

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Tyrone Powell Young v. Jeff Lynch, et al.

Young v. Lynch · No. 2:24-cv-1869-CKD P · Decided April 1, 2025

OPINION

(PC) Young v. Lynch

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 TYRONE POWELL YOUNG, 2:24-cv-1869-CKD P

12 Plaintiff, 13 v. ORDER 14 JEFF LYNCH, et al., 15 Defendants. 16 17 Plaintiff Tyrone Powell
Young, a state prisoner, proceeds without counsel and seeks relief 18 under 42 U.S.C. § 1983.
Plaintiff paid the filing fee. This matter was referred to the undersigned 19 by Local Rule 302. See
28 U.S.C. § 636(b)(1). Plaintiff’s complaint is before the court for 20 screening. The complaint
states an Eighth Amendment excessive force claim against defendants 21 Hibbard, Baker,
Leavens, Rodriguez, Jones, and Acuna. No other claims are stated. Plaintiff must 22 choose how
to proceed and notify the court as set forth below. 23 I. Screening Requirement 24 Pursuant to 28
U.S.C. § 1915A, the court must screen every complaint in a civil action in 25 which a prisoner
seeks redress from a governmental entity or officer or employee of a 26 governmental entity and
must order dismissal if it is “frivolous or malicious,” “fails to state a 27 claim on which relief may
be granted,” or “seeks monetary relief against a defendant who is 28 immune from such relief.” 28
U.S.C. § 1915(A). A claim is legally frivolous when it lacks an 1 arguable basis either in law or in
fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). The court 2 may dismiss a claim as frivolous
if it is based on an indisputably meritless legal theory or where 3 the factual contentions are
clearly baseless. *Id.* at 327.

4 Rule 8(a)(2) of the Federal Rules of Civil Procedure requires a short and plain statement
5 of the claim that shows the pleader is entitled to relief. *Bell Atlantic Corp. v. Twombly*, 550 U.S.
6 544, 555 (2007). In order to state a cognizable claim, a complaint must contain more than “a 7
formulaic recitation of the elements of a cause of action;” it must contain factual allegations 8
sufficient “to raise a right to relief above the speculative level.” *Id.* The facts alleged must ““give 9
the defendant fair notice of what the... claim is and the grounds upon which it rests.” *Erickson v.*
10 *Pardus*, 551 U.S. 89, 93 (2007) (quoting *Twombly*, 550 U.S. at 555). In reviewing a complaint
11 under this standard, the court accepts as true the allegations of the complaint and construes the

12 pleading in the light most favorable to the plaintiff. See *id.*; *Scheuer v. Rhodes*, 416 U.S. 232, 236 13 (1974). 14 II. Allegations in the Complaint 15 The events described in the complaint took place at CSP-Folsom. (ECF No. 1 at 1.) 16 Defendants are Warden Lynch, Sergeant R. Hibbard, Sergeant D. Baker, Officer M. Leavens, 17 Officer N. Rodriguez, Officer T. Jones, and Officer A. Acuna. (Id. at 1-2.) 18 On the afternoon of Wednesday July 20, 2022, plaintiff informed Officer N. Rodriguez, 19 Officer M. Leavens, and Sergeant Hibbard that he could not be housed with inmate Simpson due 20 to security reasons. (ECF No. 1 at 5). After Rodriguez ordered plaintiff to cuff up, plaintiff stated 21 he is only to be handcuffed with special chains in front due to being a senior citizen. (Id.) 22 Sergeant Hibbard insisted plaintiff's cuffs be placed behind his back and ordered Officer 23 Rodriguez and Officer Leavens to throw plaintiff to the ground, face first, which Rodriguez and 24 Leavens did, causing injury to plaintiff. (Id.) 25 After plaintiff received medical evaluation and treatment to his facial area, he informed 26 Sergeant Hibbard he could not be housed with inmate Simpson due to security reasons and was 27 again slammed face first, into the ground, this time by officers T. Jones and A. Acuna, causing 28 further injury. (ECF No. 1 at 6.) T. Jones and A. Acuna were supervised by Sergeant Hibbard and 1 Sergeant Baker. (Id.) 2 Sergeant Baker ordered an officer to place plaintiff in leg irons and, acting with several 3 other officers, slammed plaintiff into a medical gurney. (Id.) The officers physically threw 4 plaintiff into the cell with inmate Simpson, causing injury. (Id.) 5 Plaintiff alleges Sergeant Hibbard and Sergeant Baker failed to properly train and 6 supervise defendants Rodriguez, Leavens, Jones, and Acuna and failed to protect him. (ECF No. 1 7 at 7.) The complaint contains no specific allegations against defendant Lynch except that Lynch 8 was employed as Warden at the prison. (Id. at 3.) 9 III. Discussion 10 For screening purposes, plaintiff states an Eighth Amendment excessive force claim 11 against defendants Hibbard, Baker, Leavens, Rodriguez, Jones and Acuna. See *Hudson v. 12 McMillian*, 503 U.S. 1, 6-7 (1992) ("In order to establish a claim for the use of excessive force in 13 violation of the Eighth Amendment, a plaintiff must establish that prison officials applied force 14 maliciously and sadistically to cause harm, rather than in a good-faith effort to maintain or restore 15 discipline."). The court's inquiry into an excessive force claim focuses on the extent of the 16 prisoner's injury, the need for application of force, the relationship between that need and the 17 amount of force used, the threat reasonably perceived by the responsible officials, and any efforts 18 made to temper the severity of a forceful response. *Id.* at 7. 19 The complaint does not, however, state a distinct Eighth Amendment claim for failure to 20 protect against defendants Hibbard and Baker. A prison guard's failure to protect an inmate from 21 injury inflicted by other prison guards violates the Eighth Amendment when the guard fails to 22 intervene with deliberate indifference to a serious risk of harm to the prisoner's health and safety. 23 *Farmer v. Brennan*, 511 U.S. 825, 837 (1994); see also *Castro v. Cty. of Los Angeles*, 833 F.3d 24 1060, 1069 (9th Cir. 2016) ("An excessive force claim requires an affirmative act; a failure-to- 25 protect claim does not require an affirmative act."). Here, both defendants Hibbard and Baker 26 allegedly took affirmative acts toward the use of excessive force against plaintiff. The additional 27 allegations

