

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hill v. Fredeluces

No. 2:25-cv-00749-EFB (PC) (E.D. Cal. July 10, 2025) · No. No. 2:25-cv-00749-EFB (PC) · Decided July 11, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Michael Hill’s application to proceed in forma pauperis. The court screens his 42 U.S.C. § 1983 complaint concerning alleged interference with jail grievances and dismisses it for failure to state a claim, while granting leave to amend within 30 days. The order explains that prisoners have rights against retaliation for filing grievances and interference with court access, but no constitutional right to a particular grievance system or its proper processing.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 11, 2025
DOCKET	No. 2:25-cv-00749-EFB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A county-jail detainee proceeding pro se under 42 U.S.C. § 1983 filed a complaint and an application to proceed in forma pauperis. The court screened the complaint under 28 U.S.C. § 1915A and dismissed it for failure to state a claim, granting leave to amend.
STANDARD OF REVIEW	The court screened the prisoner complaint under 28 U.S.C. § 1915A and evaluated whether the allegations stated a facially plausible claim under Federal Rule of Civil Procedure 8(a), Twombly, and Iqbal. In conducting the screening, the court accepted factual allegations as true and construed them in the light most favorable to plaintiff.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- section 1983
- prisoners rights
- first amendment
- civil procedure
- pleadings

PRACTICE AREAS

civil procedure

prisoner civil rights

constitutional law

pleading and screening

QUESTIONS PRESENTED

1. Whether plaintiff's allegations that defendant delayed or improperly processed grievances stated a First Amendment claim.
2. Whether the alleged violations of California Code of Regulations, title 15, section 1703 created a private cause of action under § 1983.
3. Whether the complaint should be dismissed with leave to amend after failing to allege retaliation or interference with access to the courts.

HOLDINGS

1. The First Amendment protects the right to petition the government for redress of grievances, including protection against retaliation for filing grievances and interference with access to the courts, but it does not entitle prisoners to a specific grievance system or to the proper processing of grievances.
2. Violations of title 15 of the California Code of Regulations do not create a private right of action.
3. The complaint failed to state a claim because plaintiff did not allege retaliation for filing grievances or that defendant's conduct prevented access to the courts.
4. Plaintiff was granted leave to file an amended complaint within 30 days to attempt to cure the identified pleading defects.

KEY QUOTATIONS

"This right protects prisoners from retaliation by prison staff for the filing of grievances and prohibits prison staff from interfering with prisoners' access to the courts, but does not entitle prisoners to a specific grievance system or the proper processing of grievances." (Opinion at 2)

"Because petitioner does not allege that he was subjected to retaliation for filing grievances or that Fedeluces's conduct prevented him from accessing the courts, the complaint must be dismissed for failure to state a claim." (Opinion at 2)

"Any amended complaint must contain facts – not legal conclusions – supporting each element of the claims alleged." (Opinion at 3)

FACTUAL BACKGROUND

Plaintiff alleged that correctional officer or sergeant Fedeluces received grievances concerning disciplinary reviews and intentionally delayed or obstructed their processing. He also alleged that the jail did not make grievance forms readily available, that Fedeluces returned a grievance response two days after responding to it, and that a new grievance form barred complaints about jail policies and rules. Plaintiff characterized these actions as interference with his First Amendment grievance rights.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 complaint alleging that defendant interfered with the processing and return of his jail grievances. Plaintiff also moved to proceed in forma pauperis. The magistrate judge granted in forma pauperis status, ordered collection of the filing fee, dismissed the complaint with leave to amend within 30 days, and warned that noncompliance could result in a recommendation of dismissal.

DISPOSITION

other

CASES CITED

- *Neitzke v. Williams*, 490 U.S. 319, 325, 327-28 (1989)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 554-55, 562-63, 570 (2007)
- *Conley v. Gibson*, 355 U.S. 41 (1957)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009)
- *Erickson v. Pardus*, 551 U.S. 89 (2007)
- *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974)
- *Turner v. Safley*, 482 U.S. 78, 84 (1987)
- *Rhodes v. Robinson*, 408 F.3d 559, 567-68 (9th Cir. 2005)
- *Silva v. Di Vittorio*, 658 F.3d 1090, 1101-02 (9th Cir. 2011)
- *Riley v. Roach*, 572 F. App'x 504, 507 (9th Cir. 2014)
- *Ramirez v. Galaza*, 334 F.3d 850, 860 (9th Cir. 2003)
- *Arellano v. Milton*, No. 15-cv-2069-JAH-AGS, 2018 U.S. Dist. LEXIS 143804, at *12 (S.D. Cal. Aug. 23, 2018)
- *Nible v. Fink*, 828 F. App'x 463 (9th Cir. 2020)
- *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007)
- *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)
- *Forsyth v. Humana*, 114 F.3d 1467, 1474 (9th Cir. 1997)
- *Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967)