

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Creel v. Sacramento County Sheriff Department

Creel · No. 2:24-cv-1533-KJM-SCR · Decided August 1, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations concerning plaintiff Chad Michael Creel’s claims against the Sacramento County Sheriff Department and Cooper. The court granted the motion to dismiss the Monell claims without leave to amend and struck plaintiff’s improperly filed third amended complaint. Plaintiff was granted leave to file an amended complaint naming the deputies involved and clarifying the underlying facts.

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 1, 2025
DOCKET	2:24-cv-1533-KJM-SCR
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations regarding defendants' motion to dismiss. Before the district court ruled, plaintiff filed a purported third amended complaint without seeking leave of court or obtaining a stipulation from defendants.
STANDARD OF REVIEW	The district court presumed the magistrate judge's findings of fact were correct and reviewed the magistrate judge's conclusions of law de novo.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation
PARTIES	Chad Michael Creel v. Sacramento County Sheriff Department, Cooper, Sacramento County Sheriff Department deputies

TOPICS

- motions to dismiss
- motion to amend
- municipal liability
- section 1983
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

municipal liability

section 1983

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations when no party filed objections.
2. Whether the Monell claims against the Sacramento County Sheriff's Department and Cooper should be dismissed without leave to amend.
3. Whether plaintiff's unauthorized third amended complaint should be stricken.
4. Whether plaintiff should receive leave to file an amended complaint naming the deputies involved and clarifying the facts underlying his claims.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full.
2. The motion to dismiss filed by Sacramento County Sheriff Department and Cooper was granted, and the Monell claims against those defendants were dismissed without leave to amend.
3. The court struck plaintiff's purported third amended complaint because it was filed without leave of court or a stipulation from defendants.
4. Plaintiff was granted leave to file an amended complaint naming one or both deputies involved in the January 8, 2024 incident and clarifying the facts underlying his claims.

KEY QUOTATIONS

"The court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo." (at 2)

"Plaintiffs 'Third Amended Complaint' (ECF No. 22) is stricken;" (at 2)

"Plaintiff is granted leave to file an Amended Complaint in order to name one or both of the deputies involved in the January 8, 2024 incident and clarify the facts underlying his claims." (at 2)

FACTUAL BACKGROUND

Plaintiff Chad Michael Creel asserted claims arising from a January 8, 2024 incident involving Sacramento County Sheriff's Department deputies. The district court reviewed the magistrate judge's findings and recommendations concerning the dismissal of plaintiff's Monell claims against the Sacramento County Sheriff's Department and Cooper. Plaintiff then filed a purported third amended complaint without leave of court or a stipulation from defendants.

PROCEDURAL HISTORY

The matter was referred to a magistrate judge under Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). The magistrate judge issued findings and recommendations on June 20, 2025; no party objected. The district court

adopted the findings and recommendations in full, granted SCSD and Cooper's motion to dismiss the Monell claims without leave to amend, struck the unauthorized third amended complaint, and granted plaintiff leave to file an amended complaint naming one or both deputies involved in the incident and clarifying the facts underlying his claims.

DISPOSITION

other

CASES CITED

- Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979)
- Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007)
- Dinh Nguy v. Cinch Bakery Equip., No. 13-2283, 2015 WL 3937887, at *2 (E.D. Cal. June 26, 2015)
- Anthony v. BTR Auto. Sealing Sys., 339 F.3d 506, 516 (6th Cir. 2003)

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 FOR THE EASTERN DISTRICT OF
CALIFORNIA 9 10 CHAD MICHAEL CREEL, No. 2:24-cv-1533-KJM-SCR 11 Plaintiff, 12 v.
ORDER 13 SACRAMENTO CO. SHERIFF DEPARTMENT, et al., 14 Defendants. 15 16 17
Plaintiff is proceeding pro se in this matter, which was referred to the magistrate judge 18 under
Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

19 On June 20, 2025, the magistrate judge filed findings and recommendations, which were 20
served on all parties and which contained notice to all parties that any objections to the findings 21
and recommendations were to be filed within fourteen days. ECF No. 20. Neither party has filed
22 objections to the findings and recommendations. Plaintiff, however, has filed a “third amended
23 complaint” without asking leave of court or obtaining a stipulation from defendants, see Fed.

R. 24 Civ. P. 15(a)(1)(B), and before this court had a chance to rule on the magistrate judge’s
findings 25 and recommendations, see ECF No. 22. 26 The court presumes that any findings of
fact are correct. See Orand v. United States, 27 602 F.2d 207, 208 (9th Cir. 1979).

The magistrate judge’s conclusions of law are reviewed de 28 novo. See Robbins v. Carey, 481
F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by 1 | the magistrate judge are reviewed
de novo by both the district court and [the appellate] 2 || court....”).

Having reviewed the file, the court finds the findings and recommendations to be 3 || supported by
the record and by the proper analysis. In addition, using its inherent powers to 4 || control its own
docket, the court strikes plaintiffs “third amended complaint” for being 5 | improvidently filed. See
Dinh Nguy v. Cinch Bakery Equip., No. 13-2283, 2015 WL 3937887, at 6 || *2 (E.D.

Cal. June 26, 2015) (citing *Anthony v. BTR Auto. Sealing Sys.*, 339 F.3d 506, 516 7 || (6th Cir. 2003)). 8 Accordingly, IT IS HEREBY ORDERED that: 9 1. The findings and recommendations filed June 20, 2025, are adopted in full; 10 2. Defendant SCSD and Cooper’s motion to dismiss (ECF No. 12) is granted and the 11 | Monell claims against those defendants are dismissed without leave to amend; 12 3.

Plaintiffs “Third Amended Complaint” (ECF No. 22) is stricken; and 13 4. Plaintiff is granted leave to file an Amended Complaint in order to name one or both of 14 || the deputies involved in the January 8, 2024 incident and clarify the facts underlying his 15 | claims. 16 This order resolves ECF No. 20. 17 IT IS SO ORDERED. 18 | DATED: July 31, 2025. 20 □ STATES DISTRICT JUDGE 21 22 23 24 25 26 27 28