

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Khan v. Presley

No. 24-cv-03905 BLF (PR) (N.D. Cal. May 27, 2025) · No. 24-cv-03905 BLF (PR) · Decided May 28, 2025

SUMMARY

The United States District Court for the Northern District of California grants Muhammad Khan’s motion for an extension of time and grants leave to proceed in forma pauperis. The court dismisses with prejudice the retaliation, due process, and excessive-force claims, while dismissing with leave to amend an Eighth Amendment claim concerning alleged deprivation of sitting and restroom access in a holding cell. The court directs Khan to file a second amended complaint within twenty-eight days.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Beth Labson Freeman
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 28, 2025
DOCKET	24-cv-03905 BLF (PR)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state parolee proceeding under 42 U.S.C. § 1983, filed an amended complaint after the court dismissed his original complaint with leave to amend. The court screened the amended complaint, granted an extension of time and leave to proceed in forma pauperis, dismissed several claims with prejudice, and dismissed one Eighth Amendment claim with leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must screen a prisoner's complaint and dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pro se pleadings are liberally construed. A § 1983 claim requires an alleged violation of a federal right by a person acting under color of state law.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value.
PARTIES	Muhammad Khan v. Presley, et al.

TOPICS

section 1983

prisoners rights

civil rights

due process

cruel and unusual punishment

PRACTICE AREAS

civil rights

prisoner civil rights

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the amended complaint adequately stated a First Amendment retaliation claim.
2. Whether the allegation that Plaintiff was denied sitting and restroom access in a holding cell adequately stated an Eighth Amendment claim.
3. Whether the alleged procedures at Plaintiff's administrative-segregation retention hearing stated a due process claim.
4. Whether Plaintiff adequately stated an Eighth Amendment excessive-force claim against Defendant Presley.
5. Whether Plaintiff should receive another opportunity to amend the retaliation, due process, and excessive-force claims.

HOLDINGS

1. The amended complaint failed to state a First Amendment retaliation claim because it did not adequately allege that the challenged actions were taken because of protected conduct, that the actions chilled Plaintiff's First Amendment activity, and that the actions did not reasonably advance a legitimate correctional goal.
2. The amended complaint did not yet state an Eighth Amendment claim because Plaintiff failed to allege the duration of the deprivation or identify the responsible defendant, but Plaintiff was granted leave to amend this claim.
3. The amended complaint failed to state a due process claim based on the administrative-segregation retention hearing because Plaintiff was not constitutionally entitled to witnesses or documentary evidence and failed to allege that the hearing officer was not impartial.
4. The amended complaint failed to state an excessive-force claim against Defendant Presley because it did not provide sufficient facts showing that the force was used maliciously and sadistically to cause harm rather than in a good-faith effort to maintain or restore discipline.

KEY QUOTATIONS

"Within the prison context, a viable claim of First Amendment retaliation entails five basic elements: (1) An assertion that a state actor took some adverse action against an inmate (2) because of (3) that prisoner's protected conduct, and that such action (4) chilled the inmate's exercise of his First Amendment rights, and (5) the action did not reasonably advance a legitimate correctional goal." (at 6)

"Due process does not require detailed written notice of charges, representation by counsel or counsel-substitute, an opportunity to present witnesses, a written decision describing the reasons for placing the

prisoner in administrative segregation or disclosure of the identity of any person providing information leading to placement of a prisoner in administrative segregation.” (at 9)

FACTUAL BACKGROUND

Plaintiff alleged that correctional officers Presley and Andrade entered and damaged his cell after Plaintiff took extra time to prepare for an appointment while wearing a mobility-impaired vest. He further alleged that he was denied the ability to sit and use a restroom while confined in a holding cell, later placed in administrative segregation, and denied witnesses and documentary evidence at an administrative-segregation retention hearing. Plaintiff also alleged that Presley used excessive force and later made comments referring to Plaintiff's disability and the prior incident.

PROCEDURAL HISTORY

The court dismissed Plaintiff's original complaint on December 2, 2024, with leave to amend and directed him to submit a non-prisoner in forma pauperis application. Plaintiff received an extension until February 1, 2025, then filed a further extension motion, an amended complaint, and the required application on February 13, 2025. The court granted the extension, screened the amended complaint, dismissed the retaliation, due process, and excessive-force claims with prejudice, and allowed Plaintiff to amend only the holding-cell deprivation claim.

DISPOSITION

other

CASES CITED

- *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1990)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Rhodes v. Robinson*, 408 F.3d 559, 567-68 (9th Cir. 2005)
- *Wagh v. Metris Direct, Inc.*, 363 F.3d 821, 830 (9th Cir. 2004)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992)
- *Farmer v. Brennan*, 511 U.S. 825, 834 (1994)
- *Wilson v. Seiter*, 501 U.S. 294, 297-98 (1991)
- *Johnson v. Lewis*, 217 F.3d 726, 731-33 (9th Cir. 2000)
- *Toussaint v. McCarthy*, 801 F.2d 1080, 1100-01 (9th Cir. 1986)
- *Wilkinson v. Austin*, 545 U.S. 209, 228-29 (2005)
- *Greenholtz v. Inmates of Neb. Penal and Correctional Complex*, 442 U.S. 1 (1979)
- *Hewitt v. Helms*, 459 U.S. 460 (1983)
- *Leer v. Murphy*, 844 F.2d 628, 633-34 (9th Cir. 1988)
- *Harris v. City of Roseburg*, 664 F.2d 1121, 1125 (9th Cir. 1981)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992)

