

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Michael Benjamin Tenore v. Renee Siemsen, et al.

Tenore v. Siemsen · No. 2:25-cv-0071-JDP (P) · Decided December 8, 2025

SUMMARY

The Eastern District of California denies Michael Benjamin Tenore’s objection to the screening dismissal of his 42 U.S.C. § 1983 complaint challenging the denial of parole. The court holds that his claims concern the allegedly erroneous merits-based evaluation of parole evidence, rather than a challenge to parole procedures cognizable under *Wilkinson v. Dotson*, and grants him thirty days to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 8, 2025
DOCKET	2:25-cv-0071-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	The court screened plaintiff's section 1983 complaint, dismissed it for failure to state a cognizable claim with leave to amend, and denied plaintiff's objection and request to proceed. The court allowed plaintiff thirty days to file an amended complaint.
STANDARD OF REVIEW	Screening under the requirement that a complaint state a cognizable claim under 42 U.S.C. § 1983.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential

TOPICS

- section 1983
- prisoners rights
- civil rights
- pleadings

PRACTICE AREAS

- Civil rights
- Prisoner litigation
- Parole
- Federal civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff's challenge to the merits of a state parole denial, including officials' alleged reliance on a fraudulent psychological report and failure to consider his age and health, is cognizable under 42 U.S.C. § 1983 without a prior favorable habeas judgment.
2. Whether plaintiff's objection demonstrated that the court's prior screening dismissal should be reversed.

HOLDINGS

1. A prisoner may not use section 1983 to challenge the substance or correctness of a state parole denial where the claim seeks to invalidate the denial and resulting continued incarceration; such a claim is not the type of parole-procedure challenge permitted by *Wilkinson v. Dotson*.
2. Plaintiff's objection and request to proceed were denied because they did not establish that the prior screening analysis was erroneous.

KEY QUOTATIONS

"In Wilkinson v. Dotson, the Supreme Court found that section 1983 claims challenging harsher parole guidelines could proceed because success would not necessarily render the prisoners' sentences invalid, nor would success result in immediate release or an automatically shortened period of confinement." (at 1)

"I am skeptical that plaintiff will be able to save his claim by way of amendment, but I will, again, offer him the opportunity." (at 2)

FACTUAL BACKGROUND

Plaintiff was denied parole after parole officials allegedly credited a fraudulent psychological report and failed to consider his advanced age and health problems. He characterized his claim as one challenging the parole decision and continued incarceration. The court found that the complaint challenged the officials' substantive weighing of evidence rather than the validity of parole procedures.

PROCEDURAL HISTORY

Plaintiff filed a section 1983 action alleging that defendants violated his due process rights by denying him parole. On May 9, 2025, the court screened the complaint and dismissed it with leave to amend. Plaintiff objected, arguing that *Wilkinson v. Dotson* permitted his claim to proceed without a prior favorable habeas petition. The court rejected that argument, denied the objection, and again granted leave to amend, warning that failure to amend would result in a recommendation of dismissal.

DISPOSITION

other

CASES CITED

- *Wilkinson v. Dotson*, 544 U.S. 74, 82 (2005)
- *Colt v. Venard*, No. 15-cv-4688-SK (PR), 2015 U.S. Dist. LEXIS 145091, *5 (N.D. Cal. Oct. 26, 2015)

- Swarthout v. Cooke, 562 U.S. 216, 220 (2011)

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