

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kincaid v. CDCR

No. 2:25-cv-1705-JDP (P) (E.D. Cal. July 15, 2025) · No. 2:25-cv-1705-JDP (P) · Decided July 15, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed Tai T. Kincaid’s complaint against the California Department of Corrections and Rehabilitation concerning injuries allegedly sustained when a golf cart tipped during prison transportation. The court held that CDCR is immune from suit under the Eleventh Amendment and that the state-law negligence claim could not proceed because the parties were not diverse. The court granted in forma pauperis status and leave to amend 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	July 15, 2025
DOCKET	2:25-cv-1705-JDP (P)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of a pro se prisoner’s complaint filed under 42 U.S.C. § 1983 while proceeding in forma pauperis.
STANDARD OF REVIEW	The complaint was screened under 28 U.S.C. § 1915(e); dismissal was proper if the complaint was frivolous, malicious, failed to state a claim, or sought relief from an immune defendant. The pleading was evaluated under Federal Rule of Civil Procedure 8(a)(2) and the plausibility standard.
PRECEDENTIAL VALUE	Unpublished district court order; generally nonprecedential except as permitted by applicable rules.

TOPICS

- section 1983
- prisoners rights
- eleventh amendment immunity
- pleadings
- subject matter jurisdiction

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether CDCR could be sued for damages or injunctive relief in this action.
2. Whether the complaint stated a cognizable federal claim against CDCR under 42 U.S.C. § 1983.
3. Whether the court had diversity jurisdiction over plaintiff's state-law negligence claim.

HOLDINGS

1. CDCR, as a state agency, is immune from suit under the Eleventh Amendment and is not a proper defendant for plaintiff's claims for damages or injunctive relief.
2. The court lacked diversity jurisdiction because plaintiff and CDCR were not citizens of different states.
3. The complaint failed to state a claim for relief because it named an immune state agency and asserted only a state-law negligence claim without a basis for federal jurisdiction.

KEY QUOTATIONS

"However, CDCR is not a proper defendant because it is a state agency that is immune from suit under the Eleventh Amendment." (Opinion at 3)

"Accordingly, plaintiff's complaint is dismissed for failure to state a claim." (Opinion at 4)

FACTUAL BACKGROUND

Tai T. Kincaid alleged that on August 17, 2023, he was being transported by golf cart from New Folsom State Prison to Old Folsom State Prison when the cart tipped over and ejected him. He alleged injuries to his neck, spine, and right hip. He asserted a negligence claim against the California Department of Corrections and Rehabilitation.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 complaint alleging that he was injured when a golf cart transporting him between prison facilities tipped over. The court granted leave to proceed in forma pauperis, screened the complaint under 28 U.S.C. § 1915(e), dismissed it for failure to state a claim, and granted thirty days to file an amended complaint or a notice of voluntary dismissal.

DISPOSITION

dismissed

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Kobold v. Good Samaritan Regional Medical Center, 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 Correctional Center*, 849 F.3d 1204, 1208 (9th Cir. 2017)
- *Bruns v. National Credit Union Administration*, 122 F.3d 1251, 1257 (9th Cir. 1997)
- *Ivey v. Board of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)
- *Will v. Michigan Department of State Police*, 491 U.S. 58, 66 (1989)
- *Lucas v. Department of Corrections*, 66 F.3d 245, 248 (9th Cir. 1995) (per curiam)
- *Pennhurst State School & Hospital v. Halderman*, 465 U.S. 89, 100 (1984)
- *Rainero v. Archon Corp.*, 844 F.3d 832, 839 (9th Cir. 2016)
- *Lacey v. Maricopa County*, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 TAI T. KINCAID, Case No. 2:25-cv-1705-JDP (P) 12 Plaintiff, 13 v.
ORDER 14 CDCR, 15 Defendant. 16 17 18 Plaintiff, a state prisoner proceeding pro se, brings
this § 1983 action against CDCR for 19 injuries he sustained when he was ejected from a golf cart
while being transported around the 20 prison.

ECF No. 1. The allegations fail to state a claim. Plaintiff may, if he chooses, file an 21 amended
complaint that addresses the deficiencies noted herein. I will grant plaintiff's 22 application to
proceed in forma pauperis. ECF No. 2. 23 Screening and Pleading Requirements 24 A federal
court must screen the complaint of any claimant seeking permission to proceed 25 in forma
pauperis.

