

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Mario Patino v. D. Dominguez, et al.

Case No. 3:25-cv-0589-BAS-KSC (S.D. Cal. Feb. 4, 2026) · No. 3:25-cv-0589-BAS-KSC · Decided February 4, 2026

SUMMARY

The United States District Court for the Southern District of California dismissed Mario Patino’s First Amended Complaint without prejudice for failure to comply with Federal Rules of Civil Procedure 8(a) and 10(a), and for failure to state a claim under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). The court granted Patino 45 days to file a complete Second Amended Complaint identifying all defendants and alleging specific facts supporting his claims concerning the removal of his religious necklace.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cynthia Bashant
JURISDICTION	United States District Court for the Southern District of California
DECIDED	February 4, 2026
DOCKET	3:25-cv-0589-BAS-KSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983; the district court screened the pro se plaintiff's First Amended Complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b) and dismissed it without prejudice, granting leave to amend.
STANDARD OF REVIEW	De novo statutory screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), applying the Federal Rule of Civil Procedure 12(b)(6) plausibility standard.
PRECEDENTIAL VALUE	unpublished

TOPICS

- pleadings
- motions to dismiss
- prisoners rights
- section 1983
- first amendment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the First Amended Complaint complied with Federal Rule of Civil Procedure 8(a)'s requirement of a short and plain statement providing fair notice of the claims and their grounds.
2. Whether the First Amended Complaint complied with Federal Rule of Civil Procedure 10(a)'s requirement that the complaint's title name all parties.
3. Whether the First Amended Complaint stated a plausible claim against D. Dominguez by alleging facts showing his personal participation in the alleged constitutional deprivation.
4. Whether dismissal of the pro se plaintiff's First Amended Complaint should be without prejudice and accompanied by leave to amend.

HOLDINGS

1. A complaint fails to satisfy Rule 8(a) when it does not provide each defendant fair notice of the claims asserted against that defendant, the grounds for those claims, and the specific conduct alleged to violate the plaintiff's rights.
2. An amended complaint does not comply with Rule 10(a) when its caption identifies only one defendant followed by et al.; the caption must name all parties the plaintiff intends to sue.
3. To state a plausible claim under 42 U.S.C. § 1983 against an individual defendant, a plaintiff must allege facts showing that the defendant personally participated in the deprivation of the plaintiff's constitutional rights.
4. A pro se complaint should not be dismissed without leave to amend unless it is absolutely clear that the deficiencies cannot be cured by amendment.

KEY QUOTATIONS

“The purpose of Rule 8(a) is to ensure that a complaint “fully sets forth who is being sued, for what relief, and on what theory, with enough detail to guide discovery.”” (Discussion § C.1)

“Plaintiff's Second Amended Complaint must be complete by itself without reference to his previous pleadings.” (Conclusion and Order)

FACTUAL BACKGROUND

Plaintiff, a prisoner at Centinela State Prison proceeding pro se, alleged that a correctional officer removed his religious necklace on October 18, 2023, without valid or security justification. He alleged that the necklace had significant religious meaning and was a required article of faith. The First Amended Complaint asserted claims under the First Amendment, the Religious Land Use and Institutionalized Persons Act, and California regulations, but did not identify which individual defendants engaged in which conduct.

PROCEDURAL HISTORY

Plaintiff originally filed the action in the Central District of California and was granted leave to proceed in forma pauperis. After the case proceeded in the Southern District of California, the court screened the original complaint, dismissed it for failure to state a claim, and granted leave to amend. Plaintiff obtained two extensions and filed a First Amended Complaint. The court dismissed that pleading for failure to comply with Federal Rules of Civil Procedure 8(a) and 10(a), and for failure to state a claim against the named defendant, while granting forty-five days to file a Second Amended Complaint.

DISPOSITION

dismissed

CASES CITED

- Rhodes v. Robinson, 621 F.3d 1002, 1004 (9th Cir. 2010)
- Watson v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 & n.3 (2007)
- McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996)
- Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc., 896 F.2d 1542, 1546 (9th Cir. 1990)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-63 (9th Cir. 1992)
- Jones v. Williams, 297 F.3d 930, 934 (9th Cir. 2002)
- Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978)
- Rosati v. Igbinoso, 791 F.3d 1037, 1039 (9th Cir. 2015)
- Akhtar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 2012)
- Lira v. Herrera, 427 F.3d 1164, 1169 (9th Cir. 2005)

OPINION

MARIO PATINO v. D. DOMINGUEZ, et al.

