

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Fields v. Hill

Fields v. Hill · No. 1:25-cv-00688-SKO · Decided June 13, 2025

SUMMARY

The United States District Court for the Eastern District of California screened a pro se complaint filed by Catheryn D. Fields and concluded that it failed to state any cognizable claims. The court identified pleading deficiencies, including shotgun pleading, failure to link individual defendants to specific constitutional violations, potential Heck and Younger barriers, and apparent statute-of-limitations problems. The order gives Plaintiff thirty days to file a first amended complaint or notify the court that she wishes to stand on the existing complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 13, 2025
DOCKET	1:25-cv-00688-SKO
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff proceeding in forma pauperis filed a civil-rights complaint under 42 U.S.C. §§ 1983, 1985, and 1986. The magistrate judge screened the complaint under 28 U.S.C. § 1915(e)(2), found that it failed to state a cognizable claim, and ordered plaintiff either to file a first amended complaint or notify the court that she wished to stand on the original complaint.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), an in forma pauperis action must be dismissed at any time if it is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Failure to state a claim is evaluated under the Federal Rule of Civil Procedure 8(a) pleading standard, accepting well-pleaded factual allegations as true, liberally construing pro se pleadings, and disregarding legal conclusions. The complaint must contain sufficient factual matter to state a plausible claim for relief.

PRECEDENTIAL VALUE	unpublished
PARTIES	Catheryn D. Fields v. Jeff Hill, Harold Collins, John Henderson, Brian Henderson, Rob Bonta, John/Jane Doe, Doe Defendants 1-10

TOPICS

pleadings civil procedure section 1983 statute of limitations venue

PRACTICE AREAS

civil rights civil procedure constitutional law

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable claim under 42 U.S.C. § 1983 when it grouped defendants together and failed to allege each defendant's personal participation in a specific constitutional deprivation.
2. Whether the complaint stated a claim under 42 U.S.C. § 1985(3) by alleging a conspiracy without specific facts showing an agreement, concerted action, or discriminatory animus against a protected class.
3. Whether a claim under 42 U.S.C. § 1986 could proceed absent a cognizable underlying conspiracy under § 1983 or § 1985.
4. Whether claims challenging convictions, sentences, or ongoing state criminal proceedings were barred by *Heck v. Humphrey* or *Younger v. Harris*.
5. Whether the claims appeared barred by the applicable statutes of limitations.
6. Whether the complaint satisfied Rule 8 and alleged facts establishing proper venue in the Eastern District of California.

HOLDINGS

1. The complaint fails to satisfy Rule 8 because it is an impermissible shotgun pleading that lumps defendants and claims together without identifying which defendant took which action or how specific facts support each claim.
2. A § 1983 claim requires allegations that each individual defendant acted under color of state law and personally participated in the deprivation of a constitutional or federal right.
3. A § 1985(3) claim requires plausible allegations of a conspiracy, an agreement or meeting of the minds to deprive a person or class of equal protection or equal privileges and immunities, an act in furtherance of the conspiracy, resulting injury, and class-based discriminatory animus.
4. A § 1986 claim requires a cognizable underlying conspiracy under § 1983 or § 1985(3), along with knowledge of the impending conspiracy, power to prevent it, and failure to act.

5. Claims under §§ 1983 and 1985 are subject to California's two-year personal-injury limitations period, while § 1986 claims are subject to a one-year limitations period; claims based on the 2002-2007 events appeared facially time-barred.

KEY QUOTATIONS

“Upon review, the Court concludes that the complaint fails to state any cognizable claims.” (at 1)

“The majority of Plaintiff’s complaint is an impermissible “shotgun” pleading.” (at 8)

“Plaintiff must clearly identify which defendant(s) she believes is or are responsible for each violation of her constitutional rights and set forth the supporting factual basis so that the complaint places each defendant on notice of Plaintiff’s claims against him or her.” (at 10)

FACTUAL BACKGROUND

Plaintiff alleged that events in Oklahoma in 2002 led to criminal charges, a coerced plea, and loss or restriction of parental rights. She also alleged later assaults, theft, missing police reports, and related misconduct in Washington State. Plaintiff further alleged that in Fresno in 2007 she was arrested after officers approached her while she sat in a parked car, that officers conducted a warrantless blood draw, and that a prosecutor coerced her into pleading guilty to felony DUI. The complaint named numerous defendants across multiple jurisdictions and attributed broad constitutional and conspiracy violations to them without clearly linking particular facts to particular defendants.

PROCEDURAL HISTORY

Plaintiff filed the action and an application to proceed in forma pauperis on June 6, 2025. The application was granted on June 10, 2025. After screening the complaint, the court concluded that no cognizable claims were stated, granted thirty days to amend or stand on the complaint, and warned that failure to comply could result in a recommendation of dismissal.

