

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Black v. Siskiyou County

Black · No. 2:24-cv-3709 DJC CKD P · Decided March 14, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 SIVA D. BLACK, No. 2:24-cv-3709 DJC CKD P 12 Plaintiff, 13 v.
FINDINGS AND RECOMMENDATIONS 14 SISKIYOU COUNTY, 15 Defendant. 16 17
Plaintiff, confined at Napa State Hospital, is proceeding pro se and seeking relief pursuant 18 to
42 U.S.C. § 1983. Plaintiff seeks an extension of time within which to file an amended 19
complaint.

Good cause appearing, the request for an extension of time will be granted and the 20 amended
complaint deemed timely. 21 The court is required to screen complaints brought by prisoners
seeking relief against a 22 governmental entity or officer or employee of a governmental entity. 28
U.S.C. § 1915A(a).

The 23 court must dismiss a complaint or portion thereof if the prisoner has raised claims that are
legally 24 “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or
that seek 25 monetary relief from a defendant who is immune from such relief. 28 U.S.C. §
1915A(b)(1),(2). 26 As in his original complaint, plaintiff challenges the fact that he has been
found unfit to 27 stand trial in Siskiyou County and remanded to the custody of the Department of
State Hospitals.

28 To the extent petitioner seeks dismissal of the charges against him, his sole federal remedy lies
in 1 an action for a writ of habeas corpus. *Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973). To the 2
extent, he seeks a determination that he is competent to stand trial, federal courts generally cannot
3 interfere with pending state criminal proceedings. *Younger v. Harris*, 401 U.S. 37, 45-46 (1971).

4 *Younger* abstention is appropriate when the following factors are satisfied: “(1) there is an 5
ongoing state judicial proceeding; (2) the proceeding implicate[s] important state interests; (3) 6
there is an adequate opportunity in the state proceedings to raise constitutional challenges; and (4)
7 the requested relief seek[s] to enjoin or has the practical effect of enjoining the ongoing state 8
judicial proceeding.” *Arevalo v. Hennessy*, 882 F.3d 763, 765 (9th Cir.

2018) (citation and 9 internal quotations omitted). All of the *Younger* factors are met. While
plaintiff expresses at 10 least frustration with the state court process, he fails to show his ability to

raise good faith 11 Constitutional challenges is compromised in any meaningful way. 12 For these reasons, plaintiff's amended complaint must be dismissed.

As it does not appear 13 plaintiff can, in good faith, state a claim upon which he can proceed, the court will not grant leave 14 to amend a second time. 15 In accordance with the above, IT IS HEREBY ORDERED that: 16 1. Plaintiff's motion for an extension of time (ECF No. 13) is GRANTED. 17 2. Plaintiff's amended complaint is deemed timely. 18 IT IS HEREBY RECOMMENDED that: 19 1.

Plaintiff's amended complaint be dismissed for failure to state a claim upon which 20 relief can be granted; and 21 2. This case be closed. 22 These findings and recommendations are submitted to the United States District Judge 23 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 24 after being served with these findings and recommendations, plaintiff may file written objections 25 with the court.

The document should be captioned "Objections to Magistrate Judge's Findings 26 and Recommendations." Plaintiff is advised that failure to file objections within the specified 27 // 28 // 1 || time waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th 2 | Cir. 1991). 3 || Dated: March 14, 2025 Card Kt | / ye □ □ □ 4 CAROLYNK.DELANEY 5 UNITED STATES MAGISTRATE JUDGE 6 7} blac3709.fis 8 9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28