

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Raridon v. Fackrell, et al.

Raridon v. Fackrell · No. 2:24-cv-2920-JDP (P) · Decided December 17, 2025

OPINION

Fackrell

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 JONATHAN M. RARIDON, Case No. 2:24-cv-2920-JDP (P) 12 Plaintiff, 13 v. ORDER 14
FACKRELL, et al., 15 Defendants. 16 17 18 Plaintiff, a state prisoner proceeding pro se, alleges
that defendant Fackrell violated his 19 due process rights by making biased and racist remarks
during a disciplinary hearing. Pending is 20 defendant’s motion to dismiss. ECF No. 25. I will
dismiss this case without leave to amend. 21 Allegations 22 On April 10, 2024, Fackrell presided
over a disciplinary hearing in which plaintiff was 23 charged with battering and seriously injuring
another inmate. ECF No. 1 at 8, 10. Fackrell found 24 by a preponderance of the evidence that the
allegations were true and assessed plaintiff a loss of 25 200 days of credit. Id. at 27-28. Fackrell
based his findings on video footage that showed 26 plaintiff attacking the other inmate. Id.
Following the hearing, plaintiff filed a grievance 27 complaining that Fackrell exhibited bias by
telling plaintiff that he “will always believe staff over 28 1 an inmate,” and that he was not given
an opportunity to address the evidence or put forth proof of 2 his innocence, such as by calling
witnesses to testify on his behalf or asking his own questions.

3 Id. at 10-11. He also asserted that the charges against him—battery and causing serious bodily
4 injury to another inmate—lacked evidentiary support. Id. 5 Request for Judicial Notice 6
Defendant asks that the court take judicial notice of plaintiff’s abstract of judgment from 7 his
criminal case. ECF No. 25-1 at 5. Federal Rule of Evidence 201(b) provides that “[t]he court 8
may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally 9
known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily 10
determined from sources whose accuracy cannot reasonably be questioned.” Plaintiff does not 11
oppose defendant’s request. The court finds that the abstract of judgment is properly subject to 12
judicial notice and will consider it. 13 Legal Standard 14 A complaint may be dismissed under
Rule 12(b)(6) for “failure to state a claim upon 15 which relief may be granted.” Fed. R. Civ. P.
12(b)(6). To survive a motion to dismiss for failure 16 to state a claim, a plaintiff must allege
“enough facts to state a claim to relief that is plausible on 17 its face.” Bell Atlantic Corp. v.

Twombly, 550 U.S. 544, 570 (2007). A claim has “facial 18 plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable 19 inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 20 662, 678 (2009) (citing Twombly, 550 U.S. at 556). The plausibility standard is not akin to a 21 “probability requirement,” but it requires more than a sheer possibility that a defendant has acted 22 unlawfully. *Iqbal*, 556 U.S. at 678. 23 For purposes of dismissal under Rule 12(b)(6), the court generally considers only 24 allegations contained in the pleadings, exhibits attached to the complaint, and matters properly 25 subject to judicial notice, and construes all well-pleaded material factual allegations in the light 26 most favorable to the nonmoving party. *Chubb Custom Ins. Co. v. Space Sys./Loral, Inc.*, 710 27 F.3d 946, 956 (9th Cir. 2013); *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012). Dismissal 28 under Rule 12(b)(6) may be based on either: (1) lack of a cognizable legal theory, or 1 (2) insufficient facts under a cognizable legal theory. *Chubb Custom Ins. Co.*, 710 F.3d at 956. 2 Dismissal also is appropriate if the complaint alleges a fact that necessarily defeats the claim. 3 *Franklin v. Murphy*, 745 F.2d 1221, 1228-29 (9th Cir. 1984). 4 Discussion 5 Defendant argues that plaintiff fails to state a Fourteenth Amendment due process claim 6 because plaintiff’s indeterminate sentence means that he does not have a liberty interest in the 7 deprivation of credits.¹ ECF No. 25. Plaintiff opposes the motion, arguing that Fackrell violated 8 his due process rights and asks that his conviction be dismissed. ECF No. 29. 9 The Fourteenth Amendment’s due process clause protects prisoners from being deprived 10 of life, liberty, or property without due process of law. *Wolff v. McDonnell*, 418 U.S. 539, 556 11 (1974). The procedural guarantees of the due process clause apply when a constitutionally 12 protected liberty or property interest is at stake. *Ingraham v. Wright*, 430 U.S. 651, 672-73 13 (1977). A liberty interest under the due process clause requires “atypical and significant hardship 14 on the inmate in relation to the ordinary incidents of prison life” or a restraint that exceeds the 15 prisoner’s sentence in “an unexpected manner.” *Sandin v. Conner*, 515 U.S. 472, 484 (1995). 16 When loss of good-time credits does not affect the overall length of a prisoner’s sentence, 17 there is no protected liberty interest. *Witherow v. Farwell*, 383 F. App’x 688 (9th Cir. 2010); 18 *Alexander v. Vittitow*, 2017 WL 7050641, at *3 (6th Cir. Nov. 9, 2017) (“The sanction imposed 19 for Alexander’s misconduct charge—thirty days’ loss of privileges—did not implicate a protected 20 liberty interest because it did not affect the length of his sentence and did not amount to an 21 atypical and significant hardship.”). Plaintiff’s abstract of judgment shows that he is serving an 22 indeterminate sentence. ECF No. 25-3 at 6. Therefore, the loss of 200 days credits does not alter 23 the length of his incarceration. 24 Even though the assessment of lost credits does not implicate the length of plaintiff’s 25 incarceration, there remains a possibility that the discipline might impact the earliest date on 26 which plaintiff would become eligible for parole. This, however, does not trigger procedural due 27 28 1 The court need not reach defendant’s second argument that Heck bars plaintiff’s claim. 1 | process protections. See *Ernest v. Van Blarcom*, No. C 16-3655 WHA (PR), 2018 WL 9651054, 2 | at *3 (N.D. Cal. Aug. 16, 2018) (no liberty interest in credits

because the plaintiff who was 3 || serving indeterminate life sentence would not necessarily serve shorter sentence if credits were 4 | restored); Gibbs v. Carson, No. 13-cv-0860-TEH, 2016 WL 641635, at *4 (N.D. Cal. Feb. 18, 5 | 2016). 6 Conclusion 7 Accordingly, it is ORDERED that: 8 1. Defendant's motion to dismiss, ECF No. 25, is GRANTED and judgment is entered in 9 | favor of defendant and against plaintiff. 10 2. The Clerk of Court is directed to close this action. 11 IT IS SO ORDERED. Dated: _ December 16, 2025 Q————.

14 JEREMY D. PETERSON

15 UNITED STATES MAGISTRATE JUDGE

16 17 18 19 20 21 22 23 24 25 26 27 28