that T. Jones and A. Acuna were supervised by Sergeant Hibbard and Sergeant Baker 28 who failed to properly train and supervise them is insufficient to state a distinct Eight Amendment 1 claim for failure to protect. 2 Plaintiff also fails to state any claim against defendant Lynch. There must be an actual 3 connection or link between the actions of each defendant and the deprivation alleged to have been 4 suffered by plaintiff. See *Monell v. Department of Social Services*, 436 U.S. 658 (1978); *Rizzo v. Goode*, 423 U.S. 362 (1976). Plaintiff does not link Lynch with any affirmative act or omission 6 that demonstrates a violation of plaintiff's federal rights. See *Johnson v. Duffy*, 588 F.2d 740, 743 7 (9th Cir. 1978). Defendant Lynch cannot be liable solely because of holding a supervisory 8 position as warden. See *Rodriguez v. County of Los Angeles*, 891 F.3d 776, 798 (9th Cir. 2018) 9 (a supervisor may be liable in his individual capacity for his own culpable action or inaction in 10 the training, supervision, or control of his subordinates; for his acquiescence in the constitutional 11 deprivation; or for conduct that showed a reckless or callous indifference to the rights of others). 12 IV. Leave to Amend 13 Plaintiff states an Eighth Amendment excessive force claim against defendants Hibbard, 14 Baker, Leavens, Rodriguez, Jones and Acuna. No other claims are stated. Plaintiff may proceed 15 on the complaint as screened or may file an amended complaint. See *Noll v. Carlson*, 809 F.2d 16 1446, 1448-49 (9th Cir. 1987). If plaintiff chooses to proceed on the complaint as screened, the 17 court will construe this as a request to voluntarily dismiss any additional claims and defendants 18 pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure. 19 Plaintiff must complete and return to the court the attached notice along with an amended 20 complaint if opting to amend. Local Rule 220 requires that an amended complaint be complete 21 without reference to any prior pleading. See *Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967). Any 22 amended complaint should be titled "First Amended Complaint" and reference the case number. 23 V. Plain Language Summary for a Pro Se Party 24 Your allegations against defendants Hibbard, Baker, Leavens, Rodriguez, Jones and 25 Acuna state an Eighth Amendment excessive force claim. You may proceed on the complaint 26 with these claims and have the defendants served or you may file an amended complaint. You 27 must complete the attached notice and return it to the court within 30 days from the date of this 28 order, along with any optional amended complaint. 1 VI. Conclusion and Order 2 In accordance with the above, IT IS HEREBY ORDERED as follows: 3 1. Plaintiff's complaint states an Eighth Amendment excessive force claim against 4 defendants Hibbard, Baker, Leavens, Rodriguez, Jones and Acuna; plaintiff may 5 proceed on the complaint as screened or file an amended complaint. 6 2. Within thirty (30) days of the date of this order, plaintiff shall complete and return the 7 attached Notice of Election form along with any optional amended complaint. 8 3. Failure to respond to this order will result in a recommendation that this action be 9 dismissed for failure to obey a court order and failure to prosecute. 10 | Dated: April 1, 2025 fi se / bps ANI fe fo. AG

" CAROLYNK.DELANEY

12 UNITED STATES MAGISTRATE JUDGE

13 8, youn1869.scrn.elect 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 1

2 UNITED STATES DISTRICT COURT
3 FOR THE EASTERN DISTRICT OF CALIFORNIA

4

5 TYRONE POWELL YOUNG, 2:24-cv-1869-CKD P

6 Plaintiff,

7 v. PLAINTIFF'S NOTICE OF ELECTION

8 JEFF LYNCH, et al., 9 Defendants 10 11 Check one: 12 13 _____ Plaintiff wants to proceed on
the complaint as screened with an Eighth Amendment 14 excessive force claim against defendants
Hibbard, Baker, Leavens, Rodriguez, Jones and 15 Acuna. 16 17 18 _____ Plaintiff wants to file an
amended complaint. 19 20 21 22

23 DATED: _____

Plaintiff pro se 24 25 26 27 28