

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

McMahon v. Whitney

No. 2:23-cv-01972-KJM-JDP (PS) (E.D. Cal. Aug. 4, 2025) · No. 2:23-cv-01972-KJM-JDP (PS) · Decided
August 5, 2025

SUMMARY

The United States District Court for the Eastern District of California adopts in part findings and recommendations concerning defendants’ motions to dismiss Ryan McMahon’s claims. The court dismisses the federal claims but grants leave to amend, concluding that it is not necessarily futile to consider equitable tolling of the limitations period for the plaintiff’s § 1983 claims. The court also permits plaintiff to include his state-law claims in an amended complaint.

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 5, 2025
DOCKET	2:23-cv-01972-KJM-JDP (PS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations on defendants' motions to dismiss. No objections were filed. The district court adopted the recommendations in part, granted the motions to dismiss, dismissed the federal claims with leave to amend, and permitted plaintiff to include state-law claims in an amended complaint.
STANDARD OF REVIEW	The district court presumed the magistrate judge's factual findings correct and reviewed the magistrate judge's legal conclusions de novo.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Ryan McMahon v. John Whitney, et al.

TOPICS

- statute of limitations
- section 1983
- motions to dismiss
- civil procedure
- first amendment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations should be adopted regarding dismissal of plaintiff's federal claims and declining supplemental jurisdiction over state-law claims.
2. Whether plaintiff's § 1983 claims were subject to a two-year statute of limitations.
3. Whether the difference between the relief sought in plaintiff's prior administrative proceedings and the relief sought in his § 1983 action categorically barred equitable tolling.
4. Whether amendment of plaintiff's federal claims would be futile.

HOLDINGS

1. The district court presumed the magistrate judge's factual findings correct and reviewed the legal conclusions de novo.
2. Plaintiff's § 1983 claims were governed by a two-year limitations period and were subject to dismissal as untimely on the record presented.
3. The difference between the relief sought in plaintiff's prior administrative proceedings and the relief sought in his § 1983 action was not necessarily a bar to equitable tolling.
4. Plaintiff was entitled to leave to amend his federal claims because amendment would not necessarily be futile.

KEY QUOTATIONS

“the difference in relief sought between plaintiff’s administrative proceedings and his § 1983 claim is not necessarily a bar to a federal court equitably tolling the statute of limitations and allowing an amended claim to go forward.” (at 3)

“Plaintiff’s federal claims are dismissed with leave to amend. Any amended complaint must be filed within twenty-one (21) days.” (at 3)

FACTUAL BACKGROUND

McMahon asserted First Amendment claims under 42 U.S.C. § 1983 against Whitney and other defendants. He filed suit almost four years after he knew or had reason to know the basis of his claims, while California's applicable personal-injury limitations period was treated as two years. Before filing suit, McMahon had pursued related administrative proceedings seeking relief different from that sought in the § 1983 action.

PROCEDURAL HISTORY

The magistrate judge recommended dismissing plaintiff's federal claims as untimely and declining supplemental jurisdiction over the state-law claims. The district court found the recommendations supported by the record and proper analysis but concluded that amendment of the federal claims would not necessarily be futile because the difference in relief sought in plaintiff's prior administrative proceedings did not categorically bar equitable tolling. The court granted defendants' motions to dismiss and allowed amendment within twenty-one days.

DISPOSITION

dismissed

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)
- Galindo v. Stooddy Co., 793 F.2d 1502, 1510 n.5 (9th Cir. 1986)
- Young v. Santa Clara County, No. 24-6343, 2025 WL 385513, at *3
- Jones v. Blanas, 393 F.3d 918, 927 (9th Cir. 2004)
- Cota v. Santa Ana Police Department, No. 21-1774, 2021 WL 5494440, at *6 (C.D. Cal. Nov. 23, 2021)
- Madani v. County of Santa Clara, No. 16-07026, 2017 WL 1092398, at *7 (N.D. Cal. Mar. 23, 2017)
- Villalvaso v. Odwalla, Inc., No. 10-2369, 2011 WL 1585604, at *3 (E.D. Cal. Apr. 25, 2011)
- Bernhardt v. State of California Department of Corrections and Rehabilitation, No. 13-1380, 2015 WL 2003096, at *9-*10 (E.D. Cal. Apr. 29, 2015)
- Rodriguez v. Airborne Express, 265 F.3d 890, 902 (9th Cir. 2001)
- Smith v. Davis, 953 F.3d 582, 588 (9th Cir. 2020)
- McDonald v. Antelope Valley Community College District, 45 Cal. 4th 88, 99 (2008)

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