

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Thompson v. Bustamante

Thompson · No. 2:25-cv-1815-JDP (P) · Decided August 5, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 MARK A. THOMPSON, Case No. 2:25-cv-1815-JDP (P) 12 Plaintiff, 13 v.
ORDER 14 ADAM BUSTAMANTE, et al., 15 Defendants. 16 17 18 Plaintiff, a state prisoner
proceeding pro se, brings this § 1983 action against Adam 19 Bustamante, an institutional
lieutenant; Eric Hobbs, the administrative warden; and Teauna 20 Miranda, the warden, alleging
that defendants violated his due process rights during a disciplinary 21 hearing.

The allegations fail to state a claim. Plaintiff may, if he chooses, file an amended 22 complaint
that addresses the deficiencies noted herein. I will grant plaintiff’s application to 23 proceed in
forma pauperis. ECF No. 2. 24 Screening and Pleading Requirements 25 A federal court must
screen the complaint of any claimant seeking permission to proceed 26 in forma pauperis.

See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and 27 dismiss any
portion of the complaint that is frivolous or malicious, fails to state a claim upon 28 1 which relief
may be granted, or seeks monetary relief from a defendant who is immune from such 2 relief. Id.
3 A complaint must contain a short and plain statement that plaintiff is entitled to relief, 4 Fed.

R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its 5
face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not 6
require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S. 7
662, 678 (2009). If the allegations “do not permit the court to infer more than the mere 8
possibility of misconduct,” the complaint states no claim.

Id. at 679. The complaint need not 9 identify “a precise legal theory.” *Kobold v. Good Samaritan*
Reg’l Med. Ctr., 832 F.3d 1024, 10 1038 (9th Cir. 2016). Instead, what plaintiff must state is a
“claim”—a set of “allegations that 11 give rise to an enforceable right to relief.” *Nagrampa v.*
MailCoups, Inc., 469 F.3d 1257, 1264 12 n.2 (9th Cir. 2006) (en banc) (citations omitted).

13 The court must construe a pro se litigant’s complaint liberally. See *Haines v. Kerner*, 404 14
U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it 15
appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which 16
would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir.

2017). 17 However, “a liberal interpretation of a civil rights complaint may not supply essential elements 18 of the claim that were not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 19 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 20 Analysis 21 Plaintiff alleges that defendants violated his due process rights during a disciplinary 22 hearing on a Rules Violation Report (“RVR”).

ECF No. 1 at 3. He alleges that at the hearing he 23 presented documents and pictures showing that the charge against him should be dismissed. *Id.* 24 Despite this, defendant Bustamante, acting as the adjudicator, stated, “I’m going to find you 25 guilty because I believe her and not [plaintiff].” *Id.* Plaintiff alleges that Bustamante found him 26 guilty because correctional offices have a code of sticking together.

Id. at 4. Bustamante’s 27 findings stated, however, that “not all due process requirements were met.” *Id.* at 3. As for 28 defendants Hobbs and Miranda, plaintiff alleges that they allowed Bustamante’s erroneous 1 finding to stand, despite his arguments demonstrating that he was not guilty of the RVR. *Id.* at 4- 2 5. Plaintiff claims that because of this finding, he was refused parole, assessed a loss of 90 days 3 credit, and he has been verbally harassed by correctional officers.

Id. Plaintiff also alleges that 4 he was assaulted by another inmate who was paid by a different inmate due to the accusations in 5 the RVR. *Id.* at 5. 6 The guarantee of procedural due process under the Fourteenth Amendment only applies 7 when there is a constitutionally protected liberty or property interest at stake. *Ingraham v. 8 Wright*, 430 U.S. 651, 672 (1977).

A protected liberty interest can arise from a state law created 9 expectation or interest. *Wilkinson v. Austin*, 545 U.S. 209, 221 (2005). California law has created 10 a liberty interest in retaining earned good-time credits. *King v. Jauregui*, No. 2:18-cv-09649- 11 DOC-GJS, 2019 WL 6312574, at *4 (C.D. Cal. Oct. 4, 2019) (citing *In re Rothwell*, 78 Cal. Rptr.

12 3d 723, 726 (Cal. Ct. App. 2008) (recognizing that California created a liberty interest in retaining 13 earned good-time credits)). 14 Once a protected liberty interest is recognized, due process requires certain procedural 15 safeguards to be in place in prison disciplinary hearings. *Wolff v. McDonnell*, 418 U.S. 539, 556 16 (1974). Prison disciplinary hearings comply with procedural due process when: (1) the inmate 17 receives advance written notice of the alleged violation to allow for time to prepare a defense; 18 (2) the inmate has at least 24 hours to prepare for the hearing; (3) the inmate is allowed to call 19 witnesses and present documentary evidence in his defense, so long as doing so would not be 20 unduly hazardous to institutional safety or goals; (4) if the inmate is illiterate or the issue is 21 complex, the inmate was given assistance during the hearing; and (5) the inmate received a 22 written statement by the factfinders regarding the evidence relied on and reasons for the 23 disciplinary action taken.

