UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Ronald Mitchell v. California Department of Corrections and Rehabilitation, et al.

Mitchell v. CDCR · No. 2:22-cv-2232 CKD P · Decided March 8, 2023

SUMMARY

The United States District Court for the Eastern District of California grants Ronald Mitchell leave to proceed in forma pauperis but denies his request for appointed counsel. The court dismisses his amended civil rights complaint for failure to state a claim, while granting thirty days to file a second amended complaint. The order addresses pleading requirements, defendant participation under 42 U.S.C. § 1983, and an alleged property deprivation for which a state postdeprivation remedy may be available.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 8, 2023
DOCKET	2:22-cv-2232 CKD P
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner proceeding pro se under 42 U.S.C. § 1983 sought leave to proceed in forma pauperis, appointment of counsel, and relief based on alleged loss of property. The court screened his amended complaint under 28 U.S.C. § 1915A and dismissed it for failure to state a claim, while granting leave to file a second amended complaint.
STANDARD OF REVIEW	The court screened the prisoner complaint under 28 U.S.C. § 1915A and applied the Rule 12(b)(6)-type plausibility standard, accepting factual allegations as true and construing them in the light most favorable to the plaintiff.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Ronald Mitchell v. California Department of Corrections and Rehabilitation, et al.

TOPICS

section 1983 | prisoners rights | due process | pleadings | civil procedure

PRACTICE AREAS

civil rights | prisoner litigation | federal civil procedure | constitutional law | remedies

QUESTIONS PRESENTED

1. Whether plaintiff's amended complaint stated a cognizable federal claim under 42 U.S.C. § 1983 based on the alleged loss of property.
2. Whether the complaint adequately alleged an affirmative link between each named defendant and the claimed constitutional deprivation.
3. Whether plaintiff demonstrated exceptional circumstances warranting appointment of counsel.
4. Whether plaintiff qualified to proceed in forma pauperis.

HOLDINGS

1. Plaintiff qualified to proceed in forma pauperis because his declaration made the showing required by 28 U.S.C. § 1915(a).
2. Appointment of counsel was not warranted because plaintiff failed to demonstrate exceptional circumstances.
3. The amended complaint failed to state a claim upon which relief could be granted under federal law and was dismissed with leave to amend.
4. A section 1983 complaint must allege an affirmative link or connection between each defendant's actions and the claimed deprivation; vague and conclusory allegations of official participation are insufficient.
5. Any second amended complaint had to be complete in itself and could not incorporate or rely on prior pleadings.

KEY QUOTATIONS

> *"Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements do not suffice."* (at 2)

> *"an unauthorized intentional deprivation of property by a state employee does not constitute a violation of the procedural requirements of the Due Process Clause of the Fourteenth Amendment if a meaningful postdeprivation remedy for the loss is available."* (at 3)

> *"There can be no liability under 42 U.S.C. § 1983 unless there is some affirmative link or connection between a defendant's actions and the claimed deprivation."* (at 4)

FACTUAL BACKGROUND

Plaintiff is a state prisoner who alleged that he suffered a loss of property involving defendants. The court found that he did not allege facts showing that the deprivation was authorized or that any named defendant was

affirmatively linked to the alleged constitutional deprivation. California provides a tort-claim remedy for claims against public officials.

PROCEDURAL HISTORY

Plaintiff filed this prisoner civil-rights action and an amended complaint. The matter was referred to the magistrate judge under Local Rule 302 and 28 U.S.C. § 636(b)(1). The court granted in forma pauperis status, denied appointment of counsel, dismissed the amended complaint, and allowed thirty days to file a second amended complaint.

DISPOSITION

dismissed

CASES CITED

- Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989)
- Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991)
- Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990)
- Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009)
- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Franklin v. Murphy, 745 F.2d 1221, 1227-28 (9th Cir. 1984)
- Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Erickson v. Pardus, 551 U.S. 89, 93-94 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Ellis v. Cassidy, 625 F.2d 227 (9th Cir. 1980)
- Rizzo v. Goode, 423 U.S. 362 (1976)
- Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Hudson v. Palmer, 468 U.S. 517, 533 (1984)
- Piatt v. McDougall, 773 F.2d 1032, 1036 (9th Cir. 1985)
- Knudson v. City of Ellensburg, 832 F.2d 1142, 1149 (9th Cir. 1987)
- Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967)

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