

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PRECEDENTIAL VALUE	unpublished district court order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. Stoodly 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)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 RYAN MCMAHON, Case No. 2:23-cv-01972-KJM-JDP (PS) 12 Plaintiff,
13 v. ORDER 14 JOHN WHITNEY, et al., 15 Defendants. 16 17 On June 23, 2025, the magistrate
judge filed findings and recommendations, which were 18 served on the parties and which
contained notice that any objections to the findings and 19 recommendations were to be filed
within fourteen days.

See ECF No. 95. No objections were 20 filed. 21 The court presumes that any findings of fact are
correct. See Orand v. United States, 22 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's
conclusions of law are reviewed de 23 novo. See Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir.
2007) (“[D]eterminations of law by 24 the magistrate judge are reviewed de novo by both the
district court and [the appellate] court 25....”).

26 Having reviewed the file, the court finds the findings and recommendations to be 27 supported
by the record and by proper analysis with respect to defendants' motion to dismiss 28 // 1 2
plaintiff's federal claims, and with the magistrate judge's recommendation to decline 3
supplemental jurisdiction on plaintiff's state law claims, see ECF Nos. 86–87.

4 However, the court finds plaintiff should be given leave to amend his federal claims. The 5
magistrate judge recommended dismissing McMahon's First Amendment claims without leave to

6 amend because he found McMahon's claims to be untimely. See F&Rs at 3. Applying California
7 statute of limitations rules from its personal injury statute, the magistrate judge held the statute
of 8 limitations for McMahon's § 1983 claims was two years and yet McMahon filed his claim
almost 9 four years after he knew or had reason to know of the basis of his claim.

See *id.* The magistrate 10 judge also recommended denying equitable tolling of the statute of
limitations based on related 11 administrative proceedings McMahon brought against defendants
before he filed suit by claiming 12 that "such proceedings do not toll the statute of limitations if
the relief sought therein is different 13 from what is being sought in the immediate suit." *Id.* at 4
(Citing *Galindo v. Stoodly Co.*, 793 14 F.2d 1502, 1510 n.5)).

The court, however, has been unable to locate a case where the equitable 15 tolling rule
recommended by the magistrate judge has been applied to a § 1983 claim. 16 District courts
within the Ninth Circuit do not uniformly apply the same equitable tolling 17 doctrine to federal
claims. See *Young v. Santa Clara County*, No. 24-6343, 2025 WL 385513, at 18 *3 ("For actions
under 42 U.S.C. § 1983, courts apply the forum state's statute of limitations for 19 personal injury
actions, along with the forum state's law regarding tolling, including equitable 20 tolling, except to
the extent any of these laws is inconsistent with federal law." (quoting *Jones v. 21 Blanas*, 393
F.3d 918, 927 (9th Cir.

2004)); *Cota v. Santa Ana Police Dep't*, No. 21-1774, 2021 22 WL 5494440, at *6 (C.D. Cal. Nov.
23, 2021) (applying California equitable tolling rules to a 23 § 1983 claim); but see *Madani v.*
County of Santa Clara, No. 16-07026, 2017 WL 1092398, at *7 24 (N.D. Cal. Mar. 23, 2017)
(claiming no federal court has "extended [California equitable tolling 25 rules]" to federal statutes)
(quoting *Villalvaso v. Odwalla, Inc.*, 10-2369, 2011 WL 1585604, at 26 *3 (E.D.

Cal. Apr. 25, 2011)); *Bernhardt v. State of Cal. Dep't of Corrs. and Rehab.*, No. 13- 27 1380, 2015
WL 2003096, at *9–10 (E.D. Cal. Apr. 29, 2015) (distinguishing federal equitable 28 tolling rules
from California equitable tolling doctrine and applying a four-part balancing test for 1 tolling a
Title VII claim derived from *Rodriguez v. Airborne Express*, 265 F.3d 890, 902 (9th Cir.

2 2001)). 3 Plaintiff's § 1983 claims would currently not warrant the invocation of either a federal
4 equitable tolling doctrine, which requires a plaintiff show the court needs to toll the statute of 5
limitations because they have been pursuing their rights diligently and some extraordinary 6
circumstance stood in their way, see *Smith v. Davis*, 953 F.3d 582, 588 (9th Cir.

2020), or the 7 state of California's equitable tolling doctrine, which requires the plaintiff to show
timely notice, 8 lack of prejudice to the defendant, and reasonable and good faith conduct on the
part of the 9 plaintiff, see *McDonald v. Antelope Cmty. Coll. Dist.*, 45 Cal.4th 88, 99 (2008).

However, the 10 court finds it would not be futile for plaintiff to amend his complaint within the
confines of Rule 11 11 as 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.

Accordingly, IT IS HEREBY ORDERED that: 1. The Findings and Recommendations filed June 23, 2025, are adopted in part. 2. Defendants' motions to dismiss, ECF Nos. 86 & 87, are granted. 3. Plaintiff's federal claims are dismissed with leave to amend. Any amended complaint must be filed within twenty-one (21) days. 4. Plaintiff may include his state claims in any amended complaint.

This order resolves ECF No. 95. IT IS SO ORDERED. DATED: August 4, 2025.