

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

OPINION

Jones v. San Diego Sheriffs Dept.

PER CURIAM.

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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 10 to cure that pleading defect. *Id.* at 6-8. The instant action suffers from the same pleading 11 defect, in that the only named defendant in this case is the San Diego Sheriff's Department, 12 a pleading defect which Plaintiff has been notified of and instructed on how to cure in his 13 first-filed case. *Id.* 14 Because the claims in this action are supplemental to the claims in that first-filed 15 case within the meaning of Fed.R.Civ.P. 15(d), the Court dismisses this action without 16 prejudice to Plaintiff to proceed with his claims in So.Dist.Ca. Civil Case No. 25cv0779- 17 BAS (KSC). See Fed.R.Civ.P. 15(d) (defining "a supplemental pleading [as] setting out 18 any transaction, occurrence, or event that happened after the date of the pleading to be 19 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 21 the "subject of the original action."); see also *id.* at 473 (the use of supplemental pleadings 22 is "favored" where it increases judicial economy by enabling a court to award complete 23 relief in one action "to avoid the cost, delay and waste of separate actions which must be 24 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 26 second action is duplicative of the first, we examine whether the causes of action and relief 27 sought, as well as the parties or privies to the action, are the same."), overruled on other 28 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