

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Edward James Pull v. Deputy Todd, et al.

Pull v. Deputy Todd · No. 1:23-cv-0135-CDB (PC) · Decided December 23, 2025

SUMMARY

These Findings and Recommendations address a pro se prisoner’s 42 U.S.C. § 1983 claims alleging deliberate indifference to medical needs following an April 30, 2018 stabbing while he was a pretrial detainee in Kern County jail. The court concludes that the claims are barred by California’s statute of limitations, including any applicable statutory tolling, and that equitable tolling does not apply. The magistrate judge recommends dismissal with prejudice and closure of the case, subject to a 21-day objection period.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 23, 2025
DOCKET	1:23-cv-0135-CDB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations in a prisoner civil-rights action recommending dismissal at the screening stage as barred by the statute of limitations.
STANDARD OF REVIEW	At screening under 28 U.S.C. § 1915A, the court must dismiss a prisoner complaint that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. A claim may be dismissed as time-barred at screening when expiration of the applicable limitations period is apparent on the face of the complaint; dismissal is improper unless it appears beyond doubt that the plaintiff can prove no set of facts establishing timeliness.
PRECEDENTIAL VALUE	Nonprecedential findings and recommendations; not a final district-court judgment in the provided record.

TOPICS

section 1983

prisoners rights

statute of limitations

motions to dismiss

civil procedure

PRACTICE AREAS

civil rights

constitutional law

civil procedure

prisoner litigation

statute of limitations

QUESTIONS PRESENTED

1. Whether Plaintiff's Fourteenth Amendment claims under 42 U.S.C. § 1983 were barred by California's statute of limitations, including applicable statutory and equitable tolling.
2. Whether the Second Amended Complaint should be dismissed with prejudice at the screening stage for failure to state a timely claim.

HOLDINGS

1. California's two-year statute of limitations for personal-injury actions applies to Plaintiff's § 1983 claims, and the claims accrued when Plaintiff knew or had reason to know of the injury, no later than April 30, 2018.
2. Even assuming Plaintiff was entitled to California's two-year prisoner tolling provision under section 352.1, the action was filed after the resulting maximum four-year period and Plaintiff alleged no additional facts supporting tolling.
3. Plaintiff was not entitled to equitable tolling because he did not allege facts showing that he was incapable of timely litigating his claims, that he acted in good faith and reasonably, or that refusing to apply the limitations period would avoid fundamental unfairness.

KEY QUOTATIONS

"A time-barred claim may be dismissed at the screening stage when expiration of the applicable statute of limitations is apparent on the face of the complaint." (at 5)

"A complaint cannot be dismissed unless it appears beyond doubt that the plaintiff can prove no set of facts that would establish the timeliness of the claim." (at 5)

FACTUAL BACKGROUND

Plaintiff alleged that on April 30, 2018, while he was a pretrial detainee at the Kern County jail, inmate Donnie Birdwell sexually and physically assaulted him and stabbed him with a piece of metal, causing loss of eyesight. Plaintiff alleged that Deputy Todd refused to transport him to a hospital despite his report of the incident, and that he underwent retinal surgery approximately two months later. He asserted Fourteenth Amendment deliberate-indifference and supervisory-liability theories against Deputy Todd, county sheriff and medical entities or staff, seeking compensatory and punitive damages.

PROCEDURAL HISTORY

Plaintiff filed a 42 U.S.C. § 1983 action concerning an April 30, 2018 stabbing and alleged denial of medical care while he was a pretrial detainee. The court's first screening order found the original complaint deficient but

granted leave to amend. Plaintiff filed amended pleadings, and the court directed that his lodged pleading be filed as the Second Amended Complaint. After reviewing that complaint, the magistrate judge recommended dismissal with prejudice as time-barred and directed that the matter be submitted to a randomly assigned district judge, subject to a 21-day objection period.

DISPOSITION

other

CASES CITED

- *Balistreri v. Pacifica Police Department*, 901 F.2d 696, 699 (9th Cir. 1990)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)
- *Neitzke v. Williams*, 490 U.S. 319, 330 n.9 (1989)
- *Bruns v. National Credit Union Administration*, 122 F.3d 1251, 1257 (9th Cir. 1997)
- *Doe I v. Wal-Mart Stores, Inc.*, 572 F.3d 677, 681 (9th Cir. 2009)
- *Belanus v. Clark*, 796 F.3d 1021, 1026-27 (9th Cir. 2015)
- *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 969 (9th Cir. 2010)
- *Supermail Cargo, Inc. v. United States*, 68 F.3d 1204, 1206 (9th Cir. 1995)
- *Douglas v. Noelle*, 567 F.3d 1103, 1109 (9th Cir. 2009)
- *Lukovsky v. City and County of San Francisco*, 535 F.3d 1044, 1048 (9th Cir. 2008)
- *Two Rivers v. Lewis*, 174 F.3d 987, 991 (9th Cir. 1999)
- *Fink v. Shedler*, 192 F.3d 911, 914 (9th Cir. 1999)
- *Ward v. Westinghouse Canada, Inc.*, 32 F.3d 1405, 1407 (9th Cir. 1994)
- *Hardin v. Straub*, 490 U.S. 536, 539 (1989)
- *Mosteiro v. Simmons*, No. 22-16780, 2023 WL 5695998, at *1 (9th Cir. Sept. 5, 2023)
- *Elliott v. City of Union City*, 25 F.3d 800, 801 (9th Cir. 1994)
- *Jones v. Blanas*, 393 F.3d 918, 928 (9th Cir. 2004)
- *Lantzy v. Centex Homes*, 31 Cal. 4th 363, 370-371 (2003)
- *Azer v. Connell*, 306 F.3d 930, 936 (9th Cir. 2002)
- *Mimms v. Lewis*, 698 F. App'x 522, 522 (9th Cir. 2017)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)