

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Renee Fellows v. Weaks, et al.

Fellows · No. 2:25-cv-00439-DAD-AC · Decided December 19, 2025

SUMMARY

The United States District Court for the Eastern District of California granted defendants’ unopposed motion to sever Renee Fellows’ Fourteenth Amendment excessive-use-of-force claim under 42 U.S.C. § 1983. The court directed the Clerk to open a new civil case for that claim, waived the new filing fee, terminated the specified defendants from the present action, and reset the initial scheduling conference.

CASE DETAILS

|                       |                                                                                                                                                                               |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                           |
| WRITING FOR THE COURT | Dale A. Drozd                                                                                                                                                                 |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                           |
| DECIDED               | December 19, 2025                                                                                                                                                             |
| DOCKET                | 2:25-cv-00439-DAD-AC                                                                                                                                                          |
| DISPOSITION           | other                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Defendants moved to sever claims under Federal Rule of Civil Procedure 21, and plaintiff filed a statement of non-opposition. The district court granted the motion to sever. |
| PRECEDENTIAL VALUE    | Unpublished district court order; nonprecedential                                                                                                                             |
| PARTIES               | Renee Fellows v. Weaks, Rowmano, Guerrero, Does 1-25                                                                                                                          |

TOPICS

- joinder
- civil procedure
- section 1983
- fourteenth amendment

PRACTICE AREAS

- civil procedure
- civil rights
- constitutional law

QUESTIONS PRESENTED

1. Whether defendants' unopposed motion to sever plaintiff's Fourteenth Amendment excessive-use-of-force claim under Federal Rule of Civil Procedure 21 should be granted.

## HOLDINGS

1. The court granted defendants' unopposed motion to sever plaintiff's first claim for excessive use of force under the Fourteenth Amendment and 42 U.S.C. § 1983 from the action.

## KEY QUOTATIONS

*“In light of plaintiff’s statement of non-opposition, the court will grant defendants’ motion.”* (at 1)

## FACTUAL BACKGROUND

The action included plaintiff's claim that defendants Weaks, Rowmano, Guerrero, and Does 1-25 used excessive force in violation of the Fourteenth Amendment and 42 U.S.C. § 1983. Defendants sought severance of that claim, and plaintiff did not oppose the motion.

## PROCEDURAL HISTORY

Defendants filed a motion to sever on June 5, 2025. Plaintiff filed a statement of non-opposition on June 19, 2025. The court granted the motion, severed plaintiff's Fourteenth Amendment excessive-use-of-force claim under 42 U.S.C. § 1983, dismissed the affected defendants from the original action, waived the filing fee for the newly opened case under Rule 21, and reset the initial scheduling conference.

## DISPOSITION

other

## CASES CITED

- San Francisco Tech., Inc. v. Aero Prods. Int’l, Inc., No. 5:10-cv-02994-JF-PSG, 2011 WL 1044856, at \*5 (N.D. Cal. Mar. 22, 2011)
- Faria v. Dollar Tree Stores, Inc., No. 17-cv-07544-JAK-JEM, 2018 WL 6262880, at \*3 (C.D. Cal. Feb. 15, 2018)

## OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF  
CALIFORNIA 10 11 RENEE FELLOWS, No. 2:25-cv-00439-DAD-AC 12 Plaintiff, 13 v.  
ORDER GRANTING DEFENDANTS’ MOTION TO SEVER 14 WEAKS, et al., (Doc. No. 12)  
15 Defendant. 16 17 On June 5, 2025, defendants filed a motion to sever. (Doc. No. 12.)

On June 19, 2025, 18 plaintiff filed a statement of non-opposition to the motion. (Doc. No. 13.) In  
light of plaintiff’s 19 statement of non-opposition, the court will grant defendants’ motion. See San  
Francisco Tech., 20 Inc. v. Aero Prods. Int’l, Inc., No. 5:10-cv-02994-JF-PSG, 2011 WL 1044856,

at \*5 (N.D. Cal. 21 Mar. 22, 2011) (“SF Tech has filed a statement of non-opposition to all motions for severance and 22 transfer.

Accordingly, the motions will be granted.”); *Faria v. Dollar Tree Stores, Inc.*, No. 17- 23 cv- 07544-JAK-JEM, 2018 WL 6262880, at \*3 (C.D. Cal. Feb. 15, 2018) (“Notwithstanding these 24 limitations, in light of Plaintiffs’ non-opposition to the Motion, the request to sever is 25 GRANTED.”). 26 Accordingly, 27 1. Defendants’ motion to sever (Doc. No. 12) is GRANTED; 28 //// 1 2.

Plaintiffs first claim for excessive use of force in violation of her Fourteenth 2 Amendment rights and 42 U.S.C § 1983 brought against defendants Weaks, 3 Rowmano, Guerrero, and Does 1—25 is SEVERED from this action; 4 3, Defendants Weaks, Rowmano, Guerrero, and Does 1—25 are DISMISSED from 5 this action; 6 4.

The Clerk of the Court is DIRECTED to assign a new case number to the 7 Fourteenth Amendment excessive use of force claim brought against defendants 8 Weaks, Rowmano, Guerrero, and Does 1-25, and in particular: 9 a. The filings from this case (No. 2:25-cv-00439-DAD-AC) shall be included on 10 the docket in the newly opened civil case; 11 b. The filing fee for the new civil case is waived in accordance with Rule 21 of 12 the Federal Rules of Civil Procedure; 13 5.

The Clerk of the Court is directed to update the docket to reflect that defendants 14 Weaks, Rowmano, and Guerrero have been TERMINATED as named defendants in 15 this action; and 16 6. The Initial Scheduling Conference is hereby RESET to February 9, 2026 at 1:30 p.m. 17 before District Judge Dale A. Drozd by Zoom.

The parties shall file a joint scheduling 18 report by no later than January 26, 2026. 19 IT IS SO ORDERED. “0 Dated: \_ December 18, 2025 Dak A. 2, Arye 21 DALE A. DROZD 0 UNITED STATES DISTRICT JUDGE 23 24 25 26 27 28