

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Darian Nikia Munson v. Sergeant Alesandre; John Doe; John Doe

Munson · No. 3:25-cv-02015-DMS-JLB · Decided October 27, 2025

OPINION

Munson

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 DARIAN NIKIA MUNSON, Case No.: 3:25-cv-02015-DMS-JLB

CDCR #AC-8959,

12

ORDER DISMISSING CIVIL

Plaintiff,

13 ACTION FOR FAILING TO

vs. STATE A CLAIM PURSUANT

14

TO 28 U.S.C. § 1915A(b)(1) AND

15 DENYING MOTION TO

SERGEANT ALESANDRE, Correctional

PROCEED IN FORMA

16 Officer; JOHN DOE, Correctional Officer;

PAUPERIS AS MOOT

JOHN DOE, Warden, 17 Defendants. [ECF No. 2] 18 19 20 Plaintiff Darian Nikia Munson, who is proceeding pro se and incarcerated at Salinas 21 Valley State Prison (“SVSP”) in Soledad, California, has filed a civil rights complaint 22 (“Compl.”) pursuant to 42 U.S.C. § 1983 (ECF No. 1), together with a motion to proceed 23 In Forma Pauperis (“IFP”) (ECF No. 2). Munson claims correctional officials at Richard 24 J. Donovan Correctional Facility (“RJD”) in San Diego damaged his TV during a cell move 25 in October 2024 and later denied his requests for replacement or reimbursement. See

26 Compl. at 3–4. Munson seeks \$1,500 in compensatory and punitive damages. Id. at 8.

27 For the reasons explained, the Court dismisses Munson’s complaint sua sponte for 28 failing to state a claim upon which § 1983 relief can be granted pursuant to 28 U.S.C. 1 § 1915A(b)(1). Because the Court finds amendment would be futile, it denies Munson’s 2 motion to proceed IFP

as moot.

3 I. SUA SPONTE SCREENING PURSUANT TO 28 U.S.C. § 1915A(B)

4 A. Standard of Review

5 Section 1915A(a) “mandates early review— ‘before docketing [] or [] as soon as
6 practicable after docketing’—for all complaints ‘in which a prisoner seeks redress from a 7
governmental entity or officer or employee of a governmental entity.’” *Chavez v. Robinson*, 8 817
F.3d 1162, 1168 (9th Cir. 2016). The mandatory screening provisions of § 1915A 9 apply to all
prisoners, no matter their fee status, who bring suit against a governmental 10 entity, officer, or
employee. See, e.g. *Resnick v. Hayes*, 213 F.3d 443, 446–47 (9th Cir. 11 2000). “On review, the
court shall ... dismiss the complaint, or any portion of the 12 complaint,” if it “(1) is frivolous,
malicious, or fails to state a claim upon which relief may 13 be granted; or (2) seeks monetary
relief from a defendant who is immune from such relief.” 14 *Olivas v. Nevada ex rel. Dept. of*
Corr., 856 F.3d 1281, 1283 (9th Cir. 2017) (quoting 28 15 U.S.C. § 1915A(b)). 16 “The standard
for dismissal for prisoner claims at screening is the ‘same as the 17 Federal Rule of Civil
Procedure 12(b)(6) standard for failure to state a claim.’” *Long v. 18 Sugai*, 91 F.4th 1331, 1336
(9th Cir. 2024) (quoting *Watison v. Carter*, 668 F.3d 1108, 19 1112 (9th Cir. 2012) (citation
omitted)); see also *Wilhelm v. Rotman*, 680 F.3d 1113, 1121 20 (9th Cir. 2012) (noting that
screening pursuant to § 1915A “incorporates the familiar 21 standard applied in the context of
failure to state a claim under Federal Rule of Civil
22 Procedure 12(b)(6)”). Rule 12(b)(6) requires a complaint to “contain sufficient factual
23 matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. 24*
Iqbal, 556 U.S. 662, 678 (2009) (internal quotation marks omitted); *Wilhelm*, 680 F.3d at 25 1121.
A complaint fails to state a claim if it lacks a “cognizable legal theory” or “sufficient 26 facts ... to
support a cognizable legal theory.” *Shroyer v. New Cingular Wireless Servs., 27 Inc.*, 622 F.3d
1035, 1041 (9th Cir. 2010) (quoting *Navarro v. Block*, 250 F.3d 729, 732 28 (9th Cir. 2001)).
Detailed factual allegations are not required, but “[t]hreadbare recitals of 1 the elements of a cause
of action, supported by mere conclusory statements, do not suffice.” 2 *Iqbal*, 556 U.S. at 678. And
while the court “ha[s] an obligation where the petitioner is pro 3 se, particularly in civil rights
cases, to construe the pleadings liberally and to afford the 4 petitioner the benefit of any doubt,”
Hebbe v. Pliler, 627 F.3d 338, 342 & n.7 (9th Cir. 5 2010) (citing *Bretz v. Kelman*, 773 F.2d 1026,
1027 n.1 (9th Cir. 1985)), it may not “supply 6 essential elements of claims that were not initially
pled.” *Ivey v. Bd. of Regents of the Univ. 7 of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982). 8 B.
Factual Allegations 9 Munson claims after he was released from administrative segregation and
assigned 10 to a general population yard at RJD in October 2024, his personal property, including
a 11 TV, was sent to the Receiving & Release (“R&R”) Unit. See Compl. at 4. After completing
12 a period of orientation, Munson was summoned to R&R to pick up his property, but he 13
discovered his TV was damaged. *Id.* Munson alleges he was given a property receipt which 14
falsely claimed the TV was “found broken” when it was confiscated, and advised to fill out 15 a