DISPOSITION

other

CASES CITED

- Calhoun v. Stahl, 254 F.3d 845 (9th Cir. 2001)
- Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995)
- Barren v. Harrington, 152 F.3d 1193 (9th Cir. 1998)
- Lopez v. Smith, 203 F.3d 1122, 1126-30 (9th Cir. 2000) (en banc)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57 (2007)
- Balistreri v. Pacifica Police Dep’t, 901 F.2d 696, 699 (9th Cir. 1990)
- Brazil v. U.S. Dep’t of the Navy, 66 F.3d 193, 199 (9th Cir. 1995)

- *McKeever v. Block*, 932 F.2d 795, 798 (9th Cir. 1991)
- *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)
- *Nurre v. Whitehead*, 580 F.3d 1087, 1092 (9th Cir. 2009)
- *Long v. Cnty. of Los Angeles*, 442 F.3d 1178, 1185 (9th Cir. 2006)
- *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002)
- *Crowley v. Nevada ex rel. Nevada Sec’y of State*, 678 F.3d 730, 734 (9th Cir. 2012)
- *Graham v. Connor*, 490 U.S. 386, 393-94 (1989)
- *Vance v. Peters*, 97 F.3d 987, 991 (7th Cir. 1996)
- *Preschooler II v. Clark Cnty. Sch. Bd. of Trs.*, 479 F.3d 1175, 1183 (9th Cir. 2007)
- *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)
- *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)
- *United Brotherhood of Carpenters, Local 610 v. Scott*, 463 U.S. 825 (1983)
- *Gillespie v. Civiletti*, 629 F.2d 637, 641 (9th Cir. 1980)
- *Sever v. Alaska Pulp Corp.*, 978 F.2d 1529, 1536 (9th Cir. 1992)
- *Dyess ex rel. Dyess v. Tehachapi Unified Sch. Dist.*, 2010 WL 3154013, at *8 (E.D. Cal. Aug. 6, 2010)
- *Dixon v. City of Lawton*, 898 F.2d 1443, 1449 n. 6 (10th Cir. 1990)
- *Klingele v. Eikenberry*, 849 F.2d 409, 413 (9th Cir. 1988)
- *Cohen v. Norris*, 300 F.2d 24, 27-28 (9th Cir. 1962)
- *Hopper v. Hayes*, 573 F. Supp. 1368, 1371 (D. Idaho 1983)
- *Powell*, 2020 WL 1932169, at *8
- *Karim-Panahi v. Los Angeles Police Dep’t*, 839 F.2d 621, 626 (9th Cir. 1988)
- *Bray v. Alexandria Women’s Health Clinic*, 506 U.S. 263, 267-68 (1993)
- *Huling v. City of Los Banos*, 869 F. Supp. 2d 1139, 1144-45 (E.D. Cal. 2012)
- *Lac du Flambeau Bank of Lake Superior Chippewa Indians v. Stop Treaty Abuse-Wisconsin, Inc.*, 759 F. Supp. 1339, 1352 (W.D. Wis. 1991)
- *Heck v. Humphrey*, 512 U.S. 477, 487-88 (1994)
- *Sperl v. Deukmejian*, 642 F.2d 1154, 1154 (9th Cir. 1981)
- *Leslie v. City Prosecutor of Long Beach*, 51 F.3d 280 (9th Cir. 1995)
- *Younger v. Harris*, 401 U.S. 37 (1971)
- *Jones v. Buckman*, No. 2:18-cv-0054-MCE-EFB, 2019 WL 1227921, at *2 (E.D. Cal. Mar. 15, 2019)
- *Mann v. Jett*, 781 F.2d 1448, 1449 (9th Cir. 1986)
- *Fink v. Shedler*, 192 F.3d 911, 914, 916 (9th Cir. 1999)
- *Jones v. Blanas*, 393 F.3d 918, 927-28 (9th Cir. 2004)
- *McDougal v. County of Imperial*, 942 F.2d 668, 674 (9th Cir. 1991), overruled on other grounds by *Lingle v. Chevron U.S.A., Inc.*, 544 U.S. 528 (2005)
- *Lingle v. Chevron U.S.A., Inc.*, 544 U.S. 528 (2005)
- *Olsen v. Idaho State Bd. of Medicine*, 363 F.3d 916, 926 (9th Cir. 2004)

- TwoRivers v. Lewis, 174 F.3d 987, 991 (9th Cir. 1999)
- Tafoya v. City of Hanford, 2020 WL 1083823, at *5 (E.D. Cal. Mar. 6, 2020)
- Cervantes v. City of San Diego, 5 F.3d 1273, 1276 (9th Cir. 1993)
- Kelly v. Islam, 2018 WL 2670661, at *2 (E.D. Cal. June 1, 2018)
- El-Shaddai v. Stainer, 2016 WL 7261230, at *21 (C.D. Cal. Dec. 13, 2016)
- Lantzy v. Centex Homes, 31 Cal. 4th 363, 370 (2003)
- Kelly v. Qualitest Pharmaceuticals, Inc., 2006 WL 2536627, at *8 (E.D. Cal. Aug. 31, 2006)
- Pecoraro v. Sky Ranch for Boys, Inc., 340 F.3d 558, 563 (8th Cir. 2003)
- Gulf Ins. Co., 417 F.3d at 357
- Jenkins Brick Co. v. Bremer, 321 F.3d 1366, 1371 (3d Cir. 2003)
- Cottman Transmission Sys., Inc. v. Martino, 36 F.3d 291, 294 (3d Cir. 1994)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Lacey v. Maricopa County, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc)

OPINION

Fields v. Hill

PER CURIAM.

1 2 3 4 5

6 UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA

8 9 CATHERYN D. FIELDS, Case No. 1:25-cv-00688-SKO 10 Plaintiff, FIRST SCREENING
ORDER 11 v. ORDER FOR PLAINTIFF TO:

12 (1) FILE A FIRST AMENDED

COMPLAINT; OR

13 JEFF HILL, individually and in his official

(2) NOTIFY THE COURT THAT

14 capacity as Deputy District Attorney of Fresno SHE WISHES TO STAND ON County, et al.,
HER COMPLAINT

15 Defendants. (Doc. 1) 16

THIRTY-DAY DEADLINE

17 18 19 20 On June 6, 2025, Plaintiff Catheryn D. Fields (“Plaintiff”), proceeding pro se, filed an
action. 21 (Doc. 1.) On that same date, Plaintiff also filed an application to proceed in forma
pauperis, (Doc. 22 2), which was granted on June 10, 2025, (Doc. 4). Plaintiff’s complaint is now
before the Court for 23 screening. Upon review, the Court concludes that the complaint fails to
state any cognizable claims. 24 Plaintiff has the following options as to how to proceed. Plaintiff
may file an amended 25 complaint, which the Court will screen in due course. Alternatively,
Plaintiff may file a statement 26 with the Court stating that she wants to stand on this complaint
and have it reviewed by the presiding 27 district judge, in which case the Court will issue findings

and recommendations to an assigned 28 district judge consistent with this order. If Plaintiff does not file anything, the Court will recommend 1 that the case be dismissed.