Id. at 563-70. Inmates are also entitled to a fair, impartial decision- 24 maker during disciplinary hearings who will be unbiased and not “dishonestly suppress[] 25 evidence of innocence.” *Edwards v. Balisok*, 520 U.S. 641, 647 (1997). 26 Plaintiff fails to allege a cognizable due process claim related to his disciplinary hearing. 27 He does have a recognized liberty interest in retaining his good-time credits.

See *King*, 2019 WL 28 6312574, at *4; *In re Rothwell*, 78 Cal. Rptr. 3d at 726. Nevertheless, plaintiff’s allegations fail 1 to sufficiently allege that his due process rights were violated during the disciplinary hearing 2 based on any of Bustamante’s actions. Plaintiff’s allegation against Bustamante is that that 3 Bustamante chose to believe the complaining witness over plaintiff and that Bustamante chose to 4 side with the complaining witness because she is a correctional officer.

See ECF No. 1 at 3. But 5 this allegation is conclusory, and plaintiff does not allege facts to support it. Plaintiff’s allegation 6 that Bustamante stated that all the procedural due process requirements were not met is also 7 conclusory: Plaintiff does not allege either what requirement was unmet or why.

As such, 8 plaintiff fails to state a cognizable due process claim against Bustamante. 9 Likewise, defendants Hobbs and Miranda are not liable under § 1983. Plaintiff seeks to 10 impose liability on them for reviewing and signing off on the disciplinary report prepared by 11 Bustamante following the disciplinary hearing. There are no allegations that Hobbs or Miranda 12 were personally involved with the disciplinary hearing during which plaintiff’s procedural due 13 process rights were allegedly violated, or that they may be held liable under a theory of 14 respondeat superior.

See *Crowley v. Bannister*, 734 F.3d 967, 977 (9th Cir. 2013); *Lemire v. 15 California Dep’t of Corr. and Rehab.*, 726 F.3d 1062, 1074-75 (9th Cir. 2013). Hobbs and 16 Miranda’s actions in signing off on Bustamante’s findings, in the capacity of reviewing 17 supervisors, does not support the existence of a sufficient causal connection between their 18 conduct and the alleged denial of adequate procedural protections at the disciplinary hearing.

19 *Crowley*, 734 F.3d at 977; *Lemire*, 726 F.3d at 1074-75. 20 Additionally, to the extent plaintiff challenges the denial of his parole, such claim is 21 barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). Challenges to the procedures used in the 22 denial of parole necessarily implicate the validity of the denial of parole. *Butterfield v. Bail*, 120 23 F.3d 1023, 1024 (9th Cir.

1997). As such, a plaintiff’s challenge to an allegedly improper denial 24 of parole necessarily implicates the validity of plaintiff’s continued confinement, and such 25 challenges cannot be brought “unless and until the conviction or sentence is reversed, expunged, 26 invalidated, or impugned by the grant of writ of habeas corpus.” Id. at 1025 (citing *Heck*, 512 27 U.S. at 487).

Plaintiff has not demonstrated that he has been granted a writ of habeas corpus 28 1 | invalidating or reversing the conviction that placed him in prison, and as a result any challenge to 2 | his denial of parole is not cognizable in a § 1983 suit. 3 Accordingly, plaintiff's complaint is dismissed for failure to state a claim. I will allow 4 | plaintiff a chance to amend his complaint before recommending that this action be dismissed.

If 5 | plaintiff decides to file an amended complaint, the amended complaint will supersede the current 6 | one. See *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc). This means 7 | that the amended complaint will need to be complete on its face without reference to the prior 8 | pleading. See E.D. Cal. Local Rule 220. Once an amended complaint is filed, the current one no 9 | longer serves any function.

Therefore, in an amended complaint, as in the original, plaintiff will 10 | need to assert each claim and allege each defendant's involvement in sufficient detail. The 11 | amended complaint should be titled "First Amended Complaint" and refer to the appropriate case 12 | number. If plaintiff does not file an amended complaint, I will recommend that this action be 13 || dismissed.

14 Accordingly, it is hereby ORDERED that: 15 1. Plaintiff's request for leave to proceed in forma pauperis, ECF No. 2, is GRANTED. 16 2. Plaintiff's complaint, ECF No. 1, is DISMISSED with leave to amend. 17 3. Within thirty days from service of this order, plaintiff shall file either (1) an amended 18 | complaint or (2) notice of voluntary dismissal of this action without prejudice.

19 4. Failure to timely file either an amended complaint or notice of voluntary dismissal may 20 | result in the imposition of sanctions, including a recommendation that this action be dismissed 21 | with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 22 5.

The Clerk of Court shall send plaintiff a complaint form with this order. 23 IT IS SO ORDERED.
25 (q oy — Dated: _ August 5, 2025 ow—— 26 JEREMY D., PETERSON UNITED STATES
MAGISTRATE JUDGE 28 Kc