

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Price v. Noone

No. 2:24-cv-2756-JDP (P), United States District Court for the Eastern District of California (May 5, 2025)

SUMMARY

The United States District Court for the Eastern District of California screened Eugene Leon Price’s pro se 42 U.S.C. § 1983 complaint against thirty-three defendants. The court found that the complaint failed to state claims against thirty-two defendants but stated a potentially cognizable Eighth Amendment excessive-force claim against Jacobs based on an alleged humiliating strip search. The court ordered Price to either proceed solely against Jacobs or file an amended complaint within thirty days.

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	May 5, 2025
DOCKET	2:24-cv-2756-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Screening order in a prisoner civil-rights action brought under 42 U.S.C. § 1983.
STANDARD OF REVIEW	Mandatory screening under 28 U.S.C. § 1915(e), with dismissal of claims that are frivolous, malicious, fail to state a claim, or seek relief from an immune defendant; pleading sufficiency was evaluated under Federal Rule of Civil Procedure 8 and the Twombly/Iqbal plausibility standard, with liberal construction of the pro se complaint.
PRECEDENTIAL VALUE	unpublished
PARTIES	Eugene Leon Price v. D. Noone, et al.

TOPICS

- prisoners rights
- section 1983
- cruel and unusual punishment
- pleadings
- civil procedure

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

civil procedure

QUESTIONS PRESENTED

1. Whether the complaint stated cognizable constitutional claims against the named defendants under § 1983.
2. Whether the allegations concerning excessive noise stated an Eighth Amendment conditions-of-confinement claim.
3. Whether the allegations against Watkins, Dr. L, and an unnamed official stated constitutional claims.
4. Whether the allegations against Johnson and Abernathy sufficiently stated a First Amendment retaliation claim.
5. Whether the allegations that Jacobs stripped plaintiff naked for two hours as punishment stated a potentially cognizable Eighth Amendment excessive-force claim.

HOLDINGS

1. A complaint subject to screening under 28 U.S.C. § 1915(e) must identify cognizable claims and must be dismissed in whole or in part when it is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant; it must also satisfy Rule 8 and plausibly state an entitlement to relief.
2. An Eighth Amendment conditions-of-confinement claim requires allegations that the plaintiff was deprived of the minimal civilized measure of life's necessities and that the defendant acted with deliberate indifference; although the alleged noise could satisfy the deprivation component, plaintiff failed to allege how any named defendant was involved.
3. The allegations that Watkins refused to discuss a rule-violation report, that Dr. L shared information with other officials, and that an unnamed official removed grievance paperwork did not state cognizable constitutional claims.
4. A prisoner retaliation claim requires allegations that a state actor took adverse action because of protected conduct, the action chilled the inmate's exercise of First Amendment rights, and the action did not reasonably advance a legitimate correctional goal; plaintiff failed to sufficiently allege these elements against Johnson and Abernathy.
5. For screening purposes, allegations that a prison staff member stripped a prisoner naked for two hours as punishment and without legitimate penological justification state a potentially cognizable Eighth Amendment claim based on degrading or humiliating sexual conduct.

KEY QUOTATIONS

“To sufficiently allege an Eighth Amendment conditions of confinement claim, a plaintiff must allege that he has been both deprived of the minimal civilized necessities of life and that the defendant acted with a deliberate indifference.” (at 3)

“Although not explicitly stated, plaintiff appears to bring a First Amendment retaliation claim against Johnson and Abernathy.” (at 4)

“Nevertheless, for the purposes of screening, plaintiff does appear allege a cognizable Eighth Amendment excessive force claim against Jacobs for degrading plaintiff in front of Sergeant Montoya, Neil, and female officers by stripping him naked for two hours as a form of punishment.” (at 5)

