

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Adkins v. Schultz

Adkins · No. 2:23-cv-1654 AC P · Decided February 26, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Dupree Lamont Adkins leave to proceed in forma pauperis and permits him to exceed the complaint page limit. On screening under 28 U.S.C. § 1915A, the court finds cognizable Fourteenth Amendment equal-protection claims against Schultz, Richardson, and De Jesus and First Amendment retaliation claims against Hayden and Crawford, while finding other claims insufficiently pleaded. The court gives plaintiff the option to proceed on the screened claims or file an amended complaint and denies his motion to preserve AVSS footage.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 26, 2025
DOCKET	2:23-cv-1654 AC P
DISPOSITION	other
PROCEDURAL POSTURE	Screening order in a prisoner civil-rights action under 42 U.S.C. § 1983. The court considered plaintiff's request to proceed in forma pauperis, motion to exceed the complaint page limit, motion to preserve or obtain video footage, and whether the complaint stated claims under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	The court applied the mandatory prisoner-complaint screening standard under 28 U.S.C. § 1915A and evaluated whether the complaint stated a plausible claim for relief, accepting factual allegations as true and construing the complaint in the light most favorable to plaintiff.
PRECEDENTIAL VALUE	Unpublished district-court order; generally nonprecedential

PARTIES

Dupree Lamont Adkins v. J. Schultz, Richardson, Crawford, De Jesus, Pursey, Hayden

TOPICS

prisoners rights

section 1983

equal protection

first amendment

procedural due process

PRACTICE AREAS

Prisoner civil rights

Constitutional law

Federal civil procedure

Section 1983 litigation

Prison disciplinary proceedings

QUESTIONS PRESENTED

1. Whether the complaint stated a Fourteenth Amendment equal-protection claim against the defendants based on alleged disparate treatment of plaintiff and similarly situated white inmates.
2. Whether the complaint stated First Amendment retaliation claims based on the issuance or approval of rules violation reports after plaintiff filed grievances or threatened litigation.
3. Whether the complaint stated a due process claim based on alleged limitations on plaintiff's ability to present evidence in prison disciplinary proceedings.
4. Whether plaintiff's request to preserve or obtain AVSS footage should be granted at the screening stage.
5. Whether plaintiff should be permitted to proceed in forma pauperis and exceed the complaint page limit.

HOLDINGS

1. The complaint adequately stated Fourteenth Amendment equal-protection claims against Schultz, Richardson, and De Jesus because it alleged that they denied plaintiff treatment during the disciplinary process that was afforded to similarly situated white inmates under similar circumstances.
2. The complaint did not state sufficient equal-protection claims against Crawford, Pursey, or Hayden.
3. The complaint adequately stated First Amendment retaliation claims against Hayden and Crawford based on Hayden's issuance and Crawford's approval of the third rules violation report.
4. The complaint did not state sufficient First Amendment retaliation claims against De Jesus, Richardson, Pursey, or Schultz.
5. The complaint did not state a compensable due process claim because plaintiff did not allege loss of good-time credits and alleged that the first and second disciplinary findings were overturned through the appeals process.
6. The motion for discovery or preservation of AVSS footage was denied as premature and apparently unrelated to the incidents at issue.
7. Plaintiff was granted leave to proceed in forma pauperis and permission to exceed the twenty-five-page limit for e-filed complaints, subject to payment of the statutory filing fee through installments.

KEY QUOTATIONS

“After conducting the screening required by 28 U.S.C. § 1915A(a), the court finds that plaintiff has adequately stated a valid claim against defendants Schultz, Richardson, and De Jesus for violation of the Equal Protection Clause.” (at 4)

“He has also stated cognizable retaliation claims against defendants Hayden and Crawford based on Hayden’s issuance and Crawford’s approval of the third RVR.” (at 4)

“When a procedural error is later corrected through administrative process and the prisoner does not ultimately lose good-time credits, there is no compensable due process violation.” (at 6)

“Plaintiff has the option to proceed immediately on his Fourteenth Amendment equal protection claims against defendants De Jesus, Richardson, and Schultz and his First Amendment retaliation claims against Hayden and Crawford as set forth in Section III above or to file an amended complaint.” (at 9)

FACTUAL BACKGROUND

Plaintiff, a Black state inmate, alleged that after beginning the process of being removed from kitchen duty for mental-health reasons, he received three rules violation reports for failing to report to work detail. He alleged that similarly situated white inmates received mental-health accommodations and were found not guilty, while defendants treated him differently because of his race. He also alleged that Hayden issued, and Crawford approved, the third rules violation report in retaliation for plaintiff’s complaints and statements that he would sue. Plaintiff alleged that the first and second disciplinary findings were overturned on appeal and did not allege that he lost good-time credits.

PROCEDURAL HISTORY

Plaintiff, a state inmate proceeding without counsel, filed a § 1983 complaint alleging race discrimination, First Amendment retaliation, and due process violations arising from rules violation reports for failing to report to work detail. The court granted leave to proceed in forma pauperis and granted the motion to exceed the page limit. On screening, the court found cognizable equal-protection claims against Schultz, Richardson, and De Jesus and retaliation claims against Hayden and Crawford, dismissed or declined to recognize the remaining claims as currently pleaded, denied the discovery request as premature and unrelated, and gave plaintiff the option to proceed on the screened claims or file an amended complaint.

DISPOSITION

other

CASES CITED

- *Neitzke v. Williams*, 490 U.S. 319, 325, 327 (1989)
- *Jackson v. Arizona*, 885 F.2d 639, 640 (9th Cir. 1989)
- *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 557, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)

- *Erickson v. Pardus*, 551 U.S. 89, 93-94 (2007) (per curiam)
- *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1969)
- *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432, 439 (1985)
- *Serrano v. Francis*, 345 F.3d 1071, 1082 (9th Cir. 2003)
- *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998)
- *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000)
- *Rhodes v. Robinson*, 408 F.3d 559, 567-68 (9th Cir. 2005)
- *Wolff v. McDonnell*, 418 U.S. 539, 556, 563-64, 566, 570-71 (1974)
- *Superintendent v. Hill*, 472 U.S. 445, 454 (1985)
- *Frank v. Schultz*, 808 F.3d 762, 764 (9th Cir. 2015) (per curiam)
- *Rizzo v. Goode*, 423 U.S. 362, 370-71 (1976)
- *Arnold v. International Business Machines Corp.*, 637 F.2d 1350, 1355 (9th Cir. 1981)
- *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)
- *Ivey v. Board of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)
- *Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967)
- *Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir. 2012)