

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Jones v. San Diego Sheriff's Department

Case No. 25cv1892-BTM (MSB) · No. 25cv1892-BTM (MSB) · Decided August 12, 2025

SUMMARY

The United States District Court for the Southern District of California dismissed Terrell Moreno Jones's § 1983 complaint without prejudice because the claims were supplemental to those in his previously filed case concerning the same conditions of confinement. The court denied the motion to proceed in forma pauperis as moot and directed the clerk to close the case.

OPINION

1 2 3 4 5 6 7 8 9 UNITED STATES DISTRICT COURT 10 SOUTHERN DISTRICT OF
CALIFORNIA 11 12 TERRELL MORENO JONES, Case No.: 25cv1892-BTM (MSB)
BOOKING #24736966 13 ORDER DISMISSING Plaintiff, 14 COMPLAINT WITHOUT vs.
PREJUDICE TO PROCEED IN 15 SO.DIST.CA. CIVIL CASE NO. 16 25cv0779 AND
DENYING MOTION SAN DIEGO SHERIFF'S TO PROCEED IN FORMA 17 DEPARTMENT,
PAUPERIS AS MOOT 18 Defendant.

19 20 21 Plaintiff Terrell Moreno Jones, proceeding pro se and detained at the George Bailey 22
Detention Facility in Santee, California, has filed a civil rights complaint pursuant to 42 23 U.S.C.
§ 1983 along with a motion to proceed in forma pauperis ("IFP"). (ECF Nos. 1-2.) 24 Plaintiff
alleges that the conditions of confinement at George Bailey, including the failure 25 of Defendant
San Diego Sheriff's Department to segregate violently mentally ill inmates 26 from other inmates,
has led to his being assaulted on May 16, 2025, for the second time by 27 a mentally unstable
inmate.

(ECF No. 1 at 3.) Plaintiff is currently proceeding with a civil 28 rights action in this Court against
the same defendant challenging the same conditions of 1 confinement at George Bailey which he
alleges led to his initial assault by a mentally 2 unstable inmate on December 8, 2024. See Jones v.
San Diego Sheriff's Department, 3 Compl. filed 3/25/25 [ECF No. 1 at 3] in So.Dist.Ca.

Civil Case No. 25cv0779-BAS 4 (KSC). On August 5, 2025, the Court granted Plaintiff leave to
proceed IFP in that case 5 and dismissed the Complaint with leave to amend on or before October
6, 2025, after 6 notifying him of the defects of pleading. See id., Order filed 8/5/25 [ECF No. 5].

The 7 Complaint was dismissed for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2) 8
and § 1915A(b) because the only named defendant, the San Diego Sheriff's Department, 9 is not a

proper defendant in a 42 U.S.C. § 1983 action, and Plaintiff was instructed on how to cure that pleading defect. *Id.* at 6-8.

The instant action suffers from the same pleading defect, in that the only named defendant in this case is the San Diego Sheriff's Department, a pleading defect which Plaintiff has been notified of and instructed on how to cure in his first-filed case. *Id.* Because the claims in this action are supplemental to the claims in that first-filed case within the meaning of Fed.R.Civ.P.

15(d), the Court dismisses this action without prejudice to Plaintiff to proceed with his claims in So.Dist.Ca. Civil Case No. 25cv0779- BAS (KSC). See Fed.R.Civ.P. 15(d) (defining "a supplemental pleading [as] setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented."); *Keith v. Volpe*, 858 F.2d 467, 474 (9th Cir.

1988) (for purposes of Rule 20 15(d), a new claim can be added if there is "some relationship" between the new claim and the "subject of the original action."); see also *id.* at 473 (the use of supplemental pleadings is "favored" where it increases judicial economy by enabling a court to award complete relief in one action "to avoid the cost, delay and waste of separate actions which must be separately tried and prosecuted" and "ought to be allowed as of course."); *Adams v. Cal. 25 Dep't of Health Servs.*, 487 F.3d 684, 689 (9th Cir.

2007) ("[I]n assessing whether the second action is duplicative of the first, we examine whether the causes of action and relief sought, as well as the parties or privies to the action, are the same."), overruled on other grounds by *Taylor v. Sturgell*, 553 U.S. 880, 904 (2008). 1 Conclusion and Order 2 The Court DISMISSES the Complaint without prejudice to Plaintiff to pursue the 3 || claims herein in So.Dist.Ca.

Civil Case No. 25cv0779-BAS (KSC). The Motion to proceed 4 ||IFP is DENIED as moot. The Clerk of Court shall close the case and enter judgment 5 || accordingly. 6 IT IS SO ORDERED. 7 ||Dated: August 11, 2025 3 ' 8 Hon. Barry Ted Moskowitz 9 United States District Judge 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 3 ee