

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Deaton v. Diaz

Deaton · No. 24-cv-04328-EKL · Decided April 1, 2025

SUMMARY

The United States District Court for the Northern District of California partially dismissed Herbert Nathaniel Deaton’s § 1983 complaint concerning alleged denial of meals at San Francisco County Jail #3. The case continues against Jose Diaz on a Fourteenth Amendment claim, while the remaining defendants and claims were dismissed, and the court ordered service and established a dispositive-motion schedule.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Eumi K. Lee
JURISDICTION	United States District Court for the Northern District of California
DECIDED	April 1, 2025
DOCKET	24-cv-04328-EKL
DISPOSITION	other
PROCEDURAL POSTURE	A pro se pretrial detainee brought a civil-rights action under 42 U.S.C. § 1983. After screening, the court allowed a Fourteenth Amendment claim concerning denial of meals to proceed against Jose Diaz, dismissed the remaining claims and defendants with leave to amend, and later dismissed the remaining defendants when plaintiff failed to amend.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order

TOPICS

- section 1983
- prisoners rights
- service of process
- summary judgment
- due process

PRACTICE AREAS

- civil rights
- prisoner litigation
- federal civil procedure

QUESTIONS PRESENTED

1. Whether the claims and defendants previously dismissed with leave to amend should remain dismissed when plaintiff failed to file an amended complaint.
2. Whether the surviving Fourteenth Amendment claim against Jose Diaz should proceed to service.

HOLDINGS

1. Because plaintiff did not file an amended complaint or otherwise communicate with the court after receiving leave to amend, all defendants other than Jose Diaz remained dismissed.
2. The case may continue against Jose Diaz on the Fourteenth Amendment claim concerning denial of meals, and the Clerk and United States Marshal were ordered to serve Diaz with the complaint and order without prepayment of fees.

KEY QUOTATIONS

“The case continues against Jose Diaz. All other defendants are DISMISSED.” (at 1)

“Generally, summary judgment must be granted when there is no genuine issue of material fact--that is, if there is no real dispute about any fact that would affect the result of your case, the party who asked for summary judgment is entitled to judgment as a matter of law, which will end your case.” (at 2)

FACTUAL BACKGROUND

Herbert Nathaniel Deaton was a pretrial detainee housed at San Francisco County Jail #3. He alleged civil-rights violations by jail staff, and the court previously determined that the complaint stated a Fourteenth Amendment claim against Jose Diaz based on denial of meals. Deaton did not amend the complaint after being granted leave to do so regarding the remaining claims and defendants.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 complaint against staff at San Francisco County Jail #3. The court previously found that the complaint stated a Fourteenth Amendment claim against Jose Diaz for denial of meals and dismissed the remaining claims and defendants with leave to amend. Plaintiff did not amend or otherwise communicate with the court, so the court continued the case against Diaz, dismissed all other defendants, and ordered service of the complaint on Diaz.

DISPOSITION

other

CASES CITED

- Rand v. Rowland, 154 F.3d 952, 953-54 (9th Cir. 1998) (en banc)
- Wyatt v. Terhune, 315 F.3d 1108, 1120 n.4 (9th Cir. 2003)
- Woods v. Carey, 684 F.3d 934, 940-41 (9th Cir. 2012)
- Klingele v. Eikenberry, 849 F.2d 409, 411-12 (9th Cir. 1988)

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