2 I. SCREENING REQUIREMENT AND STANDARD

3 In cases where the plaintiff is proceeding in forma pauperis, the Court is required to screen 4 each case and shall dismiss the case at any time if the Court determines that the allegation of poverty 5 is untrue, or that the action or appeal is frivolous or malicious, fails to state a claim upon which 6 relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 7 28 U.S.C. § 1915(e)(2). See also *Calhoun v. Stahl*, 254 F.3d 845 (9th Cir. 2001) (dismissal required 8 of in forma pauperis proceedings which seek monetary relief from immune defendants); *Cato v. 9 United States*, 70 F.3d 1103, 1106 (9th Cir. 1995) (district court has discretion to dismiss in forma 10 pauperis complaint under 28 U.S.C. § 1915(e)); *Barren v. Harrington*, 152 F.3d 1193 (9th Cir. 11 1998) (affirming sua sponte dismissal for failure to state a claim). If the Court determines that a 12 complaint fails to state a claim, leave to amend may be granted to the extent that the deficiencies of 13 the complaint can be cured by amendment. *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000) (en 14 banc). 15 In determining whether a complaint fails to state a claim, the Court uses the same pleading 16 standard used under Federal Rule of Civil Procedure 8(a). A complaint must contain “a short and 17 plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). 18 Detailed factual allegations are not required, but “[t]hreadbare recitals of the elements of a cause of 19 action, supported by mere conclusory statements, do not suffice.” *Ashcroft v. Iqbal*, 556 U.S. 662, 20 678 (2009) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). A complaint may be 21 dismissed as a matter of law for failure to state a claim for two reasons: (1) lack of a cognizable 22 legal theory; or (2) insufficient facts under a cognizable legal theory. See *Balistreri v. Pacifica 23 Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1990). Plaintiff must allege a minimum factual and legal 24 basis for each claim that is sufficient to give each defendant fair notice of what the plaintiff’s claims 25 are and the grounds upon which they rest. See, e.g., *Brazil v. U.S. Dep’t of the Navy*, 66 F.3d 193, 26 199 (9th Cir. 1995); *McKeever v. Block*, 932 F.2d 795, 798 (9th Cir. 1991). 27 In reviewing the pro se complaint, the Court is to liberally construe the pleadings and accept 28 as true all factual allegations contained in the complaint. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). 1 Although a court must accept as true all factual allegations contained in a complaint, a court need 2 not accept a plaintiff’s legal conclusions as true. *Iqbal*, 556 U.S. at 678. “[A] complaint [that] 3 pleads facts that are ‘merely consistent with’ a defendant’s liability . . . ‘stops short of the line 4 between possibility and plausibility of entitlement to relief.’” *Id.* (quoting *Twombly*, 550 U.S. at 5 557).

6 II. SUMMARY OF PLAINTIFF’S COMPLAINT

7 The complaint names the following Defendants: “JEFF HILL, individually and in his official 8 capacity as Deputy District Attorney of Fresno, County; HAROLD COLLINS, individually and in 9 his official capacity as Oklahoma Highway Patrolman; JOHN HENDERSON, individually and