FACTUAL BACKGROUND

Price alleged that he was subjected to a low-frequency buzzing sound while housed in the Restricted Housing Unit at High Desert State Prison. He alleged that various prison officials failed to address a rule-violation report, shared information about anticipated litigation, removed grievance paperwork, retaliated against him by assigning an allegedly unfavorable calculation worksheet, and that Jacobs stripped him naked for two hours in front of other prison personnel as punishment. The court found the allegations insufficiently connected to most defendants but potentially sufficient to state an Eighth Amendment claim against Jacobs based on the alleged degrading strip search.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se, filed an amended § 1983 complaint against thirty-three defendants alleging constitutional violations. On screening, the court found that the complaint failed to state cognizable claims against thirty-two defendants but potentially stated an Eighth Amendment excessive-force claim against Jacobs. The court gave plaintiff thirty days either to proceed solely on the claim against Jacobs or to file another amended complaint, and directed that no defendants be served unless plaintiff elected to proceed on the existing claim.

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)
- Allen v. Sakai, 48 F.3d 1082, 1087 (9th Cir. 1995)
- Rico v. Ducart, 980 F.3d 1292, 1298 (9th Cir. 2020)

- Keenan v. Hall, 83 F.3d 1083, 1090 (9th Cir. 1996), amended on denial of reh'g, 135 F.3d 1318 (9th Cir. 1998)
- Lewis v. Hetzel, No. C20-5114-RBL-TLF, 2020 WL 4739618, at *1-3 (W.D. Wash. July 21, 2020)
- Rhodes v. Robinson, 408 F.3d 559, 567-68 (9th Cir. 2005)
- Bearchild v. Cobban, 947 F.3d 1130, 1144 (9th Cir. 2020)
- Lacey v. Maricopa Cnty., 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc)

OPINION

(PC) Price v. Noone, et.al.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 EUGENE LEON PRICE, Case No. 2:24-cv-2756-JDP (P) 12 Plaintiff, 13 v. ORDER 14 D.
 NOONE, et al., 15 Defendant. 16 17 18 Plaintiff, a state prisoner proceeding pro se, brings this §
 1983 action against thirty-three 19 named defendants, alleging various constitutional violations.
 ECF No. 20. Plaintiff fails to state 20 cognizable claims against thirty-two of the named
 defendants, but he does state a potentially 21 colorable Eighth Amendment claim against
 defendant Jacobs. Plaintiff may, if he chooses, file an 22 amended complaint that addresses the
 deficiencies noted herein, or proceed only on the Eighth 23 Amendment claim against Jacobs. 24
 Screening and Pleading Requirements 25 A federal court must screen the complaint of any
 claimant seeking permission to proceed 26 in forma pauperis. See 28 U.S.C. § 1915(e). The court
 must identify any cognizable claims and 27 dismiss any portion of the complaint that is frivolous
 or malicious, fails to state a claim upon 28 1 which relief may be granted, or seeks monetary relief
 from a defendant who is immune from such 2 relief. Id. 3 A complaint must contain a short and
 plain statement that plaintiff is entitled to relief, 4 Fed. R. Civ. P. 8(a)(2), and provide “enough
 facts to state a claim to relief that is plausible on its 5 face,” Bell Atl. Corp. v. Twombly, 550 U.S.
 544, 570 (2007). The plausibility standard does not 6 require detailed allegations, but legal
 conclusions do not suffice. See Ashcroft v. Iqbal, 556 U.S. 7 662, 678 (2009). If the allegations
 “do not permit the court to infer more than the mere 8 possibility of misconduct,” the complaint
 states no claim. Id. at 679. The complaint need not 9 identify “a precise legal theory.” Kobold v.
 Good Samaritan Reg’l Med. Ctr., 832 F.3d 1024, 10 1038 (9th Cir. 2016). Instead, what plaintiff
 must state is a “claim”—a set of “allegations that 11 give rise to an enforceable right to relief.”
 Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 12 n.2 (9th Cir. 2006) (en banc) (citations
 omitted). 13 The court must construe a pro se litigant’s complaint liberally. See Haines v. Kerner,
 404 14 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if
 it 15 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which
 16 would entitle him to relief.” Hayes v. Idaho Corr. Ctr., 849 F.3d 1204, 1208 (9th Cir. 2017). 17

