

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Michael Thomas LeKeith Braggs v. San Diego Sheriff's Department
and San Diego Deputy Sergeant Q. Brock

Braggs · No. 24-cv-01772-RBM-VET · Decided January 29, 2026

SUMMARY

The United States District Court for the Southern District of California dismissed Michael Thomas LeKeith Braggs’s 42 U.S.C. § 1983 action against the San Diego Sheriff’s Department and a deputy sergeant. The court dismissed the action for failure to state a claim under 28 U.S.C. §§ 1915(e)(2)(B)(i) and 1915A(b)(1), and for failure to prosecute after Braggs did not file a required Second Amended Complaint.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Ruth Bermudez Montenegro
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 29, 2026
DOCKET	24-cv-01772-RBM-VET
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983 dismissed after screening and failure to file a required second amended complaint.
STANDARD OF REVIEW	Statutory screening for failure to state a claim under 28 U.S.C. §§ 1915(e)(2)(B)(i) and 1915A(b)(1), together with dismissal for failure to prosecute a court-ordered amendment.
PRECEDENTIAL VALUE	unpublished

TOPICS

- section 1983
- prisoners rights
- pleadings
- civil procedure

PRACTICE AREAS

- Civil procedure
- Civil rights
- Prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed for failure to state a claim under 28 U.S.C. §§ 1915(e)(2)(B)(i) and 1915A(b)(1).
2. Whether the action should be dismissed for failure to prosecute when Plaintiff did not comply with the order requiring him to file a Second Amended Complaint.

HOLDINGS

1. The action must be dismissed for failure to state a claim upon which relief can be granted under 28 U.S.C. §§ 1915(e)(2)(B)(i) and 1915A(b)(1).
2. The action must also be dismissed for failure to prosecute because Plaintiff did not comply with the court's order requiring him to file a Second Amended Complaint by the specified deadline.

KEY QUOTATIONS

“Accordingly, the Court DISMISSES this action for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(1) & 1915A(b)(1), and for failure to prosecute.” (at 1)

FACTUAL BACKGROUND

Plaintiff Michael Thomas LeKeith Braggs was incarcerated at the George Bailey Detention Facility and proceeded pro se. He alleged under 42 U.S.C. § 1983 that he was subjected to excessive force while being booked into the San Diego Central Jail. After two opportunities to amend, he did not file the Second Amended Complaint required by the court's order.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 complaint alleging excessive use of force during booking and sought leave to proceed in forma pauperis. The court granted IFP status and dismissed the original complaint without prejudice for failure to state a claim. After Plaintiff filed a First Amended Complaint, the court again dismissed it for failure to state a claim and gave Plaintiff a deadline to file a Second Amended Complaint, warning that failure to do so would result in dismissal of the action for failure to state a claim and failure to prosecute. Plaintiff did not file a Second Amended Complaint, so the court entered final judgment and closed the case.

DISPOSITION

dismissed

CASES CITED

- Lira v. Herrera, 427 F.3d 1164, 1169 (9th Cir. 2005)

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