

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Harris v. City of Madera

No. 1:22-cv-00660 JLT GSA (PC) (E.D. Cal. July 29, 2025) · No. 1:22-cv-00660 JLT GSA (PC) · Decided July 29, 2025

SUMMARY

In this order, the United States Magistrate Judge directs a state prisoner to show cause why his amended 42 U.S.C. § 1983 action should not be summarily dismissed. The court identifies apparent untimeliness based on claims arising in 2016 and failure to exhaust available administrative remedies under the Prison Litigation Reform Act. The plaintiff is given fourteen days either to show cause or voluntarily dismiss the action.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Gary S. Austin
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 29, 2025
DOCKET	1:22-cv-00660 JLT GSA (PC)
DISPOSITION	other
PROCEDURAL POSTURE	The court screened Plaintiff's first amended complaint in a prisoner civil-rights action under 42 U.S.C. § 1983 and ordered Plaintiff to show cause why the matter should not be summarily dismissed as untimely and for failure to exhaust administrative remedies, or alternatively to voluntarily dismiss the action.
STANDARD OF REVIEW	Screening review of a prisoner complaint under the applicable federal statutes and rules; the court considered apparent defects on the face of the amended complaint.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status unknown
PARTIES	Daniel Jafain Harris v. City of Madera, Madera Sheriff Department, Madera County Department of Corrections, Luz Romero, Christine Najiri

TOPICS

statute of limitations

prisoners rights

section 1983

civil procedure

motions to dismiss

PRACTICE AREAS

prisoner civil rights

civil procedure

statute of limitations

administrative exhaustion

municipal liability

QUESTIONS PRESENTED

1. Whether the first amended complaint appeared barred by the applicable four-year limitations period, including available statutory and equitable tolling.
2. Whether Plaintiff's failure to exhaust the available Madera County Jail administrative-remedy process required dismissal under the Prison Litigation Reform Act.
3. Whether the first amended complaint improperly asserted claims against new defendants and unrelated claims not raised in the original complaint.

HOLDINGS

1. The action appeared untimely because the alleged injury accrued on September 29, 2016, the applicable limitations period, including the available two-year prisoner tolling period, expired no later than September 29, 2020, and Plaintiff's complaint was not constructively filed until April 29, 2022.
2. The amended complaint appeared subject to dismissal for failure to exhaust administrative remedies because it acknowledged an available jail grievance process but admitted that Plaintiff did not use it and did not plausibly establish that the process was unavailable.
3. The amended complaint's assertion of claims against defendants and based on conduct not included in the original complaint was an additional ground supporting dismissal.

KEY QUOTATIONS

“Plaintiff will be ordered to show cause why this matter should not be summarily dismissed as untimely and for failure to exhaust administrative remedies.” (8)

“Plaintiff’s contradictory statements that there is an administrative remedy process at the jail, but that he did not use the process because “remedies for complaint are unavailable at institution, facility or prison,” without more, does not, consistent with Ross, sufficiently excuse the fact that he has not exhausted his administrative remedies.” (14)

“In sum, because: (1) Plaintiff’s complaint was filed well beyond the four-year statute of limitations period, and (2) it is clear on the face of the FAC that Plaintiff did not exhaust his administrative remedies, and that he has provided no viable excuse under Ross for not having done so, the Court must recommend that this matter be summarily dismissed.” (20)

FACTUAL BACKGROUND

Plaintiff, a California state prisoner proceeding pro se and in forma pauperis, alleged that on September 29, 2016, Luz Romero and Christine Najiri arranged an unauthorized visit with Klara Bess to entrap him and obtain incriminating information related to a criminal conviction. He asserted due-process, negligence, misconduct,

liberty, civil-rights, and constitutional claims under 42 U.S.C. § 1983. The amended complaint acknowledged that an inmate appeal process was available at the Madera County Jail but stated that Plaintiff had not filed an appeal or grievance because he believed remedies were unavailable.

PROCEDURAL HISTORY

Plaintiff filed an original complaint on April 29, 2022, alleging constitutional and related violations arising from events in 2016 and 2017. The court previously found the original complaint deficient for lack of specific facts, failure to identify an actionable governmental policy or procedure, and failure to plead a viable municipal-liability theory, and allowed amendment. Plaintiff filed a first amended complaint naming the City of Madera and adding two new individual defendants. The court determined that the amended pleading appeared untimely and that Plaintiff admitted he had not pursued available jail grievance procedures, then issued an order to show cause rather than entering a final dismissal.

DISPOSITION

other

CASES CITED

- Lukovsky v. City and County of San Francisco, 535 F.3d 1044, 1048
- Two Rivers v. Lewis, 174 F.3d 987, 991
- Fink v. Shedler, 192 F.3d 911, 914
- Jones v. Blanas, 393 F.3d 918, 927
- Hardin v. Straub, 490 U.S. 536, 539, 109 S.Ct. 1998, 2000
- Donoghue v. County of Orange, 848 F.2d 926, 930-31
- Addison v. State of California, 21 Cal.3d 313, 318
- Brown v. Valoff, 422 F.3d 926, 943
- McDonald v. Antelope Valley Cmty. Coll. Dist., 45 Cal. 4th 88, 101
- Elkins v. Derby, 12 Cal. 3d 410, 414
- Albino v. Baca, 747 F.3d 1162, 1171
- Woodford v. Ngo, 548 U.S. 81, 85
- Rhodes v. Robinson, 621 F.3d 1002, 1005
- Ross v. Blake, 578 U.S. 632, 639, 642-44
- George v. Smith, 507 F.3d 605, 607
- Roberts v. Marshall, 627 F.3d 768, 769 n.1
- Jenkins v. Johnson, 330 F.3d 1146, 1149 n.2
- Pace v. DiGuglielmo, 544 U.S. 408

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