However, “a liberal interpretation of a civil rights complaint may not supply essential elements 18 of the claim that were not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 19 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 20 Analysis 21 Plaintiff alleges violations of his Sixth, Eighth, and Fourteenth Amendment rights, 22 checking boxes for basic necessities, disciplinary proceedings, excessive force, threat to safety, 23 exercise of religion, and retaliation. ECF No. 20 at 3, 4. He alleges that defendants Noone, 24 Carpenter, Stark, Villarreal, Para, Writz, Lewis, Garcia, Sullivan, Dystrom, Pena, Grady, Neil, 25 Pearson, Hernandez, Dr. L, Gwerson, Martin, Johnson, Abernathy, Martinez, White, Muthana, 26 Carion, Soriano, Avalos, Garcia # 2, Pattern, Gonzalez, Ayala, Thao, Watkins, and Jacobs acted 27 maliciously toward him while he was in the Restricted Housing Unit (“RHU”) at High Desert 28 State Prison (“HDSP”). *Id.* at 3. 1 Plaintiff generally alleges that he is being “torture[d]” inside his cell by a “buzzing sounds 2 with a low frequency.” *Id.* at 7. He contends this sound comes from “files” that his former prison 3 provided HDSP. *Id.* at 7, 11. 4 Plaintiff also alleges that Watkins refused to speak with him about a rule violation report 5 that he received while at his former prison. *Id.* at 8. He also alleges that Dr. L shared information 6 with Watkins and Pearson regarding a lawsuit plaintiff was intending to file. *Id.* He alleges that 7 Jacobs degraded him in front of Sergeant Montoya, Neil, and female officers by stripping him 8 naked for two hours. *Id.* at 8, 10. He also asserts that an unnamed prison official took paperwork 9 from his cell regarding grievances. *Id.* at 10. 10 Finally, plaintiff alleges that, due to him filing grievances and a lawsuit, Johnson and 11 Abernathy gave him “the worst calculation worksheet.” *Id.* at 4. He contends that had these 12 individuals calculated his worksheet correctly, he would be at Level 2 or Level 3. *Id.* 13 As an initial matter, plaintiff’s complaint, even liberally construed, fails to allege any 14 constitutional violations related to disciplinary proceedings or the exercise of religion. As such, 15 to the extent plaintiff attempts to bring such claims, his complaint fails to sufficiently allege them. 16 Plaintiff’s complaint also fails to state a cognizable Eighth Amendment claim based on 17 excessive noise against the thirty-three named defendants. Plaintiff appears to allege an Eighth 18 Amendment claim relating to the conditions of his confinement due to excessive noise. To 19 sufficiently allege an Eighth Amendment conditions of confinement claim, a plaintiff must allege 20 that he has been both deprived of the minimal civilized necessities of life and that the defendant 21 acted with a deliberate indifference. *Allen v. Sakai*, 48 F.3d 1082, 1087 (9th Cir. 1995). 22 Plaintiff’s claim sufficiently alleges he has been deprived of the minimal civilized necessities of 23 life. See *Rico v. Ducart*, 980 F.3d 1292, 1298 (9th Cir. 2020) (noting that existing Ninth Circuit 24 precedent recognizes the general right of inmates to be free from excess noise); see also *Keenan* 25 *v. Hall*, 83 F.3d 1083, 1090 (9th Cir. 1996), amended on denial of reh’g, 135 F.3d 1318 (9th Cir. 26 1998) (holding that the Eighth Amendment requires inmates to be housed in an environment that 27 is reasonably free from excess noise). However, plaintiff fails to allege any facts demonstrating 28 that any of the named defendants were involved in this incessant noise. See generally ECF No. 1 20 at 3-4. As such, plaintiff’s Eighth Amendment claim does not comply with

