

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Broadnax v. State Controller's Office, et al.

Broadnax · No. 1:25-cv-00285-SAB (PC) · Decided July 24, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 COTTRELL L. BROADNAX, No. 1:25-cv-00285-SAB (PC) 12 Plaintiff,
ORDER DIRECTING CLERK OF COURT TO RANDOMLY ASSIGN A DISTRICT JUDGE 13
v. TO THIS ACTION 14 STATE CONTROLLER’S OFFICE, et al., FINDINGS AND
RECOMMENDATION RECOMMENDING DISMISSAL OF ACTION 15 Defendants. FOR
FAILURE TO STATE A COGNIZABLE CLAIM 16 17 18 Plaintiff is proceeding pro se and in
forma pauperis in this action filed pursuant to 42 19 U.S.C. § 1983.

20 Plaintiff filed the instant action on February 7, 2025, in the United States District Court 21 for
the Northern District of California. (ECF No. 1.) On March 5, 2025, the action was 22 transferred
to this Court. (ECF No. 8.)

On May 8, 2025, the Court granted Plaintiff’s motion to 23 proceed in forma pauperis. (ECF No.
23.) 24 I. 25 SCREENING REQUIREMENT 26 The Court is required to screen complaints
brought by prisoners seeking relief against a 27 governmental entity or officer or employee of a
governmental entity. 28 U.S.C. § 1915A(a).

The 28 1 Court must dismiss a complaint or portion thereof if the prisoner has raised claims that
are legally 2 “frivolous or malicious,” that “fail[] to state a claim on which relief may be granted,”
or that 3 “seek[] monetary relief against a defendant who is immune from such relief.” 28 U.S.C.
§ 4 1915(e)(2)(B); see also 28 U.S.C. § 1915A(b). 5 A complaint must contain “a short and plain
statement of the claim showing that the 6 pleader is entitled to relief....” Fed.

R. Civ. P. 8(a)(2). Detailed factual allegations are not 7 required, but “[t]hreadbare recitals of the
elements of a cause of action, supported by mere 8 conclusory statements, do not suffice.”
Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (citing Bell 9 Atlantic Corp. v. Twombly, 550 U.S.
544, 555 (2007)).

Moreover, Plaintiff must demonstrate 10 that each defendant personally participated in the
deprivation of Plaintiff’s rights. Jones v. 11 Williams, 297 F.3d 930, 934 (9th Cir. 2002). 12
Prisoners proceeding pro se in civil rights actions are entitled to have their pleadings 13 liberally
construed and to have any doubt resolved in their favor. Wilhelm v. Rotman, 680 F.3d 14 1113,
1121 (9th Cir.

2012) (citations omitted). To survive screening, Plaintiff's claims must be 15 facially plausible, which requires sufficient factual detail to allow the Court to reasonably infer 16 that each named defendant is liable for the misconduct alleged. *Iqbal*, 556 U.S. at 678-79; *Moss v. U.S. Secret Service*, 572 F.3d 962, 969 (9th Cir. 2009).

The "sheer possibility that a defendant 18 has acted unlawfully" is not sufficient, and "facts that are 'merely consistent with' a defendant's 19 liability" falls short of satisfying the plausibility standard. *Iqbal*, 556 U.S. at 678; *Moss*, 572 F.3d 20 at 969. 21 II. 22 COMPLAINT ALLEGATIONS 23 The Court accepts Plaintiff's allegations in the complaint as true only for the purpose of the 24 screening requirement under 28 U.S.C. § 1915.

25 The complaint is handwritten and vague, but Plaintiff appears to be challenging the 26 withdrawal of funds from his trust account to pay filing fees for cases that he has filed in the 27 United District Court for the Eastern District of California, as well as withdrawal of funds to pay 28 for postage and mailing fees. (ECF No. 5.) 1 III. 2 DISCUSSION 3 A. Deductions From Plaintiff's Prison Trust Account 4 Plaintiff alleges that funds were improperly withdrawn from his prison trust account to 5 pay filing fees for cases, postage and mailing fees.

6 A prisoner's interest in the funds in his prison trust account is a protected property 7 interest. *Shinault v. Hawks*, 782 F.3d 1053, 1057 (9th Cir. 2015) (as amended); *Quick v. Jones*, 8 754 F.2d 1521, 1523 (9th Cir. 1985).

As a result, a state prisoner may not be deprived of funds in 9 his trust account without adequate due process. See *Quick*, 754 F.2d at 1523. However, the 10 negligent or intentional but unauthorized deprivation of property by a person acting under color 11 of state law does not constitute a violation of the procedural requirements of the Due Process 12 Clause if a meaningful state post-deprivation remedy is available.

Hudson v. Palmer, 468 U.S. 13 517, 533 (1984); *Zinermon v. Burch*, 494 U.S. 113, 129-32 (1990). Thus, where a state provides 14 adequate post-deprivation remedies for random, unauthorized deprivations of liberty or property, 15 a Section 1983 cause of action will not exist. See *King v. Massarweh*, 782 F.2d 825, 826 (9th Cir. 16 1986); see also *Willoughby v. Luster*, 717 F. Supp. 1439, 1443 (D.

Nev. 1989) ("[W]here a state 17 provides adequate post-deprivation remedies for the intentional or negligent deprivation of 18 property, a § 1983 claim alleging a violation of due process of law will not lie."). "[B]y providing 19 the plaintiff with adequate means for seeking redress of his loss, the state has provided 'due 20 process of law.' " *Willoughby*, 717 F. Supp. at 1443 (citations omitted).

