

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jeff Kile v. J. Doerer

No. 1:24-cv-01177-KES-SAB (PC) · No. No. 1:24-cv-01177-KES-SAB (PC) · Decided October 7, 2025

SUMMARY

The document is a Findings and Recommendation by a United States Magistrate Judge recommending dismissal of Jeff Kile’s pro se civil-rights action against J. Doerer for failure to state a cognizable claim. The court addresses screening requirements, the availability of a Bivens remedy, alleged constitutional violations, and the Federal Tort Claims Act. The recommendation was issued subject to objections within fourteen days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 7, 2025
DOCKET	No. 1:24-cv-01177-KES-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendation by a federal magistrate judge recommending dismissal of a pro se prisoner's civil-rights action at the screening stage for failure to state a cognizable claim for relief.
STANDARD OF REVIEW	At screening under 28 U.S.C. §§ 1915A and 1915(e)(2)(B), the court must dismiss claims that are frivolous or malicious, fail to state a claim, or seek monetary relief from an immune defendant. The court accepts well-pleaded allegations for purposes of screening, liberally construes a pro se pleading, and requires factual allegations sufficient to make each defendant's liability facially plausible.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jeff Kile v. J. Doerer

TOPICS

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

PRACTICE AREAS

civil rights litigation

prisoner litigation

federal tort claims

constitutional remedies

federal pleading and screening

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable Bivens claim for denial of free speech, access to the courts, unsanitary or restrictive conditions of confinement, deprivation of property, denial of medical care, or other alleged constitutional violations.
2. Whether plaintiff alleged an objectively serious medical need and deliberate indifference sufficient to state an Eighth Amendment medical-care claim.
3. Whether the complaint stated a claim under the Federal Tort Claims Act by identifying an actionable state-law tort, a proper defendant, and facts linking a defendant's conduct to an injury.
4. Whether dismissal was warranted after plaintiff failed to amend the complaint or respond to the order to show cause.

HOLDINGS

1. The complaint did not state a cognizable Bivens claim because the asserted First Amendment, conditions-of-confinement, Fifth Amendment property, and access-to-courts theories arose in contexts for which no Bivens damages remedy had been recognized, and plaintiff failed to plead sufficient facts supporting the medical-care claim.
2. Plaintiff failed to state a cognizable Eighth Amendment medical-care claim because he did not adequately allege an objectively serious medical need and did not identify or link defendant to conduct showing deliberate indifference.
3. Plaintiff failed to state an FTCA claim because he did not provide factual or legal allegations identifying an actionable state-law tort, a proper defendant, or a causal link between a defendant's conduct and his alleged injury.
4. Dismissal of the action was warranted because the operative complaint failed to state a cognizable claim and plaintiff did not file an amended complaint or respond to the order to show cause.

KEY QUOTATIONS

“To determine whether a Bivens claim is cognizable, a court first “ask[s] whether the case presents ‘a new Bivens context’—i.e., is it ‘meaningful[ly]’ different from the three cases in which the Court has implied a damages action.”” (at 2)

“If any rational reason exists to defer to Congress to establish a remedy, courts “may not recognize a Bivens remedy.”” (at 2)

“Rather, Plaintiff “must show that the course of treatment the doctors chose was medically unacceptable under the circumstances and that the defendants chose this course in conscious disregard of an excessive risk to [his] health.”” (at 5)

“Based on the foregoing, it is HEREBY RECOMMENDED that this action be dismissed for failure to state a cognizable claim for relief.” (at 8)

FACTUAL BACKGROUND

During a sixty-day lockdown at USP Atwater, plaintiff alleged that he was confined to his cell and lacked access to administrative-remedy forms, current events, outside communication, courts, medical treatment, personal property, cleaning supplies, and commissary. He alleged that his eyeglasses were confiscated, causing headaches and blurred vision, and that he experienced opiate withdrawal, anxiety, and depression. He asserted First, Fourth, Fifth, and Eighth Amendment claims, as well as claims relating to administrative remedies and the Federal Tort Claims Act.

PROCEDURAL HISTORY

Plaintiff filed the complaint on September 18, 2024. The court screened the complaint on July 29, 2025, found that it failed to state a cognizable claim, and granted leave to amend. Plaintiff did not file an amended complaint or respond to the subsequent order to show cause, so the magistrate judge recommended dismissal of the action.

DISPOSITION

other

CASES CITED

- *Ziglar v. Abbasi*, 582 U.S. 138 (2017)
- *Egbert v. Boule*, 596 U.S. 482 (2022)
- *Bivens v. Six Unknown Federal Narcotic Agents*, 403 U.S. 388 (1971)
- *Davis v. Passman*, 442 U.S. 228 (1979)
- *Carlson v. Green*, 446 U.S. 14 (1980)
- *Ashcroft v. Iqbal*, 556 U.S. 662 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007)
- *Jones v. Williams*, 297 F.3d 930 (9th Cir. 2002)
- *Wilhelm v. Rotman*, 680 F.3d 1113 (9th Cir. 2012)
- *Moss v. U.S. Secret Service*, 572 F.3d 962 (9th Cir. 2009)
- *Reichle v. Howards*, 566 U.S. 658 (2012)
- *Bush v. Lucas*, 462 U.S. 367 (1983)
- *Lee v. Matevousian*, 2018 WL 5603593, at *3-*4 (E.D. Cal. Oct. 26, 2018)
- *Schwarz v. Meinberg*, 761 F. App'x 732 (9th Cir. 2019)
- *Vega v. United States*, 881 F.3d 1146 (9th Cir. 2018)
- *Board of Regents v. Roth*, 408 U.S. 564 (1972)
- *Jackson v. McNeil*, No. 20-35991, 2023 WL 3092302 (9th Cir. Apr. 26, 2023)
- *Sapp v. Kimbrell*, 623 F.3d 813 (9th Cir. 2010)

- Watanabe v. Derr, 115 F.4th 1034 (9th Cir. 2024)
- Jett v. Penner, 439 F.3d 1091 (9th Cir. 2006)
- Snow v. McDaniel, 681 F.3d 978 (9th Cir. 2012)
- Sanchez v. Vild, 891 F.2d 240 (9th Cir. 1989)
- Peralta v. Dillard, 744 F.3d 1076 (9th Cir. 2014)
- Jackson v. McIntosh, 90 F.3d 330 (9th Cir. 1986)
- Estelle v. Gamble, 429 U.S. 97 (1976)
- Brownback v. King, 592 U.S. 209 (2021)
- F.D.I.C. v. Meyer, 510 U.S. 471 (1994)
- Nurse v. United States, 226 F.3d 996 (9th Cir. 2000)
- Kennedy v. U.S. Postal Service, 145 F.3d 1077 (9th Cir. 1998) (per curiam)
- United States v. Olson, 546 U.S. 43 (2005)
- Brown v. USA Taekwondo, 483 P.3d 159 (Cal. 2021)
- Nally v. Grace Community Church, 47 Cal. 3d 278 (1988)
- Wilkerson v. Wheeler, 772 F.3d 834 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391 (9th Cir. 1991)

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