in 10 his official capacity as former Judge of the Haskell County District Court; BRIAN HENDERSON, 11 individually and in his official capacity as- current Judge or legal officer of Haskell County, 12 Oklahoma; ROB BONTA, in his- official capacity as Attorney General of California; JOHN/JANE 13 DOE, in their official capacity as Director of Oklahoma Department of Public Safety; DOE 14 DEFENDANTS 1-10.” (Doc. 1 at 1, see id. at 2–3.) Plaintiff states that subject matter jurisdiction 15 is based on federal 28 U.S.C. §§ 1331 and 1343 as her claims involve “federal questions and civil 16 rights violations.” (Id. at 1). 17 Plaintiff makes factual allegations regarding three series of events that she describes as (1) 18 “2002 Oklahoma Seizure and Wrongful Prosecution,” (2) “Post-Trial Disbursement Exploitation 19 and Assaults,” and (3) “2007 Fresno Prosecutorial Coercion.” (Id. at 3–5.) 20 Starting with Plaintiff’s allegations as to the events in Oklahoma, Plaintiff alleges that in 21 2002, she was camping in Heskell County, Oklahoma on federal land when “a group of strangers 22 approached her tent late at night.” (Id. at 3). Plaintiff states that she attempted to flee with her 23 minor children, when she “struck” a person that was in her path. (Id.). Plaintiff then details how 24 Defendant Officer Harrold Collins arrested and charged her with misdemeanor DUI—charges that 25 were later escalated to felony DUI and felony child abuse. (See id.). Plaintiff alleges Defendant 26 John Henderson was the judge that presided over the adjudication of these charges, and she was 27 “coerced into a plea without proper representation, hearing transcripts, or procedural safeguards.” 28 (Id.). Plaintiff states that her plea “effectively terminated” her parental rights and that “no 1 reunification process was initiated.” (Id.). Plaintiff further alleges that her son was than adopted 2 “without notice or due process protections” and her daughter as “alienated through court-sanctioned 3 restrictions on contact.” (Id.). Plaintiff contends Defendant “Brian Henderson also presided over 4 Plaintiff’s grandmother’s trust case,” in which “he allegedly placed a lien against Plaintiff’s one- 5 sixth trust inheritance . . . to satisfy a disputed debt related to Ricky Lanham’s1 medical bills.” (Id.). 6 Plaintiff states that she “believes this constitutes cross-contamination of judicial roles and misuse of 7 fiduciary authority.” (Id.). She also alleges a belief that “Defendant Brian Henderson continued the 8 concealment of court records and denial of access to legal redress connected to the events initiated 9 by his father.”2 (Id.) Plaintiff states that “Lanham died under suspicious circumstances in 2010 and 10 Oklahoma law enforcement has been suspect to having been involved.” (Id.). 11 Turning to the next set of allegations, Plaintiff contends that after receiving the disbursement 12 of her share of her grandmother’s trust, she “was coerced into selling valuable stock assets under 13 duress.” (Id. at 4.) She includes various allegations of being attacked and robbed “by individuals 14 she believes were acting in concert with the broader schedule to exploit and isolate her.” (Id.). 15 Plaintiff alleges that she “filed multiple police reports regarding these incidents in Washington 16 State,” but those reports “have since disappeared from official records” and “Plaintiff believes this 17 disappearance is part of a broader effort to suppress evidence and shield those involved in multi- 18 state collusion.” (Id.) Plaintiff claims that “[t]hese events compounded Plaintiff’s PTSD, intensified 19 her economic hardship, and contributed to ongoing

surveillance, harassment, and deprivation of 20 civil liberties.” (Id.) 21 Turning to the final series of events, Plaintiff alleges that in 2007, “she flew to Fresno after 22 a distressing call from her daughter.” (Id.) The following day, she was sitting in a parked car 23 without keys in the ignition when she was “approached by a male officer based on a vague report 24 of intoxicated driving.” (Id.). She claims she was arrested and officers “forcibly administered a 25 26 1 The Court understands Ricky Lanham as being the individual Plaintiff “struck” in 2002. If Plaintiff chooses to amend, she is advised to provide further detail about this individual and how they are related to her allegations in any 27 amended complaint. 2 Although not explicitly set forth in the complaint, the Court understands Plaintiff to allege that Defendant Brian 28 Henderson is the son of Defendant John Henderson. If Plaintiff chooses to amend, she is advised to make this link 1 blood draw without a warrant or exigency.” (Id.). While incarcerated, she alleges Defendant Deputy 2 DA Jeff Hill falsely claimed her prior DUI in Oklahoma was a felony conviction” and “coerced 3 Plaintiff into pleading guilty to a felony DUI in California by threatening habitual offender and 4 strike charges unless she made a false statement in court.” (Id. at 5). Plaintiff further alleges that 5 her attorney, Charles Lee, “failed to intervene meaningfully” and that she “has been denied access 6 to transcripts or audio recordings of the plea hearing.” (Id.). 7 Based on these allegations, Plaintiff brings the following claims: 8 (1) “Due Process and Self-Incrimination Violations – Fifth and Fourteenth 9 Amendments” under 42 U.S.C. § 1983, based on an allegation that “Defendants 10 violated Plaintiff’s right to due process by coercing a false felony plea;” 11 (2) “Unlawful search and Seizure – Fourth Amendment” under 42 U.S.C. § 1983, 12 based on allegations that “Defendants violated Plaintiff’s Fourth Amendment 13 rights by conducting a warrantless blood draw with no legal justification;” 14 (3) “Right to Counsel – Sixth Amendment” under 42 U.S.C. § 1983, based on 15 allegations that “Defendants deprived Plaintiff of her Sixth Amendment right to 16 effective assistance of counsel during plea negotiations;” 17 (4) “Conspiracy to Violate Civil Rights” under 42 U.S.C. § 1985(c), based on 18 allegations that “Defendants acted in concert across jurisdictions to deprive 19 Plaintiff of parental rights and to unlawfully escalate criminal charges;” 20 (5) “Neglect to Prevent Conspiracy” under 42 U.S.C. § 1986, based on allegations 21 that “Defendant’s who had knowledge of the unlawful conduct and failed to 22 intervene are liable under § 1986.”

23 III. DISCUSSION

24 A. Rule 8 25 Pursuant to Federal Rule of Civil Procedure 8, a complaint must contain “a short and plain 26 statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a). Detailed 27 factual allegations are not required, but “[t]hreadbare recitals of the elements of a cause of action, 28 supported by mere conclusory statements, do not suffice.” *Iqbal*, 556 U.S. at 678 (citation omitted). 1 A plaintiff must set forth “sufficient factual matter, accepted as true, to state a claim to relief that is 2 plausible on its face.” *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 555). While factual 3 allegations are accepted as true, legal conclusions are not. *Id.*; see also *Twombly*, 550 U.S. at 556– 4 557; *Moss*, 572 F.3d at 969. 5 The majority of Plaintiff’s

