

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Tremaine Carroll v. State of California, et al.

Carroll · No. 1:23-cv-00974 JLT HBK (PC) · Decided October 27, 2025

SUMMARY

The United States District Court for the Eastern District of California directs the Clerk to correct the docket caption by terminating defendants omitted from the First Amended Complaint. The Court also orders screening of the operative complaint under 28 U.S.C. § 1915A and directs the Clerk to provide the pro se plaintiff with a courtesy copy of the docket sheet.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 27, 2025
DOCKET	1:23-cv-00974 JLT HBK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Order in a prisoner civil-rights action directing the clerk to correct the caption and provide the pro se plaintiff a copy of the docket sheet.
STANDARD OF REVIEW	Statutory screening of a prisoner's complaint under 28 U.S.C. § 1915A before directing service.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district-court order

TOPICS

- prisoners rights
- section 1983
- service of process
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- federal jurisdiction

QUESTIONS PRESENTED

1. Whether the Court should screen the First Amended Complaint under 28 U.S.C. § 1915A before directing service on defendants.

2. Whether defendants omitted from the First Amended Complaint should be treated as dismissed and terminated from the docket.
3. Whether the pro se plaintiff should receive a courtesy copy of the docket sheet.

HOLDINGS

1. Because Plaintiff is a prisoner proceeding in forma pauperis, the Court will screen the First Amended Complaint under 28 U.S.C. § 1915A before directing service on any named defendant.
2. Defendants omitted from the First Amended Complaint are not parties to the action and must be terminated from the docket.

FACTUAL BACKGROUND

Plaintiff Tremaine Carroll is a state prisoner proceeding in forma pauperis in a civil-rights action under 42 U.S.C. § 1983. After counsel withdrew, Plaintiff proceeded pro se on a First Amended Complaint. Although summons had issued, no defendant had been served, and several defendants remained on the docket even though they were omitted from the First Amended Complaint.

PROCEDURAL HISTORY

Plaintiff and other prisoner-plaintiffs initially filed a civil-rights action under 42 U.S.C. § 1983 while represented by counsel. The actions were severed, Plaintiff proceeded on a First Amended Complaint, and the Court granted counsel's withdrawal motion, leaving Plaintiff to proceed pro se. Because service had not been completed and Plaintiff proceeded in forma pauperis, the Court ordered screening under 28 U.S.C. § 1915A before service and directed termination of defendants omitted from the First Amended Complaint.

DISPOSITION

other

CASES CITED

- Hal Roach Studios, Inc. v. Richard Feiner and Co., Inc., 896 F.2d 1542, 1546 (9th Cir. 1990)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992)

OPINION

Tremaine Carroll v. State of California, et al.

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 TREMAINE CARROLL, Case No. 1:23-cv-00974 JLT HBK (PC) 12 Plaintiff, ORDER
DIRECTING CLERK TO CORRECT
CAPTION AND PROVIDE COPY OF

13 v. DOCKET SHEET TO PRO SE PLAINTIFF

14 STATE OF CALIFORNIA, et al., 15 Defendant. 16 17 Plaintiff Tremain Carroll, a state
prisoner proceeding in forma pauperis, along with other 18 prisoner-plaintiffs, initiated this civil
rights action seeking relief under 42 U.S.C. § 1983 while 19 represented by counsel. (Doc. No. 2).
Plaintiff proceeds on her First Amended Complaint. (Doc.

20 No. 19).1 On October 27, 2025, the Court clarified that Plaintiff had dismissed her previous
21 counsel of record and granted counsel's motion to withdraw. (Doc. No. 49). Thus, Plaintiff now
22 proceeds on her First Amended Complaint pro se. (Id.). 23 The Court's review of the docket
reveals that although summons issued, service of the 24 operative complaint has not been
effectuated upon any of the defendants as of the date of this 25 Order. (See docket; see also
Response of Office of Attorney General to Order to Inform Court 26 Regarding Representation in
this Matter, Doc. No. 27). Because Plaintiff proceeds pro se and in 27 1 After reviewing the
Complaint, the Court determined that each Plaintiff should proceed 28 separately on their own
claims and severed the action. (Doc. No. 1). 1 | forma pauperis, the Court will screen the operative
complaint pursuant to 28 U.S.C. § 1915A 2 | before directing service on any defendant. 3 Further,
a preliminary review of the operative complaint reflects that certain defendants 4 | appear on the
docket who are not named in the First Amended Complaint. Specifically, 5 | defendants White,
Turnin, Dodson, Sousa, and Gensel remain listed on the docket, but are not 6 | identified as
defendant in the First Amended Complaint. (See Doc. No. 10). Thus, these 7 | defendants are
considered dismissed from this action and should be terminated from the docket 8 || by the clerk.
See Hal Roach Studios, Inc. v. Richard Feiner and Co., Inc., 896 F.2d 1542, 1546 9 | (9th Cir.
1989) (party omitted from amended complaint is not a party to the action and the court 10 } lacks
jurisdiction over that party); Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992) 11 | (amended
complaint supersedes original complaint, thus omission of defendants from amended 12 |
complaint render them non-parties). 13 Accordingly, it is ORDERED: 14 1. The Court will screen
the First Amended Complaint (Doc. No. 10) pursuant to 28 15 U.S.C. § 1915A by separate order
before directing service on any named defendant. 16 2. The Clerk shall correct the docket to
reflect the termination of the following 17 defendants: White, Turnin, Dodson, Sousa, and Gensel.
18 3. The Clerk shall provide pro se Plaintiff with a one-time courtesy copy of the docket 19 sheet
in this action with this Order. 20 *I | Dated: _ October 27, 2025 Wiha. ☐☐ fares Back

22 HELENA M. BARCH-KUCHTA

33 UNITED STATES MAGISTRATE JUDGE

24 25 26 27 28