

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Jones v. San Diego Sheriff's Department

Jones · No. 25-cv-00779-BAS-KSC · Decided August 5, 2025

SUMMARY

The United States District Court for the Southern District of California granted Terrell Moreno Jones's motion to proceed in forma pauperis and assessed an initial partial filing fee. The court dismissed his 42 U.S.C. § 1983 complaint without prejudice under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), concluding that the San Diego Sheriff's Department was not a proper § 1983 defendant and that the allegations did not adequately plead municipal liability against San Diego County. The court granted Jones 60 days to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cynthia Bashant
JURISDICTION	United States District Court for the Southern District of California
DECIDED	August 5, 2025
DOCKET	25-cv-00779-BAS-KSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se detainee filed a 42 U.S.C. § 1983 complaint concerning conditions of confinement and moved to proceed in forma pauperis. The district court granted IFP status, screened the complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), dismissed it without prejudice for failure to state a claim, and granted leave to amend.
STANDARD OF REVIEW	The court applied the Federal Rule of Civil Procedure 12(b)(6) plausibility standard during mandatory screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).
PRECEDENTIAL VALUE	unpublished
PARTIES	Terrell Moreno Jones v. San Diego Sheriff's Department

TOPICS

- section 1983
- prisoners rights
- municipal liability
- motions to dismiss
- civil procedure

PRACTICE AREAS

civil rights

prisoner litigation

municipal liability

civil procedure

QUESTIONS PRESENTED

1. Whether the San Diego Sheriff's Department is a person subject to suit under 42 U.S.C. § 1983.
2. Whether the complaint adequately pleaded municipal liability against San Diego County under Monell and its progeny.
3. Whether the complaint stated a claim under the pleading standard applicable to screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).
4. Whether Jones should receive leave to amend.

HOLDINGS

1. A county sheriff's department, as a department or subdivision of the county, is not a person subject to suit under § 1983.
2. A municipality cannot be held vicariously liable under § 1983 for the unconstitutional acts of its employees; a plaintiff must plausibly allege that a policy, custom, practice, or failure to train caused the constitutional injury.
3. The complaint was subject to dismissal because it did not state a plausible claim for relief against the named defendant.
4. A pro se plaintiff should be granted leave to amend unless it is absolutely clear that the pleading deficiencies cannot be cured by amendment.

KEY QUOTATIONS

"However, the Sheriff's Department, as a department or subdivision of the County of San Diego, is not a "person" subject to suit under § 1983." (Order at 6)

"A local governmental entity, like the County of San Diego, may not be held vicariously liable under section 1983 simply based on the allegedly unconstitutional acts of its employees." (Order at 7)

"Instead, a municipal entity is liable under section 1983 only if the plaintiff alleges his constitutional injury was caused by employees acting pursuant to the municipality's policy or custom." (Order at 7)

FACTUAL BACKGROUND

Jones, a detainee in San Diego County jails, alleged that he was housed with dangerous or mentally ill cellmates and was assaulted, that staff delayed responding to an anxiety attack, and that he was subjected to allegedly invasive strip searches. He also alleged unsanitary and dangerous jail conditions, discriminatory or harassing conduct, interference with family visits and inmate-account deposits, inadequate food, and exposure to an inmate with a staph infection. He named only the San Diego Sheriff's Department as a defendant and did not identify a county policy, custom, practice, or failure to train causing the alleged constitutional violations.

PROCEDURAL HISTORY

Jones filed the complaint and an IFP motion in the Southern District of California. The court granted IFP status and assessed an initial partial filing fee of \$24.96. On sua sponte screening, the court concluded that the San Diego Sheriff's Department was not a person subject to suit under § 1983 and that the allegations did not adequately plead municipal liability against San Diego County; the complaint was dismissed without prejudice with sixty days to amend.

DISPOSITION

dismissed

CASES CITED

- Andrews v. Cervantes, 493 F.3d 1047, 1051 (9th Cir. 2007)
- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)
- Bruce v. Samuels, 577 U.S. 82, 84 (2016)
- Taylor, 281 F.3d at 850
- Lopez v. Smith, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc)
- Rhodes v. Robinson, 621 F.3d 1002, 1004 (9th Cir. 2010)
- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Tsao v. Desert Palace, Inc., 698 F.3d 1128, 1138 (9th Cir. 2012)
- Vance v. County of Santa Clara, 928 F. Supp. 993, 995-96 (N.D. Cal. 1996)
- Stump v. Gates, 777 F. Supp. 808, 816 (D. Colo. 1991), aff'd, 986 F.2d 1429 (10th Cir. 1993)
- United States v. Kama, 394 F.3d 1236, 1239 (9th Cir. 2005)
- Rodriguez v. County of Contra Costa, No. C 13-02516 SBA, 2013 WL 5946112, at *3 (N.D. Cal. Nov. 1, 2013)
- Hervey v. Estes, 65 F.3d 784, 791 (9th Cir. 1995)
- Nelson v. County of Sacramento, 926 F. Supp. 2d 1159, 1170 (E.D. Cal. 2013)
- Boone v. Deutsche Bank National Trust Co., 2017 WL 117966, at *3 (E.D. Cal. 2017)
- Board of County Commissioners v. Brown, 520 U.S. 397, 403 (1997)
- Monell v. Department of Social Services, 436 U.S. 658, 691 (1978)
- Jackson v. Barnes, 749 F.3d 755, 762 (9th Cir. 2014)
- Villegas v. Gilroy Garlic Festival Association, 541 F.3d 950, 964 (9th Cir. 2008)
- AE ex rel. Hernandez v. County of Tulare, 666 F.3d 631, 637 (9th Cir. 2012)
- Rosati v. Igbino, 791 F.3d 1037, 1039 (9th Cir. 2015)
- Akhtar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 2012)
- Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc., 896 F.2d 1542, 1546 (9th Cir. 1990)
- Lacey v. Maricopa County, 693 F.3d 896, 928 (9th Cir. 2012)
- Lira v. Herrera, 427 F.3d 1164, 1169 (9th Cir. 2005)