complaint is an impermissible “shotgun” pleading. A “[s]hotgun 6 pleading occurs when one party pleads that multiple parties did an act, without identifying which 7 party did what specifically; or when one party pleads multiple claims, and does not identify which 8 specific facts are allocated to which claim.” *Hughey v. Drummond*, 2014 WL 579365, at *5 (E.D. 9 Cal. Nov. 6, 2014) (citation omitted). The complaint alleges various claims but is not clear what 10 facts relate to which claim or how the facts relate to the legal claims raised. Plaintiff also fails to 11 adequately describe specific actions taken by each of the defendants named in the complaint that 12 violated her constitutional rights. Instead, Plaintiff lumps Defendants together in all of her claims 13 and it is not clear which claims Plaintiffs intend to assert against each of the Defendants. This is 14 not permissible because it does not give Defendants “fair notice” of the claims against which they 15 must defend and the facts and legal theories that give rise to the claims. See Fed. R. Civ. P. 8(a)(2). 16 Plaintiff must set forth factual allegations against each named defendant sufficient to state a 17 claim. If Plaintiff elects to amend the complaint, Plaintiff must separate each claim, state the legal 18 basis for the claim, and identify how the facts alleged support and show that the particular defendant 19 committed the violation asserted as the legal basis for the claim. See Fed. R. Civ. P. 8(a). The 20 failure to do so may result in a recommendation to dismiss this action. 21 B. Legal Standards 22 In the event Plaintiff elects to amend her complaint, the Court provides the following legal 23 standards that may be relevant to her action: 24 1. Counts I, II, & III (42 U.S.C. § 1983—Deprivation of Rights)

25 Title 42 U.S.C. § 1983 (“Section 1983”) provides a cause of action for the 26 violation of Plaintiff’s constitutional or other federal rights by persons acting under color of state 27 law. *Nurre v. Whitehead*, 580 F.3d 1087, 1092 (9th Cir. 2009); *Long v. Cnty. of Los Angeles*, 442 28 F.3d 1178, 1185 (9th Cir. 2006); *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002). “Section 1 1983 is not itself a source of substantive rights but merely provides a method for vindicating federal 2 rights elsewhere conferred.” *Crowley v. Nevada ex rel. Nevada Sec’y of State*, 678 F.3d 730, 734 3 (9th Cir. 2012) (citing *Graham v. Connor*, 490 U.S. 386, 393–94 (1989)) (internal quotation marks 4 omitted). It “creates a cause of action based on personal liability and predicated upon fault; thus, 5 liability does not attach unless the individual defendant caused or participated in a constitutional 6 deprivation.” *Vance v. Peters*, 97 F.3d 987, 991 (7th Cir. 1996); see *Taylor v. List*, 880 F.2d 1040, 7 1045 (9th Cir. 1989) (“Liability under [S]ection 1983 arises only upon a showing of personal 8 participation by the defendant.”). 9 To state a claim under Section 1983, a plaintiff must allege that the defendant (1) acted under 10 color of state law, and (2) deprived plaintiff of rights secured by the Constitution or federal law. 11 *Long*, 442 F.3d at 1185; see also *Marsh v. Cnty. of San Diego*, 680 F.3d 1148, 1158 (9th Cir. 2012) 12 (discussing “under color of state law”). A person deprives another of a constitutional right, “within 13 the meaning of [Section] 1983, ‘if he does an affirmative act, participates in another’s affirmative 14 act, or omits to perform an act which he is legally required to do that causes the deprivation of which 15 complaint is made.’” *Preschooler II v. Clark Cnty. Sch. Bd. of Trs.*, 479 F.3d 1175, 1183

(9th Cir. 16 2007) (quoting *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)). 17 A section 1983 plaintiff's allegations must demonstrate that each individual defendant 18 personally participated in the deprivation of their rights. *Jones*, 297 F.3d at 934. This requires the 19 presentation of factual allegations sufficient to state a plausible claim for relief. Persons proceeding 20 pro se are entitled to have their pleadings liberally construed and to have any doubt resolved in their 21 favor. *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010) (citations omitted). But the sheer 22 possibility that a defendant acted unlawfully is not sufficient, and mere consistency with liability 23 falls short of satisfying the plausibility standard. *Iqbal*, 556 U.S. at 678; *Moss v. U.S. Secret Serv.*, 24 572 F.3d 962, 969 (9th Cir. 2009). 25 Plaintiff alleges a chronology of events and circumstances beginning in 2002 and apparently 26 alleges that each act purportedly violated her rights. However, Plaintiff fails to explicitly link many 27 of the defendants to any of her claims. Instead, Plaintiff lumps all defendants together in her claims. 28 If Plaintiff elects to amend her complaint, she must allege what each individual defendant did or did 1 not do that resulted in a violation of their constitutional rights. Plaintiff must clearly identify which 2 defendant(s) she believes is or are responsible for each violation of her constitutional rights and set 3 forth the supporting factual basis so that the complaint places each defendant on notice of Plaintiff's 4 claims against him or her. See *Austin v. Terhune*, 367 F.3d 1167, 1171 (9th Cir. 2004). A 5 chronological listing is insufficient; Plaintiffs must instead link each defendant to specific 6 constitutional claims. 7 2. Count IV (42 U.S.C. § 1985—Civil Conspiracy) 8 A plaintiff may allege a civil conspiracy under 42 U.S.C. § 1983 or 42 U.S.C. 9 § 1985. *Dyess ex rel. Dyess v. Tehachapi Unified Sch. Dist.*, 2010 WL 3154013, at *8 (E.D. Cal.

