

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

**Bennett v. Federal Bureau of Investigation, et al.**

Bennett · No. 2:24-cv-1038-KJM-SCR · Decided June 3, 2025

SUMMARY

The United States District Court for the Eastern District of California grants David Bennett leave to proceed in forma pauperis but dismisses his prisoner civil-rights complaint at the screening stage for failure to state a claim. The court finds the conspiracy allegations conclusory, determines that the Prison Rape Elimination Act does not create a private right of action, and finds insufficient allegations of supervisory liability, excessive force, or failure to protect. The court permits Bennett to file an amended complaint within thirty days and imposes restrictions on further filings.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | Sean C. Riordan                                                                                                                                                                                                                                                                                                                                                                                                                            |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                                                                                        |
| DECIDED               | June 3, 2025                                                                                                                                                                                                                                                                                                                                                                                                                               |
| DOCKET                | 2:24-cv-1038-KJM-SCR                                                                                                                                                                                                                                                                                                                                                                                                                       |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | A self-represented county inmate brought a civil-rights action under 42 U.S.C. § 1983 and moved to proceed in forma pauperis. The district court conducted mandatory screening under 28 U.S.C. § 1915A and determined that the complaint failed to state a claim against any defendant. The court granted leave to amend rather than serve the complaint.                                                                                  |
| STANDARD OF REVIEW    | Under 28 U.S.C. § 1915A, the court must dismiss a prisoner's complaint that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. In evaluating failure to state a claim, the court accepts well-pleaded factual allegations as true and construes them in the light most favorable to the plaintiff, but conclusory allegations and formulaic recitations of legal elements do not suffice. |
| PRECEDENTIAL VALUE    | unpublished and nonprecedential                                                                                                                                                                                                                                                                                                                                                                                                            |

## PARTIES

David Bennett v. Federal Bureau of Investigation, Rosemary Gladden,  
Officer Willis, Officer Henrey, Joseph Gocke

## TOPICS

prisoners rights

section 1983

civil rights

pleadings

civil procedure

## PRACTICE AREAS

prisoner civil rights

constitutional law

federal civil procedure

## QUESTIONS PRESENTED

1. Whether the complaint stated a claim under 42 U.S.C. § 1983 sufficient to survive mandatory prisoner screening under 28 U.S.C. § 1915A.
2. Whether the complaint plausibly alleged a civil conspiracy among defendants.
3. Whether the Prison Rape Elimination Act creates a private cause of action enforceable under § 1983.
4. Whether allegations based solely on a defendant's supervisory role state a § 1983 claim.
5. Whether allegations that defendants were merely present adequately stated excessive-force or failure-to-protect claims.

## HOLDINGS

1. The complaint failed to state a claim upon which relief could be granted and therefore would not be served, but plaintiff was granted leave to file an amended complaint.
2. The complaint did not state a civil-conspiracy claim because it alleged no facts supporting an agreement or meeting of the minds among defendants.
3. The PREA does not create a private right of action and is not enforceable through § 1983.
4. A § 1983 claim cannot be maintained solely on a theory of supervisory liability or respondeat superior; the complaint must allege the defendant's personal participation or an adequately pleaded causal connection to the constitutional violation.
5. Allegations that Officers Willis and Henrey were merely present did not adequately link them to excessive force or establish that they failed to protect plaintiff.

## KEY QUOTATIONS

*“Plaintiff’s asserted PREA violations also fail to state a claim against defendants because PREA does not create a private right of action and is not enforceable under § 1983.”* (Order at 3)

*“Plaintiff’s complaint fails to state a claim upon which relief may be granted, see 28 U.S.C. § 1915A, and will not be served.”* (Order at 4)

## FACTUAL BACKGROUND

Plaintiff, a county inmate and pretrial detainee, alleged that defendants conspired to kidnap, rape, torture, sexually abuse, and retaliate against him for filing civil complaints against jail staff. He alleged that some incidents occurred during medical treatment at Dignity Health Hospital and that Officers Willis and Henrey were present, while Rosemary Gladden was allegedly involved through her supervisory role over medical staff at the Monroe Detention Center. Plaintiff asserted claims under the Fourth, Eighth, and Fourteenth Amendments, the Prison Rape Elimination Act, and § 1983.

## PROCEDURAL HISTORY

Plaintiff filed a § 1983 complaint alleging conspiracy, sexual abuse, excessive force, failure to protect, retaliation, and violations of the Prison Rape Elimination Act. The court granted plaintiff in forma pauperis status, screened the complaint, found its allegations insufficient, denied service, and allowed plaintiff thirty days to file a first amended complaint. The court also granted a request to seal mental-health records, denied a motion for judicial notice as moot, and restricted further filings.

## DISPOSITION

other

## CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 677-78 (2009)
- Erickson v. Pardus, 551 U.S. 89, 93-94 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Bennett v. Palares, Case No. 1:24-cv-00591-JLT-BAM (PC), 2025 WL 406672, at \*4-5 (E.D. Cal. Feb. 5, 2025)
- Castro v. County of Los Angeles, 833 F.3d 1060, 1067-68 (9th Cir. 2016) (en banc)
- Rizzo v. Goode, 423 U.S. 362, 370-71 (1976)
- Arnold v. International Business Machines Corp., 637 F.2d 1350, 1355 (9th Cir. 1981)
- Starr v. Baca, 652 F.3d 1202, 1207-08 (9th Cir. 2011)
- Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978)
- Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Woodrum v. Woodward County, 866 F.2d 1121, 1126 (9th Cir. 1989)
- Franklin v. Fox, 312 F.3d 423, 441 (9th Cir. 2002)
- United Steel Workers of America v. Phelps Dodge Corp., 865 F.2d 1539, 1541 (9th Cir. 1989)
- Empress LLC v. City and County of San Francisco, 419 F.3d 1052, 1056 (9th Cir. 2005)

- Galbraith v. County of Santa Clara, 307 F.3d 1119, 1126 (9th Cir. 2002)
- Porter v. Jennings, No. 1:10-cv-1811-AWI-DLB PC, 2012 WL 1434986, at \*1 (E.D. Cal. Apr. 25, 2012)
- Blessing v. Freestone, 520 U.S. 329, 340-41 (1997)
- Rhodes v. Robinson, 408 F.3d 559, 567-68 (9th Cir. 2005)
- Bruce v. Ylst, 351 F.3d 1283, 1288 (9th Cir. 2003)
- Pratt v. Rowland, 65 F.3d 802, 806 (9th Cir. 1995)
- Kingsley v. Hendrickson, 567 U.S. 389, 395-97 (2015)

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