

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Eberly v. Harris

No. 2:25-cv-1002-JDP (P), United States District Court for the Eastern District of California (August 22, 2025)

SUMMARY

The court recommends dismissing a state prisoner’s amended § 1983 complaint because his claims challenge the validity of an underlying murder conviction and must be pursued through habeas corpus rather than a civil rights action. The order also grants an extension of time, denies without prejudice motions for appointed counsel and post-conviction DNA testing, and directs the Clerk to provide a federal habeas form.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 22, 2025
DOCKET	2:25-cv-1002-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner filed a first amended complaint under 42 U.S.C. § 1983 challenging the validity of his state murder conviction and related matters. The magistrate judge screened the complaint and issued findings and recommendations recommending dismissal without leave to amend; the recommendation was submitted to an assigned district judge for review.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915A; failure-to-state-a-claim review under Federal Rule of Civil Procedure 8(a)(2) and the plausibility standard.
PRECEDENTIAL VALUE	nonprecedential magistrate judge findings and recommendations; not a final district-court judgment in the source
PARTIES	Gary Alan Eberly v. Kamala Devi Harris, et al.

TOPICS

section 1983

federal habeas corpus

prisoners rights

post-conviction relief

civil procedure

PRACTICE AREAS

civil rights

prisoner litigation

habeas corpus

civil procedure

QUESTIONS PRESENTED

1. Whether a state prisoner may pursue claims under 42 U.S.C. § 1983 when those claims directly or indirectly challenge the validity of an uninvalidated conviction or ongoing sentence.
2. Whether plaintiff's first amended complaint stated a cognizable § 1983 claim under the prisoner-screening and pleading standards.
3. Whether plaintiff's motions to appoint counsel and for post-conviction DNA testing should be granted.

HOLDINGS

1. Claims by a state prisoner that attack the validity of an ongoing conviction or sentence must be brought, if at all, in a habeas action rather than under § 1983.
2. The amended complaint failed to state a cognizable § 1983 claim because its allegations challenged the validity of plaintiff's uninvalidated state conviction.

KEY QUOTATIONS

“such claims that attack, either directly or indirectly, the validity of a conviction that has not been expunged, must be brought in a habeas action.” (at 1)

“The Court has long held that habeas is the exclusive vehicle for claims brought by state prisoners that fall within the core of habeas, and such claims may not be brought in a § 1983 action.” (at 2)

“It is RECOMMENDED that the first amended complaint, ECF No. 17, be DISMISSED without leave to amend for failure to state a viable section 1983 claim.” (at 2)

FACTUAL BACKGROUND

Plaintiff is a state prisoner convicted of murdering his wife. He alleges that her death was a suicide and that his conviction was illegally obtained. His amended complaint asserted nineteen claims concerning the conviction, including alleged suppression of evidence, witness tampering, and ineffective assistance of counsel.

PROCEDURAL HISTORY

Plaintiff previously received a screening order explaining that claims attacking the validity of his conviction or ongoing sentence must be pursued in habeas rather than under § 1983. Plaintiff filed a timely first amended complaint asserting nineteen claims, including suppression of evidence, witness tampering, and ineffective assistance of counsel. The court recommended dismissal for failure to state a viable § 1983 claim, denied motions to appoint counsel and for post-conviction DNA testing without prejudice, granted an extension of time, and directed that a federal habeas form be provided for use in a separate action.

DISPOSITION

other

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Kobold v. Good Samaritan Reg'l Med. Ctr., 832 F.3d 1024, 1038 (9th Cir. 2016)
- Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hayes v. Idaho Corr. Ctr., 849 F.3d 1204, 1208 (9th Cir. 2017)
- Bruns v. Nat'l Credit Union Admin., 122 F.3d 1251, 1257 (9th Cir. 1997)
- Ivey v. Bd. of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Nettles v. Grounds, 830 F.3d 922, 927 (9th Cir. 2016)
- Heck v. Humphrey, 512 U.S. 477, 487 (1994)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

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