The Ninth Circuit has 21 expressly held that California provides an adequate post-deprivation state remedy for the 22 unauthorized taking of property through the California Government Claims Act, thus barring a 23 Section 1983 due process challenge. *Barnett v. Centoni*, 31 F.3d

813, 816-17 (9th Cir. 1994) (per 24 curiam) (citing Cal. Gov't Code §§ 810-895); see also *Stribling v. Wilson*, 770 F. App'x 829, 830 25 (9th Cir.

2019).¹ 26 1 Further, whether Plaintiff succeeded in redressing his alleged loss through the available state remedies is immaterial. *Hupp v. Cty. of San Diego*, ED CV 14-576-VAP (SP), 2016 WL 11758807, at *8 (C.D. Cal. Sept. 27, 27 2016), accepted by 2016 WL 11759108 (C.D. Cal. Nov. 9, 2016). “[I]t is the existence of these alternate remedies that bars him from pursuing a § 1983 procedural due process claim.” *Id.* (citation omitted); see also *Dennison v. 28 Ryan*, 522 F. App'x 414, 417-18 (9th Cir.

2013) (inmate's alleged inability to access grievance procedure regarding 1 As adequate state law procedures existed to address the alleged loss, Plaintiff cannot state 2 a due process claim against Defendants. See *Roberts v. Lynch*, No. 2:20-cv-01349 WBS DB P, 3 2022 WL 196531, at *4 (E.D. Cal. Jan. 21, 2022) (plaintiff failed to state a due process claim 4 based on the allegation that funds were taken from his prison trust account); *Jordan v. Diaz*, No. 5 No. 5:20-cv-00574-MWF-JC, 2020 WL 5167738, at *9 (C.D.

Cal. Apr. 25, 2020) (finding 6 plaintiff failed to state a viable due process claim based on the deduction of a fee from his prison 7 trust account because plaintiff had adequate post-deprivation remedy under California law). 8 Further, to the extent Plaintiff challenges how his grievances regarding this matter were 9 handled, he cannot state a valid claim under § 1983 either. “[I]nmates lack a separate 10 constitutional entitlement to a specific prison grievance procedure.” *Ramirez v. Galaza*, 334 F.3d 11 850, 860 (9th Cir.

2003). So “when a prison official denies, screens-out, or ignores an inmate's 12 grievance, the prison official does not deprive the inmate of any constitutional right.” *Malone v. 13 Jones*, No. 1:09-cv-01397 JLT (PC), 2010 WL 4394086, at *2 (E.D. Cal. Oct. 29, 2010); see also 14 *Evans v. Skolnik*, 637 F. App'x 285, 288 (9th Cir. 2015) (“An allegation that a prison official 15 inappropriately denied or failed to adequately respond to a grievance, without more, does not 16 state a claim under § 1983.”); *Towner v. Knowles*, No. CIV S-08-2823 LKK EFB P, 2009 WL 17 4281999, at *2 (E.D.

Cal. Nov. 20, 2009) (no showing that prison officials violated the inmate 18 plaintiff's federal rights by screening out his grievances with no basis). 19 C. Leave to Amend Would be Futile 20 Dismissal of a pro se complaint without leave to amend is proper only if it is “absolutely 21 clear that no amendment can cure the defect.” *Rosati v. Igbinoso*, 791 F.3d 1037, 1039 (9th Cir.

22 2015) (quoting *Akhtar v. Mesa*, 698 F.3d 1202, 1212–13 (9th Cir. 2012)); see also *Cervantes v. 23 Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (“Although leave to amend 24 should be given freely, a district court may dismiss without leave where a plaintiff's

proposed 25 amendments would fail to cure the pleading deficiencies and amendment would be futile.”).

26 Because Plaintiff cannot state a claim as a matter of law, it is recommended that this action be
27 property loss did not render post-deprivation remedy inadequate under Hudson); Willoughby,
717 F. Supp. at 1443 (“simply the existence of these alternate remedies forecloses the availability
of a § 1983 procedural due process 28 claim”). 1 | dismissed for failure to state a claim upon
which relief may be granted.

See 28 U.S.C. § 2 | 1915A(b)(1). Therefore, this action should be dismissed without leave to
amend. 3 IV. 4 ORDER AND RECOMMENDATION 5 Based on the foregoing, it is HEREBY
ORDERED that the Clerk of Court shall randomly 6 | assign a District Judge to this action. 7
Further, it is HEREBY RECOMMENDED that the action be dismissed, without leave to 8 |
amend, for failure to state a cognizable claim for relief.

9 This Findings and Recommendation will be submitted to the United States District Judge 10 ||
assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(). Within fourteen (14) 11 |
days after being served with this Findings and Recommendation, Plaintiff may file written 12 |
objections with the Court, limited to 15 pages in length, including exhibits.

The document should 13 | be captioned “Objections to Magistrate Judge’s Findings and
Recommendation.” Plaintiff is 14 | advised that failure to file objections within the specified time
may result in the waiver of rights 15 | on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th
Cir. 2014) (citing Baxter v. 16 | Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

17 18 19 IT IS SO ORDERED. DAM Le 20 | Dated: _July 24, 2025 _ ee STANLEY A. BOONE
21 United States Magistrate Judge 22 23 24 25 26 27 28