

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Gray v. Allison

No. 1:23-cv-01285-BAM (PC), United States District Court for the Eastern District of California (December 1, 2025)

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing Otha Gray’s 42 U.S.C. § 1983 action against California corrections officials. The recommendation concludes that the complaint fails to state an Eighth or Fourteenth Amendment claim and does not adequately support supervisory liability, a privacy claim, or claims against unidentified Doe defendants. Dismissal with prejudice is also recommended based on Gray’s failure to obey the court’s order, failure to file an amended complaint, and failure to prosecute.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 1, 2025
DOCKET	1:23-cv-01285-BAM (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Magistrate judge's screening of pro se prisoner civil rights complaint; findings and recommendations to dismiss.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915A
PRECEDENTIAL VALUE	non_precedential

TOPICS

- section 1983
- prisoners rights
- motions to dismiss
- pleadings
- civil procedure

PRACTICE AREAS

- civil rights
- prisoners' rights
- civil procedure

QUESTIONS PRESENTED

1. Whether the complaint states a cognizable claim under 42 U.S.C. § 1983 against the named defendants for failure to protect from violence under the Eighth Amendment
2. Whether supervisory liability attaches to the CDCR Secretary, Warden, and John Doe supervisor based solely on their supervisory roles or failure to train
3. Whether Plaintiff has a constitutionally protected privacy interest in his prison legal status summary (LSS)
4. Whether dismissal with prejudice is appropriate for failure to state a claim, failure to obey a court order, and failure to prosecute

HOLDINGS

1. Plaintiff fails to state a cognizable Eighth Amendment claim because he does not allege that any defendant knew of a specific risk of harm to him from an assault by another inmate.
2. Supervisory liability cannot be imposed under a respondeat superior theory; personal participation in or knowledge of constitutional violations, or implementation of a deficient policy, is required.
3. No constitutionally protected expectation of privacy exists in prison treatment records when the state has a legitimate interest in access.
4. Dismissal with prejudice is the appropriate sanction under the Henderson factors, given Plaintiff's failure to amend his deficient complaint, failure to obey the court's order, and failure to prosecute.

KEY QUOTATIONS

“[T]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” (at 1)

“Liability may not be imposed on supervisory personnel for the actions or omissions of their subordinates under the theory of respondeat superior.” (at 3)

“Mere negligent failure to protect an inmate from harm is not actionable under Section 1983.” (at 6)

FACTUAL BACKGROUND

Plaintiff, a former state prisoner, alleged that a prison case records analyst incorrectly labeled him as a child abuser on his legal status summary (LSS), which led to threats, extortion, and a physical assault causing a dislocated jaw, permanent fear, and PTSD. He sued the CDCR Secretary, Warden, the analyst, and his supervisor under 42 U.S.C. § 1983, claiming violations of the Eighth and Fourteenth Amendments based on failure to protect from violence and invasion of privacy.

PROCEDURAL HISTORY

Plaintiff filed a pro se civil rights complaint. The court screened the complaint and found it failed to state a claim, granting leave to amend. Plaintiff failed to file an amended complaint or communicate with the court. The magistrate judge issued findings and recommendations to dismiss the action with prejudice for failure to state a claim, failure to obey a court order, and failure to prosecute.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)
- Farmer v. Brennan, 511 U.S. 825 (1994)
- City of Canton, Ohio v. Harris, 489 U.S. 378 (1989)
- Connick v. Thompson, 563 U.S. 51 (2011)
- Doe I v. Wal-Mart Stores, Inc., 572 F.3d 677 (9th Cir. 2009)
- Moss v. U.S. Secret Serv., 572 F.3d 962 (9th Cir. 2009)
- Simmons v. Navajo Cty., Ariz., 609 F.3d 1011 (9th Cir. 2010)
- Ewing v. City of Stockton, 588 F.3d 1218 (9th Cir. 2009)
- Jones v. Williams, 297 F.3d 930 (9th Cir. 2002)
- Taylor v. List, 880 F.2d 1040 (9th Cir. 1989)
- Starr v. Baca, 652 F.3d 1202 (9th Cir. 2011)
- Corales v. Bennett, 567 F.3d 554 (9th Cir. 2009)
- Redman v. Cty. of San Diego, 942 F.2d 1435 (9th Cir. 1991)
- Clement v. Gomez, 298 F.3d 898 (9th Cir. 2002)
- Morgan v. Morgensen, 465 F.3d 1041 (9th Cir. 2006)
- Johnson v. Lewis, 217 F.3d 726 (9th Cir. 2000)
- Labatad v. Corrs. Corp. of Amer., 714 F.3d 1155 (9th Cir. 2013)
- Gibson v. Cty. of Washoe, 290 F.3d 1175 (9th Cir. 2002)
- Clem v. Lomeli, 566 F.3d 1177 (9th Cir. 2009)
- Hearn v. Terhune, 413 F.3d 1036 (9th Cir. 2005)
- Myron v. Terhune, 476 F.3d 716 (9th Cir. 2007)
- Toguchi v. Chung, 391 F.3d 1051 (9th Cir. 2004)
- Seaton v. Mayberg, 610 F.3d 530 (9th Cir. 2010)
- Michenfelder v. Sumner, 860 F.2d 328 (9th Cir. 1988)
- Gillespie v. Civiletti, 629 F.2d 637 (9th Cir. 1980)
- Thompson v. Hous. Auth., 782 F.2d 829 (9th Cir. 1986)
- Ghazali v. Moran, 46 F.3d 52 (9th Cir. 1995)
- Ferdik v. Bonzelet, 963 F.2d 1258 (9th Cir. 1992)
- Malone v. U.S. Postal Serv., 833 F.2d 128 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421 (9th Cir. 1986)
- Carey v. King, 856 F.2d 1439 (9th Cir. 1988)

- *Anderson v. Air W.*, 542 F.2d 522 (9th Cir. 1976)
- *Pagtalunan v. Galaza*, 291 F.3d 639 (9th Cir. 2002)
- *In re Phenylpropanolamine (PPA) Products Liability Litigation*, 460 F.3d 1217 (9th Cir. 2006)
- *Wilkerson v. Wheeler*, 772 F.3d 834 (9th Cir. 2014)
- *Baxter v. Sullivan*, 923 F.2d 1391 (9th Cir. 1991)

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