

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Shaun R. Harrison v. Campbell, et al.

Harrison v. Campbell · No. 1:23-cv-00832-KES-BAM (PC) · Decided September 22, 2025

OPINION

Campbell

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 SHAUN R. HARRISON, No. 1:23-cv-00832-KES-BAM (PC)

12 Plaintiff, ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS TO DISMISS

13 v. ACTION FOR FAILURE TO STATE A

CLAIM

14 CAMPBELL, et al., (Doc. 19) 15 Defendants. 16 17 Plaintiff Shaun R. Harrison is a state
prisoner proceeding pro se and in forma pauperis in 18 this civil rights action filed pursuant to 42
U.S.C. § 1983. 19 On November 13, 2023, the assigned magistrate judge screened the first
amended 20 complaint and issued findings and recommendations, recommending that this action
be dismissed 21 for failure to comply with Federal Rule of Civil Procedure 8 and failure to state a
cognizable 22 claim upon which relief may be granted. Doc. 19. Plaintiff was directed to file
objections within 23 fourteen (14) days. Id. Following an extension of time, plaintiff timely filed
objections on

24 January 2, 2024. Doc. 23.

25 In accordance with 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of 26 this
case. In his objections, plaintiff argues that he was subjected to cell searches that resulted in 27 the
destruction of his property. Doc. 23 at 4. However, plaintiff’s allegations, on their own, do 28 not
state a cognizable claim for relief under 28 U.S.C. § 1983 because California’s tort claim 1
process provides an adequate post-deprivation remedy for the destruction of property. Doc. 19 at 2
8-9; Barnett v. Centoni, 31 F.3d 813, 816-17 (9th Cir. 1994) (“a negligent or intentional 3
deprivation of a prisoner’s property fails to state a claim under section 1983 if the state has an 4
adequate post deprivation remedy.”). 5 Plaintiff also objects to the dismissal of his access to court
claim, arguing that he was 6 completely denied access to the law library for the period of time of
the lockdown and that the 7 denial of access to the law library caused him actual injury because

his habeas petition was 8 denied as untimely. Doc. 23 at 5–6. However, a plaintiff seeking relief must allege that the 9 denial hindered his efforts to pursue a legal claim. *Lewis v. Casey*, 518 U.S. 343, 351 (1996) 10 (prison law libraries “are not ends in themselves, but only the means for ensuring ‘a reasonably 11 adequate opportunity to present claimed violations of fundamental constitutional rights to the 12 courts.’”). As the findings and recommendations note, to state a cognizable claim, plaintiff 13 needed to properly plead the underlying claim as if the underlying claim was being independently 14 pursued along with the remedy for the claim. Doc. 19 at 11. Plaintiff fails to identify the 15 underlying claim and does not state sufficient facts to show any merit to such claim, and he fails 16 to state a cognizable claim for denial of access. 17 Having carefully reviewed the file, including plaintiff’s objections, the Court finds the 18 findings and recommendations to be supported by the record and by proper analysis. 19 /// 20 /// 21 /// 22 /// 23 /// 24 /// 25 /// 26 /// 27 /// 28 /// 1 Accordingly: 2 1. The findings and recommendations issued on November 13, 2023, Doc. 19, are 3 adopted in full; 4 2. This action is dismissed with prejudice for failure to state a cognizable claim upon 5 which relief may be granted; and 6 3. The Clerk of the Court is directed to close this case. 7 8

g | SO ORDERED. _

10 Dated: _ September 21, 2025 4h

UNITED STATES DISTRICT JUDGE

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