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 MARIO PATINO, Case No.: 3:25-cv-0589-BAS-KSC

CDCR #F05346,

12

ORDER DISMISSING FIRST

Plaintiff,

13 AMENDED COMPLAINT FOR

vs. FAILURE TO COMPLY WITH

14

FEDERAL RULES OF CIVIL

15 PROCEDURE 8(a) and 10 AND

D. DOMINGUEZ, et al., FOR FAILURE STATE A CLAIM

16 Defendants. PURSUANT TO 28 U.S.C. 17 §§ 1915(e)(2)(B) AND 1915A(b) 18

19 BACKGROUND

20 Mario Patino (“Patino” or “Plaintiff”), a prisoner currently confined at Centinela 21 State
Prison (“CEN”), is proceeding pro se with a civil action pursuant to 42 U.S.C. 22 § 1983.1 This
Court screened Patino’s original complaint and dismissed it for failure to 23 state a claim. (ECF
No. 13.) The Court granted Plaintiff leave to amend his pleading and, 24 after two extensions of
time (ECF Nos. 15, 17), Patino has filed a First Amended 25 26 1 This case was originally filed in
the United States District Court for the Central District of California on

27 November 22, 2024. (See ECF No. 1.) That court granted Plaintiff’s motion to proceed in
forma pauperis

(“IFP”) on January 24, 2025. (ECF No. 6.) On March 10, 2025, however, that court found venue
was 28 1 Complaint. (ECF No. 18.) For the reasons discussed below, the Court DISMISSES the 2
FAC without prejudice.

3 SCREENING PURSUANT TO 28 U.S.C. § 1915(e) AND § 1915A(b)

4 A. Legal Standard 5 As with his original complaint, because Plaintiff is proceeding IFP, the
Court must 6 screen his FAC and sua sponte dismiss it pursuant to 28 U.S.C. § 1915(e)(2)(B) and
7 § 1915A(b), to the extent it is frivolous, malicious, fails to state a claim, or seeks damages 8
from defendants who are immune. See *Rhodes v. Robinson*, 621 F.3d 1002, 1004 (9th Cir. 9 2010).
“The standard for determining whether Plaintiff has failed to state a claim upon 10 which relief
can be granted under § 1915(e)(2)(B)(ii) is the same as the Federal Rule of 11 Civil Procedure
12(b)(6) standard for failure to state a claim.” *Watison v. Carter*, 668 F.3d 12 1108, 1112 (9th Cir.
2012). Rule 12(b)(6) requires that a complaint to “contain sufficient 13 factual matter . . . to state a
claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 14 556 U.S. 662, 678 (2009)
(internal quotation marks omitted). While detailed factual 15 allegations are not required,
“[t]hreadbare recitals of the elements of a cause of action, 16 supported by mere conclusory
statements, do not suffice” to state a claim. *Id.* The “mere 17 possibility of misconduct” or
“unadorned, the defendant-unlawfully-harmed me 18 accusation[s]” fall short of meeting this
plausibility standard. *Id.* 19 B. Allegations in Plaintiff’s FAC 20 Patino alleges very few facts in
his FAC. He states that on October 18, 2023, a 21 correctional officer “removed [his] religious
necklace” without a “valid or security 22 justification.” (ECF No. 18 at 2.) He states the necklace
holds significant religious meaning 23 for him and is “a required article of faith” for his religious
beliefs. *Id.* 24 Patino claims that the removal of his necklace was in violation of his rights under 25
the First Amendment, the Religious Land Use and Institutionalized Persons Act 26 (“RLUIPA”),
and California state regulations. (*Id.* at 2–3.) He seeks a declaratory 27 judgment, an injunction
ordering the return of his necklace, and unspecified compensatory 28 and punitive damages. (*Id.* at

5.) 1 C. Discussion 2 1. Federal Rules of Civil Procedure 8 and 10 3 The FAC must be dismissed for failure to comply with Federal Rules of Civil

4 Procedure 8 and 10. First, Rule 8(a) of the Federal Rules requires that each complaint filed 5 in federal court contain a “short and plain statement of the claim showing that the pleader 6 is entitled to relief.” Fed. R. Civ. P. 8(a)(2). As noted above, detailed factual allegations 7 are not required but, at a minimum, a complaint must allege enough specific facts to 8 provide both “fair notice” of the particular claim being asserted and “the grounds upon 9 which [that claim] rests.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 & n.3 (2007) 10 (citation and quotation marks omitted); see also *Iqbal*, 556 U.S. at 678 (2009) (stating that 11 the Rule 8 pleading standard “demands more than an unadorned, the-defendant- 12 unlawfully-harmed-me accusation”). The purpose of Rule 8(a) is to ensure that a complaint 13 “fully sets forth who is being sued, for what relief, and on what theory, with enough detail 14 to guide discovery.” *McHenry v. Renne*, 84 F.3d 1172, 1177 (9th Cir. 1996). 15 Here, Plaintiff’s FAC violates Rule 8 because it fails to give any defendant adequate 16 notice of the claims against them. As noted above, Plaintiff purports to assert three claims. 17 (See ECF No. 18 at 2–3.) However, no names are mentioned in the factual summary or in 18 the section where Plaintiff sets forth these three claims. Indeed, no name is mentioned in 19 the body of the FAC. (See *id.*) The FAC’s caption lists only “D. Dominguez, et al. 20 DEFENDANTS.” (*Id.* at 1.) And in the section of the FAC entitled “Parties,” Plaintiff 21 merely states “Defendants are prison officials and/or employees of Centinela state Prison 22 who were responsible for or directly involved in the removal and withholding of Plaintiff’s 23 religious necklace.” (*Id.* at 2.) Without a clear indication as to which defendants are being 24 sued on which respective grounds, as well as specific allegations showing what each 25 Defendant did to violate Plaintiff’s rights, Plaintiff cannot proceed in this action. As stated 26 in this Court’s order dismissing the original complaint, an amended complaint “must be 27 complete by itself without reference to previous pleadings.” (ECF No. 13 at 7 (citing S.D. 28 Cal. CivLR 15.1; *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1 1546 (9th Cir. 1989) (“[A]n amended pleading supersedes the original.”))). 2 In addition, the FAC also violates Rule 10(a), which provides that the “[t]he title of 3 the complaint must name all the parties.” Fed. R. Civ. P. 10(a). Here, the caption/title of 4 the FAC includes only one name, “D. Dominguez,” followed by “et al.” (ECF No. 18 at 5 1.) This does not satisfy Rule 10(a). See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–63 (9th

