

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PRECEDENTIAL VALUE	unpublished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)

OPINION

Braggs

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 MICHAEL THOMAS LEKEITH Case No.: 24-cv-01772-RBM-VET

BRAGGS,

12

BOOKING #24723149, ORDER DISMISSING ACTION FOR

13 FAILURE TO STATE A CLAIM

Plaintiff,

AND FAILURE TO PROSECUTE

14 vs. 15

SAN DIEGO SHERIFF'S

16 DEPARTMENT and SAN DIEGO

DEPUTY SERGEANT Q. BROCK,

17 Defendants. 18

19 20 On October 3, 2024, Plaintiff Michael Thomas LeKeith Braggs, an inmate at the 21 George
Bailey Detention Facility in Santee, California, proceeding pro se, filed a civil 22 rights Complaint
pursuant to 42 U.S.C. § 1983 claiming he was subjected to the excessive 23 use of force while
being booked into the San Diego Central Jail. (Doc. 1.) He also filed a 24 Motion to Proceed In
Forma Pauperis ("IFP"). (Doc. 2.) 25 On October 28, 2024, the Court granted Plaintiff leave to
proceed IFP and dismissed 26 the Complaint without prejudice for failure to state a claim. (Doc.
3.) On November 29, 27 2025, Plaintiff filed a First Amended Complaint and a second motion to
proceed IFP. 28 (Docs. 4–5.) On May 9, 2025, the Court denied the second IFP motion as moot
and 1 || dismissed the First Amended Complaint for failure to state a claim. (Doc. 7.) Plaintiff was
2 ||instructed that unless he filed a Second Amended Complaint on or before June 20, 2025, 3 ||the
Court would enter a final Order dismissing this civil action based both on □□□□□□□□□□ 4
||failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. 5 |1§§ 1915(e)(2)
(B)ai) & 1915A(b)(1), and failure to prosecute in compliance with a court 6 || order requiring
amendment. (/d. at 6 (citing Lira v. Herrera, 427 F.3d 1164, 1169 (9th Cir. 7 2005) ("If a plaintiff
does not take advantage of the opportunity to fix his complaint, a 8 district court may convert the
dismissal of the complaint into dismissal of the entire 9 || action.")).) 10 As of the date of this
Order Plaintiff has not filed a Second Amended Complaint, 11 || Accordingly, the Court
DISMISSES this action for failure to state a claim upon which 12 relief can be granted pursuant to
28 U.S.C. §§ 1915(e)(2)(B)(1) & 1915A(b)(1), and for 13 || failure to prosecute. The Clerk of
Court shall enter final judgment accordingly and close 14 || the file. 15 IT IS SO ORDERED. 16
||Dated: January 28, 2026 RR Gs ? L >

i HON. RUTH BERMUDEZ MONTENEGRO

18 UNITED STATES DISTRICT JUDGE

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AA. A1IAAID ☐☐☐☐ WoT

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