10 Aug. 6, 2010) (citing *Dixon v. City of Lawton*, 898 F.2d 1443, 1449, n. 6 (10th Cir. 1990); *Klingele*

11 *v. Eikenberry*, 849 F.2d 409, 413 (9th Cir. 1988); *Cohen v. Norris*, 300 F.2d 24, 27–28 (9th Cir. 12 1962); *Hopper v. Hayes*, 573 F.Supp. 1368, 1371 (D. Idaho 1983)). Section 1985(3) prohibits 13 conspiracies to deprive persons or classes of persons of the equal protection of the law or of equal 14 privileges and immunities under the law. 42 U.S.C. § 1985(2). Section 1985 does not create a cause 15 of action for conspiracies to deprive persons of rights guaranteed only by state law and it applies 16 only to discriminatory deprivations of federal rights. *United Brotherhood of Carpenters, Local 610 17 v. Scott*, 463 U.S. 825 (1983). To properly state “a cause of action under [section] 1985(3), a 18 complaint must allege (1) a conspiracy, (2) to deprive any person or a class of persons of the equal 19 protection of the laws, or of equal privileges and immunities under the laws, (3) an act by one of the 20 conspirators in furtherance of the conspiracy, and (4) a personal injury, property damage or a 21 deprivation of any right or privilege of a citizen of the United States.” *Gillespie v. Civiletti*, 629 22 F.2d 637, 641 (9th Cir. 1980) (citing *Griffin v. Breckenridge*, 403 U.S. 88, 102–03 (1971)); see also 23 *Sever v. Alaska Pulp Corp.*, 978 F.2d 1529, 1536 (9th Cir. 1992). 24 Under section 1985(3), “[a] mere allegation of conspiracy without factual specificity is 25 insufficient to state a claim.” *Powell*, 2020 WL 1932169, at *8; see also *Karim-*

Panahi v. Los Angeles Police Dep't, 839 F.2d 621, 626 (9th Cir. 1988) ("A claim under [section 1985] must allege 27 facts to support the allegation that defendants conspired together. A mere allegation of conspiracy 28 without factual specificity is insufficient."). "To establish a conspiracy, a plaintiff must demonstrate 1 the existence of an agreement or 'meeting of the minds' to violate constitutional rights." Mendocino 2 Environmental Center v. Mendocino Cty., 192 F.3d 1283, 1301 (9th Cir. 1999). "The defendants 3 must have, by some concerted action, intend[ed] to accomplish some unlawful objective for the 4 purpose of harming another which results in damage." Id. The agreement need not be overt and 5 may be inferred on the basis of circumstantial evidence, such as a showing that the alleged 6 conspirators committed acts unlikely to have been undertaken without an agreement. Id. "[A] 7 conclusory allegation of agreement at some unidentified point does not supply adequate facts to 8 show illegality." Twombly, 550 U.S. at 557. A plaintiff must plead "enough factual matter (taken 9 as true) to suggest that an agreement was made." Id. at 556. Allegations that identify "the period 10 of the conspiracy, the object of the conspiracy, and certain other actions of the alleged conspirators 11 taken to achieve that purpose," and allegations that identify "which defendants conspired, how they 12 conspired and how the conspiracy led to a deprivation of his constitutional rights," both have been 13 held to be sufficiently particular to properly allege a conspiracy. Dyess, 2010 WL 3154013, at *8 14 (citations omitted). 15 Additionally, "[t]he language [of section 1985(3)] requiring intent to deprive of equal 16 protection, or equal privileges and immunities, means that there must be some racial, or perhaps 17 otherwise class-based, invidiously discriminatory animus behind the conspirators' action." Griffin, 18 403 U.S. at 102; see also RK Ventures, Inc. v. City of Seattle, 307 F.3d 1045, 1056 (9th Cir. 2002); 19 Butler v. Elle, 281 F.3d 1014, 1028 (9th Cir. 2002); Sever, 978 F.2d at 1536. To state a cause of 20 action under section 1985(3), Plaintiffs must show "(1) that 'some racial, or perhaps otherwise class- 21 based, invidiously discriminatory animus [lay] behind the conspirators' action,' . . . and (2) that the 22 conspiracy was 'aimed at interfering with rights' that are 'protected against private, as well as 23 official encroachment.'" Bray v. Alexandria Women's Health Clinic, 506 U.S. 263, 267–68 (1993) 24 (citations omitted). "The original purpose of § 1985(3), which was passed as the Ku Klux Klan Act 25 of 1871, was to enforce the rights of African Americans and their supporters . . . [but courts] have 26 extended § 1985(3) to protect non-racial groups only if 'the courts have designated the class in 27 question a suspect or quasi-suspect classification requiring more exacting scrutiny or . . . Congress 28 has indicated through legislation that the class require[s] special protection.'" Huling v. City of Los Angeles, 869 F. Supp. 2d 1139, 1144–45 (E.D. Cal. 2012) (citing Sever, 978 F.2d at 1536). 2 Plaintiff alleges a chronology of events and circumstances beginning in 2002 and makes a 3 broad allegation that "Defendants acted in concert across jurisdictions to deprive Plaintiff of parental 4 rights and to unlawfully escalate criminal charges." However, Plaintiff fails to explicitly link many 5 of the defendants to any of her claims, and instead lumps all defendants together in her claims. 6 Further, Plaintiff does not allege specific facts as to an agreement between the relevant defendants

