

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jones v. Smalling, et al.

Jones · No. 2:24-cv-02742-EFB (PC) · Decided November 10, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Kevin Lawrence Jones’s application to proceed in forma pauperis in his 42 U.S.C. § 1983 action. The court recommends dismissal without prejudice under Heck v. Humphrey because the claims challenging his criminal proceedings would imply the invalidity of his conviction or confinement. The matter is referred to a district judge, and the parties are given fourteen days to file objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 10, 2025
DOCKET	2:24-cv-02742-EFB (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of a pro se state-prisoner complaint under 28 U.S.C. §§ 1915A and 1915(e)(2), with findings and recommendations to a district judge.
STANDARD OF REVIEW	At screening, the court determines whether the complaint is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant under 28 U.S.C. §§ 1915A(b) and 1915(e)(2). The court accepts well-pleaded allegations as true and construes them in the light most favorable to the plaintiff, while requiring a short and plain statement containing sufficient factual matter to state a facially plausible claim.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- prisoners rights
- section 1983
- federal habeas corpus
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the prisoner's § 1983 claims challenging the fairness and validity of his criminal trials are cognizable before the underlying convictions or sentences have been invalidated.
2. Whether the complaint satisfies the screening and pleading requirements applicable to a prisoner proceeding in forma pauperis.

HOLDINGS

1. A state prisoner's § 1983 claims are not cognizable when success would necessarily imply the invalidity of the prisoner's confinement unless the conviction or sentence has already been invalidated. Because plaintiff's allegations challenged the fairness and validity of his criminal trials, the complaint was subject to dismissal without prejudice, with habeas corpus identified as the proper vehicle for the challenge.
2. A prisoner complaint proceeding in forma pauperis must be dismissed at screening if it is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant; a pro se complaint must also satisfy Rule 8 and contain sufficient factual matter to state a facially plausible claim.

KEY QUOTATIONS

“Because it is clear from his complaint that plaintiff’s claims fall within the rule of Heck, this case must be dismissed without prejudice to plaintiff bringing his claim in a petition for writ of habeas corpus.” (at 2)

“Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity.” (at 1)

FACTUAL BACKGROUND

Plaintiff, a state prisoner, alleged that during his criminal trials Superior Court Judge Patrick Smalling denied him a fair trial, District Attorney Ashleigh Augustine sought his conviction based on race, and Public Defender Nickolas Evans rendered ineffective assistance of counsel. The alleged misconduct concerns the validity of plaintiff's criminal convictions and confinement.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding without counsel, filed a 42 U.S.C. § 1983 complaint and an application to proceed in forma pauperis. The magistrate judge granted in forma pauperis status, recommended dismissal of the complaint without prejudice under *Heck v. Humphrey*, and recommended that the Clerk close the case, subject to objections and review by the assigned district judge.

DISPOSITION

dismissed

CASES CITED

- Neitzke v. Williams, 490 U.S. 319 (1989)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007)
- Conley v. Gibson, 355 U.S. 41 (1957)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Erickson v. Pardus, 551 U.S. 89 (2007)
- Scheuer v. Rhodes, 416 U.S. 232 (1974)
- Heck v. Humphrey, 512 U.S. 477 (1994)
- Turner v. Duncan, 158 F.3d 449 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

Smalling

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 KEVIN LAWRENCE JONES, No. 2:24-cv-02742-EFB (PC)

12 Plaintiff,

13 v. ORDER AND FINDINGS AND

RECOMMENDATIONS

14 PATRICK J. SMALLING, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner proceeding without counsel in an action brought pursuant to 42 18 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 19 U.S.C. § 636(b)(1). Plaintiff has also filed an application to proceed in forma pauperis. ECF