grievance. *Id.*; see also *Ex. A–C*. Munson’s grievance was denied, however, and he now seeks to hold RJD Sergeant Alesandre, the unidentified Correctional Officer who packed his property, and RJD’s Warden responsible for the damage to his TV pursuant to 42 U.S.C. § 1983. *Id.* at 4. C. Discussion To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged violation was committed by a person acting under the color of state law. *West v. Atkins*, 487 U.S. 42, 48 (1988); *Naffe v. Frye*, 789 F.3d 1030, 1035–36 (9th Cir. 2015). Munson does not identify the basis for any constitutional violation, but his sole claim is that he was deprived of his property. Prisoners have a protected interest in their personal property. *Hansen v. May*, 502 F.2d 728, 730 (9th Cir. 1974). However, Munson has no viable Fourteenth Amendment due process claim based on Defendants’ unauthorized deprivation of his TV—whether intentional or negligent—if a meaningful state post-deprivation remedy for his loss is available. See *Hudson v. Palmer*, 468 U.S. 517, 533 (1984). California’s tort claim process provides that adequate post-deprivation remedy. *Barnett v. Centoni*, 31 F.3d 813, 816–17 (9th Cir. 1994) (citing Cal. Gov’t Code §§ 810–819) (“[A] negligent or intentional deprivation of a prisoner’s property fails to state a claim under section 1983 if the state has an adequate post deprivation remedy.”); see also *Teahan v. Wilhelm*, 481 F. Supp. 2d 1115, 1120 (S.D. Cal. 2007); *Kemp v. Skolnik*, 2012 WL 8366946, at *6 (D. Nev. Feb. 3, 2012) (finding prisoner’s alleged loss or destruction of newspaper, magazines, and books failed to state a Fourteenth Amendment claim pursuant to *Hudson* and noting that “[i]f Plaintiff wishes to recoup the value of the alleged lost materials, he will have to file a claim in small claims court in state court.”).

12 CONCLUSION

13 Accordingly, the Court DISMISSES Munson’s complaint for failing to state a claim upon which § 1983 relief can be granted pursuant to 28 U.S.C. § 1915A(b)(1). Because amendment would be futile, the Court DENIES Munson’s motion to proceed IFP (ECF 16 No. 2) as moot and DIRECTS the Clerk to enter a final judgment of dismissal and close the file. 18 IT IS SO ORDERED. 19 Dated: October 27, 2025
20 Honorable Dana M. Sabraw
United States District Judge 22 23 24 25 26 27 28