See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and 26 dismiss any
portion of the complaint that is frivolous or malicious, fails to state a claim upon 27 which relief
may be granted, or seeks monetary relief from a defendant who is immune from such 28 relief. *Id.*
1 A complaint must contain a short and plain statement that plaintiff is entitled to relief, 2 Fed.

R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its 3
face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not 4
require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S. 5
662, 678 (2009). If the allegations “do not permit the court to infer more than the mere 6
possibility of misconduct,” the complaint states no claim.

Id. at 679. The complaint need not 7 identify “a precise legal theory.” *Kobold v. Good Samaritan*
Reg'l Med. Ctr., 832 F.3d 1024, 8 1038 (9th Cir. 2016). Instead, what plaintiff must state is a
“claim”—a set of “allegations that 9 give rise to an enforceable right to relief.” *Nagrampa v.*
MailCoups, Inc., 469 F.3d 1257, 1264 10 n.2 (9th Cir. 2006) (en banc) (citations omitted).

11 The court must construe a pro se litigant's complaint liberally. See *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant's complaint "if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir.

2017). 15 However, "a liberal interpretation of a civil rights complaint may not supply essential elements 16 of the claim that were not initially pled." *Bruns v. Nat'l Credit Union Admin.*, 122 F.3d 1251, 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 18 Analysis 19 Plaintiff alleges that on August 17, 2023, he was in a golf cart being transported from 20 New Folsom State Prison to Old Folsom State Prison when the cart tipped and ejected him.

ECF 21 No. 1 at 3. Plaintiff suffered injury to his neck, spine, and right hip. *Id.* Plaintiff purports to 22 bring a negligence claim against defendant CDCR. *Id.* 23 The complaint fails to state a claim for two main reasons.

First, the only named defendant 24 is CDCR. However, CDCR is not a proper defendant because it is a state agency that is immune 25 from suit under the Eleventh Amendment. See *Will v. Michigan Dep't of State Police*, 491 U.S. 26 58, 66 (1989); *Lucas v. Dep't of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995) (per curiam) (holding 27 that prisoner's Eighth Amendment claims against CDCR for damages and injunctive relief were 28 barred by Eleventh Amendment immunity); *Pennhurst State Sch. & Hosp. v. Halderman*, 465 1 U.S. 89, 100 (1984) (explaining that Eleventh Amendment immunity extends to state agencies).

2 Second, plaintiff only asserts a state law claim for negligence. Therefore, this court's jurisdiction 3 depends on diversity jurisdiction. See 28 U.S.C. §§ 1331, 1332; see also *Rainero v. Archon 4 Corp.*, 844 F.3d 832, 839 (9th Cir. 2016) ("For a federal court to exercise diversity jurisdiction 5 under § 1332(a), the amount in controversy must exceed \$75,000, and the parties must be citizens 6 of different states.").

Diversity jurisdiction exists in all civil actions in which there is complete 7 diversity of citizenship of the parties and the amount in controversy exceeds \$75,000. 28 U.S.C. 8 § 1332. Because plaintiff and defendant are not diverse, this court lacks jurisdiction over 9 plaintiff's claim. 10 Accordingly, plaintiff's complaint is dismissed for failure to state a claim.

I will allow 11 plaintiff a chance to amend his complaint before recommending that this action be dismissed. If 12 plaintiff decides to file an amended complaint, the amended complaint will supersede the current 13 one. See *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc). This means 14 that the amended complaint will need to be complete on its face without reference to the prior 15 pleading.

See E.D. Cal. Local Rule 220. Once an amended complaint is filed, the current one no longer serves any function. Therefore, in an amended complaint, as in the original, plaintiff will need to assert each claim and allege each defendant's involvement in sufficient detail.

The amended complaint should be titled "First Amended Complaint" and refer to the appropriate case number. If plaintiff does not file an amended complaint, I will recommend that this action be dismissed. Accordingly, it is hereby ORDERED that: 1. Plaintiff's request for leave to proceed in forma pauperis, ECF No. 2, is GRANTED. 2. Plaintiff's complaint, ECF No. 1, is DISMISSED with leave to amend.

3. Within thirty days from service of this order, plaintiff shall file either (1) an amended complaint or (2) notice of voluntary dismissal of this action without prejudice. 4. Failure to timely file either an amended complaint or notice of voluntary dismissal may result in the imposition of sanctions, including a recommendation that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

5. The Clerk of Court shall send plaintiff a complaint form with this order. IT IS SO ORDERED. (Dated: July 15, 2025) JEREMY D. PETERSON UNITED STATES MAGISTRATE JUDGE