20 Nos. 2.

21 I. Request to Proceed In Forma Pauperis 22 Plaintiff's application makes the showing required by 28 U.S.C. § 1915(a)(1) and (2). 23 Accordingly, by separate order, the court directs the agency having custody of plaintiff to collect 24 and forward the appropriate monthly payments for the filing fee as set forth in 28 U.S.C. 25 § 1915(b)(1) and (2). 26 II. Screening Requirement and Standards 27 Federal courts must engage in a preliminary screening of cases in which prisoners seek 28 redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. 1 § 1915A(a). The court must identify cognizable claims or dismiss the complaint, or any portion 2 of the complaint, if the complaint "is frivolous, malicious, or fails to state a claim upon which 3 relief may be granted," or "seeks monetary relief from a defendant who is immune from such 4 relief." Id. § 1915A(b). 5 This standard is echoed in 28 U.S.C. § 1915(e)(2), which requires that courts dismiss a 6 case in which a plaintiff proceeds in forma pauperis at any time if it determines, among other 7 things, that the action "is frivolous or malicious," "fails to state a claim

on which relief may be granted,” or “seeks monetary relief against a defendant who is immune from such relief.” “[The] term ‘frivolous,’ when applied to a complaint, embraces not only the inarguable legal conclusion, but also the fanciful factual allegation.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (discussing the predecessor to modern § 1915(e)(2), former § 1915(d)). Thus, § 1915(e)(2) allows judges to dismiss a claim based on factual allegations that are clearly baseless, such as facts describing “fantastic or delusional scenarios.” *Id.* at 327-38. A pro se plaintiff, like other litigants, must satisfy the pleading requirements of Rule 8(a) of the Federal Rules of Civil Procedure. Rule 8(a)(2) “requires a complaint to include a short and plain statement of the claim showing that the pleader is entitled to relief, in order to give the defendant fair notice of what the claim is and the grounds upon which it rests.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 554, 562-563 (2007) (citing *Conley v. Gibson*, 355 U.S. 41 (1957)). While the complaint must comply with the “short and plain statement” requirements of Rule 8, its allegations must also include the specificity required by *Twombly* and *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). To avoid dismissal for failure to state a claim a complaint must contain more than “naked assertions,” “labels and conclusions” or “a formulaic recitation of the elements of a cause of action.” *Twombly*, 550 U.S. at 555-557. In other words, “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements do not suffice.” *Iqbal*, 556 U.S. at 678. Furthermore, a claim upon which the court can grant relief must have facial plausibility. *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678. When considering whether a complaint states a claim upon which relief can be granted, the court must accept the allegations as true, *Erickson v. Pardus*, 551 U.S. 89 (2007), and construe the complaint in the light most favorable to the plaintiff, see *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974).

III. Screening Order

Plaintiff alleges that, during his criminal trials, defendant Superior Court Judge Patrick Smalling denied him a fair trial, defendant District Attorney Ashleigh Augustine sought his conviction “based on race,” and defendant Public Defender Nickolas Evans rendered ineffective assistance of counsel. ECF No. 1 at 3.

In *Heck v. Humphrey*, 512 U.S. 477 (1994), and its progeny, the Supreme Court has held that, where a judgment in a prisoner’s favor on § 1983 action would necessarily imply the invalidity of the prisoner’s confinement, the prisoner’s claim is not cognizable until he demonstrates that the sentence or conviction has been invalidated. *Heck*, 512 U.S. at 483, 486-87.

Because it is clear from his complaint that plaintiff’s claims fall within the rule of *Heck*, this case must be dismissed without prejudice to plaintiff bringing his claim in a petition for writ of habeas corpus.

IV. Order and Recommendation

Accordingly, it is ORDERED that:

1. Plaintiff’s request to proceed in forma pauperis (ECF Nos. 2) is granted.
2. Plaintiff shall pay the statutory filing fee of \$350. All payments shall be collected in accordance with the notice to the Sacramento County Sheriff’s Department filed concurrently herewith.
3. The Clerk of Court randomly assign a

district judge to this action. 25 It is further RECOMMENDED that the complaint be dismissed without prejudice and the Clerk 26 of Court directed to close the case. 27 These findings and recommendations are submitted to the United States District Judge 28 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 1 | after being served with these findings and recommendations, any party may file written 2 || objections with the court and serve a copy on all parties. Such a document should be captioned 3 || “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections 4 | within the specified time may waive the right to appeal the District Court’s order. Turner v. 5 || Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991). 6 7 || Dated: November 10, 2025 Za ihttin > Joe A

8 UNITED STATES MAGISTRATE JUDGE

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