6 Cir. 1992). To the extent Plaintiff may presume the Court will infer the “et al.” in the FAC’s 7 caption references the other defendants named in the original complaint, it may not do so. 8 *Id.* at 1262 (stating a federal court is precluded from referencing an original complaint 9 which contained a caption listing other defendants because the amended pleading 10 supersedes the original) (citing *Hal Roach Studios*, 896 F.2d at 1546 (“The fact that a party 11 was named in the original complaint is irrelevant; an amended pleading supersedes the 12 original.”))). 13 Thus, because Plaintiff has failed to comply with Federal Rules of Civil Procedure 14 8(a)(2) and 10(a),

the FAC must be dismissed. See 28 U.S.C. §§ 1915(e)(2)(B) and 15 1915A(b). 16 2. Dominguez
17 In addition, the Court notes that to the extent the FAC lists “D. Dominguez” as a 18 defendant
in the caption, Plaintiff fails to state a claim against him because, as noted above, 19 he has failed
to allege any specific facts as to conduct by Dominguez in the body of the 20 FAC. To state a
plausible claim against any defendant, Plaintiff must demonstrate that each 21 defendant
personally participated in the deprivation of his rights. *Jones v. Williams*, 297 22 F.3d 930, 934
(9th Cir. 2002). This requires the presentation of factual allegations as to 23 each defendant
sufficient to state a plausible claim. *Iqbal*, 556 U.S. at 678–79. A person 24 may be liable under §
1983 for an affirmative act, participation in another’s affirmative 25 acts, or omission of an act that
he is legally required to do, causing the deprivation of a 26 constitutional right. *Johnson v. Duffy*,
588 F.2d 740, 743 (9th Cir. 1978) (citation omitted). 27 D. Leave to Amend 28 1 In light of the
above and Plaintiff’s pro se status, the Court grants Plaintiff to amend 2 || his pleading and address
the deficiencies identified above. See *Rosati v. Igbinoso*, 791 F.3d 3 || 1037, 1039 (9th Cir. 2015)
 (“A district court should not dismiss a pro se complaint without 4 || leave to amend unless it is
absolutely clear that the deficiencies of the complaint could not 5 || be cured by amendment.”)
(quoting *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012)).

6 CONCLUSION AND ORDER

7 For above reasons, the Court: 8 I. DISMISSES Plaintiff’s First Amended Complaint (ECF No.
18) in its 9 || entirety for failure to comply with Federal Rules of Civil Procedure 8(a) and
10 || 10(a), and for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(b). 11 2.
GRANTS Plaintiff forty-five (45) days leave from the date of this Order in 12 which to file a
Second Amended Complaint which cures the pleading deficiencies 13 || discussed above.
Plaintiff’s Second Amended Complaint must be complete by itself 14 || without reference to his
previous pleadings. See S.D. Cal. CivLR 15.1; *Hal Roach Studios, Inc.*, 896 F.2d at 1546
 (“[A]n amended pleading supersedes the original.”). The Second 16 || Amended Complaint must
also list the names of all Defendants Plaintiff means to sue in 17 || the proper space in the caption
of the pleading. See *Ferdik*, 963 F.2d at 1260-61. 18 If Plaintiff fails to timely file a Second
Amended Complaint, the Court will enter a 19 || final Order dismissing this civil action based both
on failure to state a claim upon which 20 || relief can be granted pursuant to 28 U.S.C. §§ 1915(e)
(2)(B)(i) and 1915A(b)(1), and 21 || failure to prosecute in compliance with a court order
requiring amendment. See *Lira v. Herrera*, 427 F.3d 1164, 1169 (9th Cir. 2005) (“If a plaintiff
does not take advantage of 23 opportunity to fix his complaint, a district court may convert the
dismissal of the 24 || complaint into dismissal of the entire action.”). 25 IT IS SO ORDERED. 26
27 || DATED: February 4, 2026 (yi. Dwhark 28 H n. Cynthia Bashant, Chief Judge . United States
District Court