

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Guyton v. City of Stockton

No. 2:24-cv-0922 DC AC PS (E.D. Cal. Feb. 19, 2025) · No. No. 2:24-cv-0922 DC AC PS · Decided February 20, 2025

SUMMARY

The document is an order and findings and recommendations by a magistrate judge in a pro se civil-rights action against the City of Stockton, its police department, and two officers. It recommends granting defendants’ Rule 12(b)(6) motion to dismiss the Second Amended Complaint, with leave to file a Third Amended Complaint on most claims, but without leave to amend the First and Fifth Amendment claims. It also denies plaintiff’s motion to compel discovery and for sanctions without prejudice as premature.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire, United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 20, 2025
DOCKET	No. 2:24-cv-0922 DC AC PS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se, brought claims under 42 U.S.C. § 1983 against the City of Stockton, the Stockton Police Department, and two officers. The magistrate judge considered defendants' Rule 12(b)(6) motion to dismiss the second amended complaint and plaintiff's motion to compel discovery and for sanctions, and issued findings and recommendations rather than a final district-court disposition.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the legal sufficiency of the complaint, accepts well-pleaded factual allegations as true, construes them in the plaintiff's favor, and determines whether the complaint states a plausible claim for relief. Legal conclusions and conclusory allegations need not be accepted as true. Pro se pleadings are liberally construed, but the court may not supply essential elements that were not pleaded.

PRECEDENTIAL VALUE

Nonprecedential magistrate judge findings and recommendations; subject to district-judge review and adoption.

TOPICS

motions to dismiss

section 1983

municipal liability

discovery dispute

civil procedure

PRACTICE AREAS

civil rights

constitutional law

federal civil procedure

municipal liability

QUESTIONS PRESENTED

1. Whether the second amended complaint stated a claim under Rule 12(b)(6) for unlawful arrest under the Fourth Amendment.
2. Whether the second amended complaint stated a claim for unreasonable search or seizure under the Fourth Amendment.
3. Whether the second amended complaint stated a claim for excessive force under the Fourth Amendment.
4. Whether the complaint stated a First Amendment retaliation claim based on confiscation of plaintiff's phone while he attempted to record police activity.
5. Whether the complaint stated an Equal Protection claim based on alleged racial profiling.
6. Whether the complaint stated a Fourteenth Amendment due process claim.
7. Whether the Fifth Amendment applied to plaintiff's claims against state and municipal defendants.
8. Whether the complaint stated a municipal-liability claim under Monell.
9. Whether plaintiff's motion to compel discovery and for sanctions was premature.

HOLDINGS

1. A § 1983 complaint must identify the specific conduct of each defendant and connect that conduct to the alleged constitutional deprivation; conclusory lists of claims and allegations do not satisfy Rule 8(a) or permit meaningful Rule 12(b)(6) review.
2. The complaint failed to state an unlawful-arrest claim because it did not allege sufficient facts showing that plaintiff was arrested rather than subjected to an investigative detention, or that any arrest lacked probable cause.
3. The complaint failed to state a search-and-seizure claim because it did not provide sufficient facts identifying what was searched or seized, who conducted the search or seizure, when it occurred, or why the conduct was unreasonable.
4. The complaint failed to state an excessive-force claim because it did not adequately identify the officer involved, the nature and degree of force used, the timing of the alleged conduct, or the circumstances necessary to assess objective reasonableness.

5. The First Amendment retaliation claim failed as a matter of law and should be dismissed without leave to amend because the allegations showed that plaintiff's phone was confiscated as a consequence of detention, not in retaliation for protected recording activity.
6. The complaint failed to state an Equal Protection claim because the allegation that defendants targeted plaintiff based on race and ethnicity was conclusory and lacked facts showing discriminatory intent or purpose. Leave to amend was recommended.
7. The complaint did not state a Fourteenth Amendment due process claim because the alleged detentions and seizures were governed by the Fourth Amendment, and the complaint identified no distinct protected liberty or property interest or factual basis for a separate due process claim.
8. The Fifth Amendment claim failed as a matter of law because the Fifth Amendment applies only to actions of the federal government, while the defendants were state or municipal actors. The claim should be dismissed without leave to amend.
9. The complaint failed to state a municipal-liability claim because it alleged only formulaic conclusions about policies, customs, training, supervision, and discipline, without facts showing a policy or deliberate indifference that caused a constitutional injury. Leave to amend was recommended.
10. The motion to compel discovery and for sanctions was denied without prejudice as premature because the case remained at the pleading stage and formal discovery had not commenced.

KEY QUOTATIONS

“For the reasons that follow, the undersigned recommends defendants’ motion to dismiss (ECF No. 13) be GRANTED, but that plaintiff be given leave to file a Third Amended Complaint as to all claims except those arising under the First and Fifth Amendments, which should be dismissed without leave to amend.” (at 1)

“Accordingly, the undersigned recommends that defendants’ motion to dismiss be granted, and that plaintiff be granted leave to amend his claims under the Fourth and Fourteenth Amendments and his municipal liability claim only.” (at 16)

FACTUAL BACKGROUND

Plaintiff alleged that Stockton police officers targeted him for traffic stops on March 24 and June 8, 2022 because of his race and ethnicity. He alleged that officers used excessive force, searched or seized him and his vehicle without probable cause or a warrant, detained or arrested him unlawfully, made derogatory comments, and confiscated his phone while he attempted to record an interaction. He also alleged that the City failed to train, supervise, and discipline its officers. The court found these allegations largely conclusory and insufficiently specific as to which defendant took which action on which date.