7 or discriminatory animus based on a suspect or quasi-suspect class. If Plaintiff elects to amend her 8 complaint, to plead a cognizable claim under section 1985, Plaintiff must plausibly allege an 9 agreement between specific defendants to violate her rights, as well as an intent to deprive Plaintiff 10 of equal protection or equal privileges and immunities based on discriminatory animus against a 11 protected class. See Griffin, 403 U.S. at 102. 12 3. Count V (42 U.S.C. § 1986—Failure to Prevent Civil Conspiracy) 13 A cause of action pursuant to 42 U.S.C. § 1986 for failure to prevent a civil 14 conspiracy may be brought against any person who knows that a conspiracy is actionable under 15 either sections 1983 or 1985(3) is about to be committed, has the power to prevent or aid preventing 16 the conspiratorial wrongs, and fails to or neglects to act. 42 U.S.C. § 1986; *Lac du Flambeau Band of Lake Superior Chippewa Indians v. Stop Treaty Abuse-Wisconsin, Inc.*, 759 F. Supp. 1339, 1352 18 (W.D. Wis. 1991). Therefore, Plaintiff must plausibly allege a conspiracy under either section 1983 19 or section 1985 in order to have a cognizable claim under section 1986. *Escamilla v. City of Santa Ana*, 606 F. Supp. 928, 934 (C.D. Cal. 1985), *aff'd*, 796 F.2d 266 (9th Cir. 1986). 21 4. Related Criminal Proceedings 22 When seeking damages for an allegedly unconstitutional conviction or 23 imprisonment, “a [section] 1983 plaintiff must prove that the conviction or sentence has been 24 reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal 25 authorized to make such determination, or called into question by a federal court’s issuance of a writ 26 of habeas corpus, 28 U.S.C. § 2254.” *Heck v. Humphrey*, 512 U.S. 477, 487–88 (1994). “A claim 27 for damages bearing that relationship to a conviction or sentence that has not been so invalidated is 28 not cognizable under [section] 1983.” *Id.* at 488. Likewise, Plaintiff cannot seek declaratory relief 1 in federal court “to attack a state criminal conviction,” *Sperl v. Deukmejian*, 642 F.2d 1154, 1154 2 (9th Cir. 1981), as that would be “tantamount to asking the district court to exercise appellate review 3 over the state court’s decision,” which the Court lacks the subject-matter jurisdiction to do, brought, 4 *Leslie v. City Prosecutor of Long Beach*, 51 F.3d 280 (9th Cir. 1995). 5 Further, to the extent Plaintiff is attempting to challenge any ongoing state criminal 6 proceedings, any such claim is barred under the doctrine of *Younger v. Harris*, 401 U.S. 37 (1971). 7 The *Younger* doctrine “prevents a federal court in most circumstances from directly interfering with 8 ongoing criminal proceedings in state court.” *Jones v. Buckman*, No. 2:18-cv-0054-MCE-EFB, 9 2019 WL 1227921, at *2 (E.D. Cal. Mar. 15, 2019). “Further, the *Younger* abstention doctrine bars 10 requests for declaratory and monetary relief for constitutional injuries arising out of a plaintiff’s 11 ongoing state criminal prosecution.” *Id.* (citing *Mann v. Jett*, 781 F.2d 1448, 1449 (9th Cir. 1986)). 12 5. Statute of Limitations 13 Plaintiff appears to bring claims that are time-barred under the applicable 14 statute of limitations according to the face of the complaint. The relevant statute of limitations for 15 claims brought under 42 U.S.C. § 1986 is one year. 42 U.S.C. § 1986. For claims brought pursuant 16 to 42 U.S.C. §§ 1983 and 1985, the statute of limitations is the forum state’s statute of limitations 17 for personal injury actions. *Fink v. Shedler*, 192 F.3d 911, 914 (9th Cir. 1999); see also *Jones v. 18 Blanas*, 393 F.3d 918, 927 (9th Cir. 2004) (noting California’s two-year

statute of limitations for 19 personal injury actions applies to § 1983 claims); *McDougal v. County of Imperial*, 942 F.2d 668, 20 674-674 (9th Cir. 1991) overruled on other grounds by *Lingle v. Chevron U.S.A., Inc.*, 544 U.S. 528 21 (2005) (“suits under § 1985(3) are . . . governed by the same statute of limitations as actions under 22 §1983). The California statute of limitations for personal injury actions is two years. Cal. Code 23 Civ. Proc. § 335.1. Although California law determines the limitations period, federal law 24 determines when a claim accrues. *Olsen v. Idaho State Bd. of Medicine*, 363 F.3d 916, 926 (9th Cir. 25 2004). Under federal law, a claim accrues “when the plaintiff knows or has reason to know of the 26 injury which is the basis of the action.” *Id.* (quoting *TwoRivers v. Lewis*, 174 F.3d 987, 991 (9th 27 Cir. 1999)).

