

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Michael Hernandez Gonzalez v. Wise, et al.

Gonzalez v. Wise · No. 1:23-cv-01501-KES-BAM (PC) · Decided September 22, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and dismissed Michael Hernandez Gonzalez’s 42 U.S.C. § 1983 action for failure to state a cognizable claim. The court held that the plaintiff’s objections did not cure the deficiencies in his claims concerning halfway-program placement, medical care, and alleged denial of access to the courts.

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	September 22, 2025
DOCKET	1:23-cv-01501-KES-BAM (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations recommending dismissal of a prisoner's amended civil-rights complaint for failure to state a claim, considered the plaintiff's objections de novo, adopted the findings and recommendations, and dismissed the action.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge's findings and recommendations.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Michael Hernandez Gonzalez v. Wise, et al.

TOPICS

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

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- constitutional law
- access to courts

QUESTIONS PRESENTED

1. Whether the first amended complaint stated a cognizable claim under 42 U.S.C. § 1983.
2. Whether plaintiff's objections established a cognizable denial-of-access-to-courts claim based on Agent Wise's alleged failure to inform the court of plaintiff's hospitalization.
3. Whether the magistrate judge's recommendation to dismiss the action for failure to state a claim should be adopted after de novo review.

HOLDINGS

1. The first amended complaint failed to state a cognizable claim upon which relief could be granted, and the action was properly dismissed.
2. Plaintiff failed to state a cognizable denial-of-access-to-courts claim because his allegations did not satisfy the required elements, including loss of a nonfrivolous or arguable underlying claim, official acts frustrating litigation, and an otherwise unavailable remedy.

KEY QUOTATIONS

“An access to courts claim relating to a lost opportunity to present a claim requires a plaintiff to show: (1) the loss of a non-frivolous or arguable underlying claim; (2) the official acts that frustrated the litigation; and (3) a remedy that may be awarded as recompense but that is not otherwise available in a future suit.” (2)

“This action is dismissed for failure to state a cognizable claim upon which relief may be granted;” (2)

FACTUAL BACKGROUND

Plaintiff was a state prisoner who alleged constitutional violations relating to his placement in a halfway program and defendants' failure to provide immediate and necessary medical care. He also asserted that Agent Wise violated his First Amendment rights by failing to inform the court of plaintiff's hospitalization. The district court concluded that the allegations did not cure the deficiencies identified in screening and did not state a cognizable access-to-courts claim.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, filed an action under 42 U.S.C. § 1983 and a first amended complaint. On September 4, 2024, the magistrate judge screened the amended complaint and recommended dismissal for failure to state a cognizable claim. Plaintiff filed objections on September 23 and October 9, 2024. The district court conducted de novo review, found the recommendations supported by the record and proper analysis, adopted them in full, dismissed the action, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Phillips v. Hust, 477 F.3d 1070, 1075-76 (9th Cir. 2007)

- 555 U.S. 1150 (2009)

OPINION

Wise

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 MICHAEL HERNANDEZ GONZALEZ, No. 1:23-cv-01501-KES-BAM (PC)

12 Plaintiff, ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS TO DISMISS

13 v. ACTION FOR FAILURE TO STATE A

CLAIM

14 WISE, et al., (Doc. 27) 15 Defendants. 16 17 Plaintiff Michael Hernandez Gonzalez is a state
prisoner proceeding pro se and in forma 18 pauperis in this civil rights action filed pursuant to 42
U.S.C. § 1983. 19 On September 4, 2024, the assigned magistrate judge screened the first
amended 20 complaint and issued findings and recommendations, recommending that this action
be dismissed 21 for failure to state a cognizable claim upon which relief may be granted. Doc. 27.
The findings 22 and recommendations provided that any objections were to be filed within 14
days. Id. at 11. 23 Plaintiff timely filed objections on September 23, 2024, and filed further
objections on October 9, 24 2024. Docs. 28, 29. 25 In his objections, plaintiff argues that he stated
a claim relating to his placement in the 26 half-way program and the failure of various defendants
to provide immediate and necessary care. 27 However, plaintiff's objections reassert the
allegations already raised in the first amended 28 complaint and which were correctly addressed in
the findings and recommendations. Plaintiff's 1 | objections do not cure the deficiencies identified
by the magistrate judge. 2 Plaintiff also argues that Agent Wise violated his first amendment rights
by not informing 3 | the Court of plaintiffs hospitalization. Doc. 28 at 3. However, in addition to
not raising this 4 | claim in the first amended complaint, plaintiff has not alleged sufficient facts to
state a denial of 5 || access to courts claim. An access to courts claim relating to a lost opportunity
to present a claim 6 | requires a plaintiff to show: (1) the loss of a non-frivolous or arguable
underlying claim; (2) the 7 | official acts that frustrated the litigation; and (3) a remedy that may be
awarded as recompense 8 | but that is not otherwise available in a future suit. See Phillips v. Hust,
477 F.3d 1070, 1075-76 9 | (9th Cir. 2007), vacated on other grounds, 555 U.S. 1150 (2009).
Plaintiffs allegations do not 10 | state a cognizable denial of access to the courts claim. 11 In
accordance with 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of 12 | this
case. Having carefully reviewed the file, including plaintiffs objections, the Court finds the 13 |
findings and recommendations to be supported by the record and by proper analysis. 14

Accordingly: 15 1. The findings and recommendations issued on September 4, 2024, Doc. 27, are adopted 16 in full; 17 2. This action is dismissed for failure to state a cognizable claim upon which relief may 18 be granted; and 19 3. The Clerk of the Court is directed to close this case. 20 21

92 | IT IS SO ORDERED. _

23 Dated: _ September 21, 2025 4h

UNITED STATES DISTRICT JUDGE

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