommendations and dismissed Eric Valencia's 42 U.S.C. § 1983 action. The court held that alleged threats, conspiracy, and failure-to-protect allegations did not state cognizable constitutional claims. The action was dismissed without further leave to amend, 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	June 25, 2025
DOCKET	1:24-cv-01441-KES-SAB (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court conducted de novo review of a magistrate judge's findings and recommendations in a prisoner civil-rights action and dismissed the complaint for failure to state a cognizable claim.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge's findings and recommendations.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order
PARTIES	Eric Valencia v. Martinez, Does 1-5, Navarro

TOPICS

- section 1983
- prisoners rights
- civil rights
- pleadings
- civil procedure

PRACTICE AREAS

- civil rights litigation
- prisoner civil rights
- federal civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff's allegations that Martinez threatened to fight him and conspired against him stated cognizable claims under 42 U.S.C. § 1983.
2. Whether Martinez's alleged statement that he could discard another detainee's legal papers stated a cognizable constitutional claim.
3. Whether the allegations against Does 1-5 and Navarro stated a failure-to-protect claim.
4. Whether the action should be dismissed for failure to state a claim, failure to obey a court order, and failure to prosecute.

HOLDINGS

1. Plaintiff's allegations that Martinez threatened to fight him and that defendants conspired against him did not give rise to cognizable constitutional claims.
2. The allegation that Martinez threatened to throw away another pretrial detainee's legal papers failed to state a cognizable constitutional claim because a naked threat typically does not rise to the level of a constitutional violation, and the threatened property belonged to another detainee rather than plaintiff.
3. Plaintiff failed to state a cognizable failure-to-protect claim against Does 1-5 or Navarro because the conduct from which they allegedly failed to protect plaintiff was not itself a constitutional violation.
4. The court declined to adopt the recommendation to dismiss for failure to prosecute or failure to obey a court order based solely on plaintiff's failure to file an amended complaint because plaintiff had been permitted to stand on his original complaint.

KEY QUOTATIONS

“a “naked threat” typically does not rise to the level of a constitutional violation.” (Doc. 10 at 1)

“This action is dismissed as the complaint fails to state a cognizable claim for relief.” (Doc. 10 at 1)

FACTUAL BACKGROUND

Plaintiff was a pretrial detainee who alleged that defendant Martinez threatened to fight him, conspired against him, threatened to discard another detainee's legal papers, and that Does 1-5 and Navarro failed to protect him. The court determined that the alleged threats and conspiracy did not establish cognizable constitutional violations. It also concluded that the alleged failure-to-protect claim failed because the underlying conduct did not rise to the level of a constitutional violation.

PROCEDURAL HISTORY

Plaintiff filed a complaint under 42 U.S.C. § 1983 on November 25, 2024. The magistrate judge screened the complaint, found that it failed to state a cognizable claim, and permitted plaintiff to file an amended complaint. Plaintiff did not amend or respond to an order to show cause. The magistrate judge recommended dismissal for failure to state a claim, failure to obey a court order, and failure to prosecute. After no objections were filed, the district court reviewed the matter de novo, adopted the recommendations in part, declined to dismiss for failure to prosecute or failure to obey because plaintiff had been permitted to stand on his original complaint, and dismissed the action without further leave to amend.

DISPOSITION

dismissed

CASES CITED

- Gaut v. Sunn, 810 F.2d 923, 925 (9th Cir. 1987)
- Williams v. King, 875 F.3d 500 (9th Cir. 2017)

OPINION

(PC) Valencia v. Martinez

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 ERIC VALENCIA, No. 1:24-cv-01441-KES-SAB (PC)

12 Plaintiff, ORDER ADOPTING IN PART FINDINGS

AND RECOMMENDATIONS AND

13 v. DISMISSING ACTION

14 MARTINEZ, et al., Doc. 10 15 Defendants. 16 17 18 Plaintiff is a pretrial detainee proceeding
pro se and in forma pauperis in this civil rights 19 complaint pursuant to 42 U.S.C. § 1983. The
matter was referred to a United States magistrate 20 judge pursuant to 28 U.S.C. § 636(b)(1)(B)
and Local Rule 302. 21 Plaintiff filed his complaint on November 25, 2024. Doc. 1. On February
19, 2025, the 22 assigned magistrate judge screened the complaint, found that plaintiff failed to
state a cognizable 23 claim for relief, and granted plaintiff thirty days to file an amended
complaint. Doc. 7. The 24 magistrate judge informed plaintiff that failure to file an amended
complaint in compliance with 25 the order would result in a recommendation that his complaint be
dismissed for failure to state a 26 claim for the reasons identified in the screening order. Id. 27
Plaintiff failed to file an amended complaint or otherwise respond to the screening order, 28 and
on March 31, 2025, the Court issued an order for plaintiff to show cause why the action 1 should
not be dismissed. Doc. 8. After plaintiff failed to respond to the order to show cause, the 2
magistrate judge issued findings and recommendations on April 29, 2025 to dismiss the action for
3 failure to state a claim, failure to obey a court order, and failure to prosecute. Doc. 10. The 4
findings and recommendations were served on plaintiff and contained notice that any objections 5
thereto were to be filed within fourteen (14) days after service. Id. at 9. Plaintiff did not file 6
objections, and the time to do so has passed. 7 In accordance with the provisions of 28 U.S.C. §
636(b)(1), this Court has conducted a de 8 novo review of this case. Having carefully reviewed the
file, the Court finds that the conclusions 9 of the findings and recommendations that plaintiff's

allegations that defendant Martinez's threat to fight plaintiff, and that defendants conspired against him, do not give rise to cognizable claims, are supported by the record and proper analysis.12 Additionally, plaintiff's allegation that defendant Martinez said to plaintiff, "You know what is funny? I can throw all these papers away and you can't grieve me!" in reference to plaintiff's dorm member's legal papers fails to state a cognizable claim, as a "naked threat" typically does not rise to the level of a constitutional violation. See, e.g., *Gaut v. Sunn*, 810 F.2d 923, 925 (9th Cir. 1987). Moreover, the alleged threat was to throw away the legal property of another pretrial detainee, not that of plaintiff. Nor does plaintiff state a claim for failure to protect against Does 1–5 or Navarro. As noted, the findings and recommendations correctly conclude that Martinez's conduct does not rise to the level of a constitutional violation. Doc. 10 at 4–5. Given this, plaintiff's claim that Does 1–5 and Navarro failed to protect plaintiff from such conduct also must fail. 22 23 24 1 As plaintiff was permitted to stand on his original complaint and was not required to file an amended complaint, the Court declines to adopt the recommendation to dismiss the case for failure to prosecute and failure to obey a court order based on plaintiff's failure to file an amended complaint. See *Williams v. King*, 875 F.3d 500 (9th Cir. 2017). This action is dismissed as the complaint fails to state a cognizable claim for relief. As plaintiff was given the opportunity to file an amended complaint and elected not to do so, the complaint is dismissed without further leave to amend. 1 Accordingly, 2 1. The findings and recommendations issued on April 29, 2025, Doc. 10, are adopted 3 in part as set forth above; 4 2. This action is dismissed for failure to state a cognizable claim for relief; and 5 3. The Clerk of the Court is directed to close this case. 6 7

g | IT ISSO ORDERED. _

9 Dated: _ June 25, 2025 4h | |

10 UNITED STATES DISTRICT JUDGE

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