28 “Failure to comply with the applicable statute of limitations may be grounds for dismissal at 1 the screening stage if it is apparent from the face of the complaint that plaintiff cannot ‘prevail, as a 2 matter of law, on the equitable tolling issue.’” *Tafoya v. City of Hanford*, 2020 WL 1083823, at *5 3 (E.D. Cal. Mar. 6, 2020) (citing *Cervantes v. City of San Diego*, 5 F.3d 1273, 1276 (9th Cir. 1993); 4 *Kelly v. Islam*, 2018 WL 2670661, at *2 (E.D. Cal. June 1, 2018); *El-Shaddai v. Stainer*, 2016 WL 5 7261230, at *21 (C.D. Cal. Dec. 13, 2016)). In actions where the federal court borrows the state 6 statute of limitations, courts should also borrow all applicable provisions for tolling the limitations 7 period found in state law. *Jones*, 393 F.3d at 927. This applies to both statutory and equitable 8 tolling. *Id.* (“For actions under 42 U.S.C. § 1983, courts apply the forum state's statute of limitations 9 for personal injury actions, along with the forum state's law regarding tolling, including equitable 10 tolling, except to the extent any of these laws is inconsistent with federal law.”). 11 “Equitable tolling under California law ‘operates independently of the literal working of the 12 Code of Civil Procedure to suspend or extend a statute of limitations as necessary to ensure 13 fundamental practicality and fairness.” *Jones*, 393 F.3d at 928 (quoting *Lantzy v. Centex Homes*, 14 31 Cal.4th 363, 370 (2003)). “Under California law, a plaintiff must meet three conditions to 15 equitably toll a statute of limitations: (1) defendant must have had timely notice of the claim; (2) 16 defendant must not be prejudiced by being required to defend the otherwise barred claim; and (3) 17 plaintiff’s conduct must have been reasonable and in good faith.” *Fink*, 192 F.3d at 916 (internal 18 quotation marks and citation omitted). 19 Plaintiff appears to base her claims arising under sections 1983, 1985, and 1986 on events 20 that occurred between 2002 and 2007, which are outside the applicable statute of limitations. 21 Therefore, according to the complaint, Plaintiff’s claims pursuant to sections 1983 and 1985 based 22 on events which occurred prior to June 6, 2023, and the claims pursuant to section 1986 based on 23 events which occurred prior to June 6, 2024, are facially time-barred and not cognizable. If Plaintiff 24 intends to pursue claims under sections 1983, 1985, and 1986 based on events prior to these dates, 25 any amended complaint should allege facts establishing that the statute of limitations has not run or 26 that equitable tolling applies. 27 6. Venue 28 In order for venue to be proper in the Eastern District of California, Plaintiff 1 must establish that “a substantial part of the events giving rise to [its]

claims occurred in the chosen 2 district.” Kelly v. Qualitest Pharmaceuticals, Inc., 2006 WL 2536627, at *8 (E.D. Cal. Aug.31, 3 2006) (citing Pecoraro v. Sky Ranch for Boys, Inc., 340 F.3d 558, 563 (8th Cir. 2003)) (quotations 4 omitted). “That means, for venue to be proper, significant events or omissions material to the 5 plaintiff’s claim must have occurred in the district in question, even if other material events 6 occurred elsewhere.” Gulf Ins. Co., 417 F.3d at 357 (emphasis in original). “Only the events that 7 directly give rise to a claim are relevant. And of the places where the events have taken place, only 8 those locations hosting a substantial part of the events are to be considered.” Jenkins Brick Co. v. 9 Bremer, 321 F.3d 1366, 1371 (3rd Cir.2003). Since the events or omissions giving rise to a 10 plaintiff’s claim must be substantial, “events or omissions that might only have some tangential 11 connection with the dispute in litigation are not enough.” Cottman Transmission Sys., Inc. v. 12 Martino, 36 F.3d 291, 294 (3d Cir.1994). This is because “[s]ubstantiality is intended to preserve 13 the element of fairness so that a defendant is not haled into a remote district having no real 14 relationship to the dispute.” Id. Therefore, if Plaintiff chooses to amend, she must ensure that she 15 pleads facts giving rise to cognizable claims that involve “a substantial part of the events giving 16 rise to [those claims]” taking place within the Eastern District of California. 17 C. Leave to Amend 18 In sum, the Court has screened Plaintiff’s complaint and finds that it fails to state any 19 cognizable claims. Under Rule 15(a)(2) of the Federal Rules of Civil Procedure, “the court should 20 freely give leave [to amend] when justice so requires.” Accordingly, the Court will provide Plaintiff 21 with time to file an amended complaint, so Plaintiff can provide additional factual allegations. 22 Lopez, 203 F.3d at 1126–30. 23 Plaintiff is granted leave to file an amended complaint within thirty days. If Plaintiff chooses 24 to amend her complaint, in her amended complaint she must state what each named defendant did 25 that led to the deprivation of her constitutional or other federal rights. Fed. R. Civ. P. 8(a); Iqbal, 26 556 U.S. at 678; Jones v. Williams, 297 F.3d 930, 934 (9th Cir. 2002). Plaintiff should note that 27 although he has been given the opportunity to amend, it is not for the purpose of changing the nature 28 of this suit or adding unrelated claims. George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007) (no 1 “buckshot” complaints). 2 Plaintiff is advised that an amended complaint supersedes the original complaint, Lacey v. 3 Maricopa County, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc), and it must be complete in itself 4 without reference to the prior or superseded pleading, E.D. Cal. Local Rule 220. Therefore, in an 5 amended complaint, as in an original complaint, each claim and the involvement of each Defendant 6 must be sufficiently alleged. The amended complaint should be clearly and boldly titled “First 7 Amended Complaint,” refer to the appropriate case number, and be an original signed under penalty 8 of perjury. 9 Plaintiff has a choice on how to proceed. Plaintiff may file an amended complaint if she 10 believes that additional true factual allegations would state cognizable claims. If Plaintiff files an 11 amended complaint, the Court will screen that complaint in due course. Alternatively, Plaintiff may 12 choose to stand on her complaint subject to the Court issuing findings and recommendations to a 13 district judge consistent with this order.

14 ORDER

15 Based on the foregoing, IT IS ORDERED that: 16 1. Within thirty (30) days from the date of
service of this order, Plaintiff shall either: 17 a. File a First Amended Complaint; or 18 b. Notify
the Court in writing that she wishes to stand on this complaint; 19 2. If Plaintiff chooses to file an
amended complaint, Plaintiff shall caption the amended 20 complaint "First Amended Complaint"
and refer to case number 1:25-cv-00688- 21 SKO; and 22 3. Failure to comply with this order may
result in the dismissal of this action. 23 IT IS SO ORDERED. 24 25 Dated: June 12, 2025 /s/
Sheila K. Oberto .

UNITED STATES MAGISTRATE JUDGE

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