Rule 8, as its 2 allegations against each named defendant are not simple, concise, or direct. Fed. R. Civ. P. 3 8(d)(1). Instead, the complaint makes its allegations generally and without explaining how each 4 defendant was involved in the alleged violations of plaintiff's rights. See generally ECF No. 20 5 at 7, 11. Thus, it is unclear which, if any, of the thirty-three named defendants were responsible 6 for the complained-of noise. 7 Plaintiff also fails to state a claim against Watkins for his refusal to speak to plaintiff 8 about a rule violation report plaintiff received at his former prison, as plaintiff does not identify, 9 and the court cannot find, any constitutional principle that generally requires a prison official to 10 speak to an inmate about a rule violation. Plaintiff also fails to state a claim against Dr. L for her 11 sharing information with Watkins and Pearson, as, again, there is no constitutional prohibition 12 against prison officials generally sharing information with one another. 13 Also, plaintiff's allegation against an unnamed prison official for taking grievance 14 paperwork from plaintiff's cell similarly fails to state a claim, as plaintiff fails to allege that he 15 suffered an injury as a result of this conduct, and the allegation is conclusory. See *Lewis v. 16 Hetzel*, No. C20-5114-RBL-TLF, 2020 WL 4739618, at *1-3 (W.D. Wash. July 21, 2020) 17 (dismissing an action for failure to state a claim where plaintiff's allegations failed to allege a 18 specific injury as a result of the alleged conduct and made "sweeping conclusory allegations"). 19 Although not explicitly stated, plaintiff appears to bring a First Amendment retaliation 20 claim against Johnson and Abernathy. However, he fails to sufficiently make such allegations 21 because he failed to allege that their actions chilled his First Amendment exercise or that the 22 actions did not advance a legitimate correctional goal. See *Rhodes v. Robinson*, 408 F.3d 559, 23 567-68 (9th Cir. 2005) (outlining the "basic elements" of a First Amendment retaliation claim as 24 "(1) [a]n assertion that a state actor took some adverse action against an inmate (2) because of 25 (3) that prisoner's protected conduct, and that such action (4) chilled the inmate's exercise of his 26 First Amendment rights, and (5) the action did not reasonably advance a legitimate correctional 27 goal"). 28 1 Nevertheless, for the purposes of screening, plaintiff does appear allege a cognizable 2 | Eighth Amendment excessive force claim against Jacobs for degrading plaintiff in front of 3 | Sergeant Montoya, Neil, and female officers by stripping him naked for two hours as a form of 4 | punishment. See *Bearchild v. Cobban*, 947 F.3d 1130, 1144 (9th Cir. 2020) ("We now hold that a 5 || prisoner presents a viable Eighth Amendment claim where he . . . proves that a prison staff 6 || member, acting under color of law and without legitimate penological justification, ... engaged 7 | in sexual conduct for... the purpose of humiliating, degrading, or demeaning the prisoner.") 8 As such, plaintiff may either notify the court that he wishes to proceed on his cognizable 9 | Eighth Amendment claim against defendant Jacobs, in which case I will direct service, or he may 10 | elect to amend his complaint. If plaintiff amends his complaint, I will delay serving any 11 || defendant and will screen his amended complaint in due course. Plaintiff is reminded that any 12 | amended complaint will supersede the current complaint. See *Lacey v. Maricopa Cnty.*, 693 F.3d 13 | 896, 907 n.1 (9th Cir. 2012) (en banc). The amended complaint should be titled "Second 14 | Amended Complaint" and refer to the

appropriate case number. 15 Accordingly, it is hereby ORDERED that: 16 1. Within thirty days from the service of this order, plaintiff must indicate his intent to 17 || proceed only with his Eighth Amendment claim against defendant Jacobs, or he must file another 18 | amended complaint. If he selects the latter, no defendants will be served until the new complaint 19 || is screened. 20 2. The Clerk of Court shall send plaintiff a § 1983 complaint form with this order. 21 IT IS SO ORDERED. 23 (1 Oy — Dated: _ May 5, 2025 _—————

24 JEREMY D., PETERSON

UNITED STATES MAGISTRATE JUDGE

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