

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

Ronald Nathaniel Hurtado v. Officer N. Reveles, et al.

Hurtado · No. 25-cv-06437-RMI · Decided October 28, 2025

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
RONALD NATHANIEL HURTADO, Case No. 25-cv-06437-RMI 8 Plaintiff, ORDER OF
SERVICE v. 9 10 OFFICER N. REVELES, et al., Defendants. 11 12 13 Plaintiff, a state prisoner
proceeding pro se, filed a civil rights complaint under 42 U.S.C. 14 § 1983. Plaintiff is granted
leave to proceed in forma pauperis by separate order.

15 DISCUSSION 16 1. Standard of Review 17 Federal courts must engage in a preliminary
screening of cases where prisoners seek 18 redress from a governmental entity, or from an officer
or employee of a governmental entity. 28 19 U.S.C. § 1915A(a).

In its review, the court must identify any cognizable claims and dismiss any 20 claims which are
frivolous, malicious, fail to state a claim upon which relief may be granted, or 21 seek monetary
relief from a defendant who is immune from such relief. *Id.* at § 1915A(b)(1), (2). 22 Pleadings
submitted by pro se parties must be liberally construed. *Balistreri v. Pacifica Police* 23 Dep’t, 901
F.2d 696, 699 (9th Cir.

1990). 24 Federal Rule of Civil Procedure 8(a)(2) requires only “a short and plain statement of the
25 claim showing that the pleader is entitled to relief.” While specific facts are not necessary, the
26 statement needs to give the defendant fair notice of the nature of the claim and the grounds
upon 27 which it rests. *Erickson v. Pardus*, 551 U.S. 89, 93 (2007).

Although a plaintiff need not include 1 cause of action and state conclusions; rather, a plaintiff
must state factual allegations sufficient to 2 raise the entitlement to relief “above the speculative
level.” *Bell Atlantic Corp. v. Twombly*, 550 3 U.S. 544, 555 (2007). A complaint must proffer
“enough facts to state a claim to relief that is 4 plausible on its face.” *Id.* at 570.

The Supreme Court has explained the standard this way: “While 5 legal conclusions can provide
the framework of a complaint, they must be supported by factual 6 allegations... [and] [w]hen
there are well-pleaded factual allegations, a court should assume their 7 veracity and then
determine whether they plausibly give rise to an entitlement to relief.” *Ashcroft* 8 v. *Iqbal*, 556
U.S. 662, 679 (2009).

9 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: 10 (1)
that a right secured by the Constitution or laws of the United States was violated, and (2) that 11

the alleged deprivation was committed by a person acting under the color of state law. *West v. Atkins*, 487 U.S. 42, 48 (1988). 13 2. Legal Claims 14 Plaintiff alleges that on July 2, 2024, he was walking toward his housing unit at Salinas 15 Valley State Prison when there was an alarm.

He laid down in a prone position and was 16 handcuffed and brought to his feet. As Defendants Reveles and Perez were escorting plaintiff, 17 plaintiff stopped and started to clear his throat. Defendant Perez ordered him to spit, and 18 Defendant Reveles grabbed his throat and Defendant Perez grabbed his chest area. Plaintiff asked 19 Defendant Perez why he grabbed his throat.

Defendants slammed plaintiff forward, with the right 20 side of his face and body on the ground. Defendant Reveles had his knees on Plaintiff's back and 21 neck, and Defendant Perez had his knees on Plaintiff's head and shoulders. Plaintiff asked them 22 to get off because he was in pain and the blood flow to his neck and head was stopping, and he 23 could not feel his neck.

Defendants responded that was not their problem and told him not to 24 move. Defendant Reveles also slammed Plaintiff backwards while Plaintiff was stepping into the 25 program office. 26 Liberally construed, Plaintiff states a claim against both defendants for excessive force in 27 violation of the Eighth Amendment. See *Hudson v. McMillian*, 503 U.S. 1, 6-7 (1992).

1 The Court orders that the following Defendants be served electronically at Salinas Valley 2 State Prison: Correctional Officers N. Reveles and N. Perez of Facility B. 3 Service on the listed Defendants will be effected via the California Department of 4 Corrections and Rehabilitation's (CDCR) e-service program for civil rights cases from prisoners 5 in CDCR custody.

In accordance with the program, the Clerk is directed to serve on CDCR via 6 email the following documents: the complaint, this order of service, the notice of assignment of 7 prisoner case to a United States magistrate judge and accompanying magistrate judge jurisdiction 8 consent or declination to consent form, a CDCR Report of E-Service Waiver form and a 9 summons.

The Clerk is also requested to serve a copy of this order on Plaintiff. 10 No later than 40 days after service of this order via email on CDCR, CDCR shall provide 11 the court a completed CDCR Report of E-Service Waiver advising the Court which Defendants 12 listed in this order will be waiving service of process without the need for service by the United 13 States Marshal Service (USMS) and which Defendants decline to waive service or could not be 14 reached.

CDCR also shall provide a copy of the CDCR Report of E-Service Waiver and of the 15 notice of assignment of prisoner case to a magistrate judge and accompanying magistrate judge 16 jurisdiction consent or declination to consent form to the California Attorney General's Office, 17 which, within 21 days, shall file with the court a waiver of service of process for the Defendants 18 who are waiving service and, within 28 days thereafter, shall file a magistrate judge jurisdiction 19 consent or declination to consent form as to the defendants who waived service.