PROCEDURAL HISTORY

Plaintiff commenced the action by filing a letter and an in forma pauperis application on March 25, 2024. After being granted leave to proceed in forma pauperis and directed to amend, plaintiff filed an amended complaint, followed by a second amended complaint on November 8, 2024. Defendants moved to dismiss on December 3, 2024. Following briefing and oral argument, the magistrate judge recommended granting the motion, dismissing

the second amended complaint with leave to amend most claims, and denying plaintiff's discovery-and-sanctions motion without prejudice as premature.

DISPOSITION

other

CASES CITED

- N. Star Int'l v. Ariz. Corp. Comm'n, 720 F.2d 578, 581 (9th Cir. 1983)
- Balistreri v. Pacifica Police Department, 901 F.2d 696, 699 (9th Cir. 1990)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 131 S. Ct. 3055 (2011)
- Hebbe v. Pliler, 627 F.3d 338, 340 (9th Cir. 2010)
- Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir. 1981)
- Sprewell v. Golden State Warriors, 266 F.3d 979, 988 (9th Cir.), amended by 275 F.3d 1187 (9th Cir. 2001)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Nordstrom v. Ryan, 762 F.3d 903, 908 (9th Cir. 2014)
- Ivey v. Board of Regents of University of Alaska, 673 F.2d 266, 268 (9th Cir. 1982)
- Pena v. Gardner, 976 F.2d 469, 471 (9th Cir. 1992)
- Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987)
- Gomez v. Toledo, 446 U.S. 635, 639 (1980)
- Leer v. Murphy, 844 F.2d 628, 632-33 (9th Cir. 1988)
- Jones v. Williams, 297 F.3d 930, 934 (9th Cir. 2002)
- Ortez v. Washington County, State of Oregon, 88 F.3d 804, 809 (9th Cir. 1996)
- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- Lacey v. Maricopa County, 693 F.3d 896, 918 (9th Cir. 2012) (en banc)
- Maxwell v. County of San Diego, 708 F.3d 1075, 1085 (9th Cir. 2013)
- Grant v. City of Long Beach, 315 F.3d 1081, 1085 (9th Cir. 2002)
- United States v. Smith, 790 F.2d 789, 792 (9th Cir. 1986)
- Beck v. State of Ohio, 379 U.S. 89, 95 (1964)
- Hart v. Parks, 450 F.3d 1059, 1069 (9th Cir. 2006)
- United States v. Bautista, 684 F.2d 1286, 1289 (9th Cir. 1982)
- Washington v. Lambert, 98 F.3d 1181, 1185 (9th Cir. 1996)
- Allen v. City of Portland, 73 F.3d 232, 235 (9th Cir. 1996)
- Franklin v. Foxworth, 31 F.3d 873, 875-76 (9th Cir. 1994)

- *Torres v. City of Madera*, 648 F.3d 1119, 1124 (9th Cir. 2011)
- *Tennessee v. Garner*, 471 U.S. 1, 7-8 (1985)
- *Graham v. Connor*, 490 U.S. 386, 395-97 (1989)
- *Velazquez v. City of Long Beach*, 793 F.3d 1010, 1025 (9th Cir. 2015)
- *Williamson v. City of National City*, 23 F.4th 1146, 1151 (9th Cir. 2022)
- *Houston Community College System v. Wilson*, 595 U.S. 468, 474 (2022)
- *Nieves v. Bartlett*, 587 U.S. 391, 398 (2019)
- *Capp v. County of San Diego*, 940 F.3d 1046, 1053 (9th Cir. 2019)
- *Fordyce v. City of Seattle*, 55 F.3d 436, 439 (9th Cir. 1995)
- *Askins v. U.S. Department of Homeland Security*, 899 F.3d 1035, 1044 (9th Cir. 2018)
- *Alston v. City of Sacramento*, No. 2:21-cv-2049-DAD-AC, 2023 U.S. Dist. LEXIS 182975, at 32-34, 2023 WL 6626174, at *10 (E.D. Cal. Oct. 11, 2023)
- *Kelly v. Borough of Carlisle*, 622 F.3d 248, 262 (3d Cir. 2010)
- *Glick v. Cunniffe*, 655 F.3d 78, 85 (1st Cir. 2011)
- *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432, 439 (1985)
- *Plyler v. Doe*, 457 U.S. 202, 216 (1982)
- *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998)
- *United States v. Guillen-Cervantes*, 748 F.3d 870, 872 (9th Cir. 2014)
- *Lee v. City of Los Angeles*, 250 F.3d 668, 687 (9th Cir. 2001)
- *Bingue v. Prunchak*, 512 F.3d 1169, 1174 (9th Cir. 2008)
- *Monell v. Department of Social Services of City of New York*, 436 U.S. 658, 692 (1978)
- *Tsao v. Desert Palace, Inc.*, 698 F.3d 1128, 1143 (9th Cir. 2012)
- *Harper v. City of Los Angeles*, 533 F.3d 1010, 1022 (9th Cir. 2008)
- *Horton by Horton v. City of Santa Maria*, 915 F.3d 592, 602-03 (9th Cir. 2019)
- *Young v. City of Visalia*, 687 F. Supp. 2d 1141, 1148 (E.D. Cal. 2009)
- *Blankenhorn v. City of Orange*, 485 F.3d 463, 484 (9th Cir. 2007)
- *Connick v. Thompson*, 563 U.S. 51, 61 (2011)
- *Flores v. County of Los Angeles*, 758 F.3d 1154, 1159 (9th Cir. 2014)
- *Hayes v. Riley*, 525 F. Supp. 3d 1118, 1120-21 (N.D. Cal. 2021)
- *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998)
- *Martinez v. Ylst*, 951 F.2d 1153, 1156-57 (9th Cir. 1991)

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