

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.

OPINION

1 2 3 4 5 6 7 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 19 20 21 22 23 24 25 26 27 28 AA. A1IAAID □□□□ WoT