20 Upon receipt of the CDCR Report of E-Service Waiver, the Clerk is requested to prepare 21 for each Defendant who has not waived service according to the CDCR Report of E-Service 22 Waiver a USM-285 Form. The Clerk will provide to the USMS the completed USM-285 forms 23 and copies of this order, the summons and the operative complaint for service upon each 24 Defendant who has not waived service.

The Clerk will also provide to the USMS a copy of the 25 CDCR Report of E-Service Waiver. 26 In order to expedite the resolution of this case, the court orders as follows: 27 No later than sixty days from the date of service, Defendants shall file their motion for 1 factual documentation and shall conform in all respects to Federal Rule of Civil Procedure 56 and 2 shall include as exhibits all records and incident reports stemming from the events at issue.

If 3 Defendants are of the opinion that this case cannot be resolved by such a motion, they shall so 4 inform the court prior to the date that such motion is due. Moreover, all papers filed with the court 5 shall be promptly served on Plaintiff. 6 At the time the dispositive motion is served, Defendants shall also serve, on a separate 7 paper, the appropriate notice or notices required by *Rand v. Rowland*, 154 F.3d 952, 953-954 (9th Cir.

1998) (en banc), and *Wyatt v. Terhune*, 315 F.3d 1108, 1120 n.4 (9th Cir. 2003); see *Woods v. 9 Carey*, 684 F.3d 934, 940-941 (9th Cir. 2012) (finding that *Rand* and *Wyatt* notices must be given 10 at the time motions for summary judgment or motion to dismiss for non-exhaustion are filed, not 11 earlier); *Rand*, 154 F.3d at 960 (establishing the separate paper requirement).

12 Plaintiff's opposition to the dispositive motion, if any, shall be filed with the court and 13 served upon Defendants no later than thirty days from the date the motion is served upon him. 14 Additionally, Plaintiff must read the attached page headed "NOTICE – WARNING," which is 15 provided to him pursuant to *Rand*, 154 F.3d at 953-954, and *Klinge v. Eikenberry*, 849 F.2d 409, 16 411-12 (9th Cir.

1988). 17 If Defendants file a motion for summary judgment claiming that Plaintiff failed to exhaust 18 his available administrative remedies as required by 42 U.S.C. § 1997e(a), Plaintiff should take 19 note of the attached page headed "NOTICE – WARNING (EXHAUSTION)," which is provided 20 to him as required by *Wyatt*, 315 F.3d at 1120 n.4. 21 If Defendants wish to file a reply brief, they shall do so no later than fifteen days after the 22 opposition is served.

The motion shall be deemed submitted as of the date the reply brief is due. 23 No hearing will be held on the motion unless the court so orders at a later date. All 24 communications by Plaintiff with the court must be served on Defendants, or Defendants' counsel, 25 if and when counsel has been designated, by mailing a true copy of the document to Defendants or 26 Defendants' counsel.

27 Discovery may be taken in accordance with the Federal Rules of Civil Procedure. No 1 Finally, it is Plaintiff's responsibility to prosecute this case. Plaintiff must keep the court 2 || informed of

any change of address by filing a separate paper with the clerk headed “Notice of 3 Change of Address.” He also must comply with the court’s orders in a timely fashion.

Failure to 4 || do so may result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of 5 Civil Procedure 41(b). 6 IT IS SO ORDERED. 7 Dated: October 28, 2025 8 9 ROBERT M. ILLMAN 10 United States Magistrate Judge 11 a 12 15 16 it Z 18 19 20 21 22 23 24 25 26 27 28 1 NOTICE -- WARNING (SUMMARY JUDGMENT) 2 If defendants move for summary judgment, they are seeking to have your case dismissed.

3 A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if 4 granted, end your case. 5 Rule 56 tells you what you must do in order to oppose a motion for summary judgment. 6 Generally, summary judgment must be granted when there is no genuine issue of material fact-- 7 that is, if there is no real dispute about any fact that would affect the result of your case, the party 8 who asked for summary judgment is entitled to judgment as a matter of law, which will end your 9 case.

When a party you are suing makes a motion for summary judgment that is properly 10 supported by declarations (or other sworn testimony), you cannot simply rely on what your 11 complaint says. Instead, you must set out specific facts in declarations, depositions, answers to 12 interrogatories, or authenticated documents, as provided in Rule 56(e), that contradict the facts 13 shown in the defendant’s declarations and documents and show that there is a genuine issue of 14 material fact for trial.

If you do not submit your own evidence in opposition, summary judgment, 15 if appropriate, may be entered against you. If summary judgment is granted, your case will be 16 dismissed and there will be no trial. 17 NOTICE -- WARNING (EXHAUSTION) 18 If defendants file a motion for summary judgment for failure to exhaust, they are seeking 19 to have your case dismissed.

If the motion is granted it will end your case. You have the right to 20 present any evidence you may have which tends to show that you did exhaust your administrative 21 remedies. Such evidence may be in the form of declarations (statements signed under penalty of 22 perjury) or authenticated documents, that is, documents accompanied by a declaration showing 23 where they came from and why they are authentic, or other sworn papers, such as answers to 24 interrogatories or depositions.

If defendants file a motion for summary judgment for failure to 25 exhaust and it is granted, your case will be dismissed and there will be no trial. 26 27