

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

My Ngo v. Dan Goss

Ngo v. Goss, No. 1:24-cv-01300-SAB (PC) (E.D. Cal. Apr. 25, 2025) · No. 1:24-cv-01300-SAB (PC) · Decided
April 25, 2025

SUMMARY

The United States District Court for the Eastern District of California screened Plaintiff My Ngo’s second amended 42 U.S.C. § 1983 complaint concerning alleged unlawful detention, searches, arrests, and prison-policy violations. The magistrate judge concluded that the allegations did not state a cognizable constitutional claim and recommended dismissal without further leave to amend. The court also directed the clerk to randomly assign a district judge and advised Plaintiff of the procedure for filing objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 25, 2025
DOCKET	1:24-cv-01300-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner proceeding in forma pauperis filed a second amended complaint under 42 U.S.C. § 1983. The magistrate judge screened the complaint and issued findings and a recommendation that the action be dismissed without further leave to amend; a district judge had not yet been assigned when the recommendation issued.
STANDARD OF REVIEW	Screening under 28 U.S.C. §§ 1915A and 1915(e)(2)(B); the complaint must contain sufficient factual matter to state a facially plausible claim, and conclusory allegations and mere assertions of possible liability are insufficient. Pro se pleadings are liberally construed.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- prisoners rights
- civil rights
- section 1983
- fourth amendment
- civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff stated a cognizable Fourth Amendment claim based on the alleged visual and nude searches conducted in the prison.
2. Whether false accusations of a prison disciplinary violation and allegedly unlawful detention or arrest stated a claim under 42 U.S.C. § 1983.
3. Whether alleged violations of prison rules, regulations, or policies independently support a claim under § 1983.
4. Whether Plaintiff should receive further leave to amend.

HOLDINGS

1. Plaintiff's allegations that he was subjected to a half-nude search on the recreation yard and subsequent nude searches did not plausibly establish that the searches were unreasonable under the Fourth Amendment because the allegations did not show that the searches were excessive, vindictive, harassing, or unrelated to a legitimate penological purpose.
2. Plaintiff failed to state a cognizable § 1983 claim merely by alleging that prison officials falsely accused him of a disciplinary violation or detained and arrested him based on that accusation.
3. An alleged violation of prison rules, regulations, or policies does not itself establish a federally protected right or an independent cause of action under § 1983.
4. Further leave to amend should be denied because Plaintiff had already received two opportunities to amend and the alleged defects could not be cured by additional amendment.

KEY QUOTATIONS

“Although the manner in which a bodily search is conducted may become so unreasonable that it can violate the Fourth Amendment, Plaintiff’s allegations do not plausibly suggest that the search on April 23, 2024, was “excessive, vindictive, harassing, or unrelated to any legitimate penological purpose.”” (at 4)

“Thus, the violation of any prison regulation, rule or policy does not amount to a cognizable claim under federal law, nor does it amount to any independent cause of action under section 1983.” (at 5)

“Accordingly, further leave to amend the complaint should be denied.” (at 6)

FACTUAL BACKGROUND

Plaintiff alleged that prison officials detained and arrested him without probable cause based on an allegedly false accusation concerning plants and smuggling. He also alleged that officers conducted half-nude and fully nude searches, including a visual body-cavity search, and required him to expose himself and urinate while detained. Plaintiff further asserted that prison policies were violated and that the Office of Appeals found that policies had not been followed.

PROCEDURAL HISTORY

Plaintiff filed a second amended complaint on January 2, 2025, after having previously received two opportunities to amend. The magistrate judge screened the complaint under 28 U.S.C. §§ 1915A and 1915(e)(2) (B), ordered the Clerk to randomly assign a district judge, and recommended dismissal without leave to amend for failure to state a cognizable claim. Plaintiff was given fourteen days to object.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Jones v. Williams, 297 F.3d 930, 934 (9th Cir. 2002)
- Wilhelm v. Rotman, 680 F.3d 1113, 1121 (9th Cir. 2012)
- Moss v. U.S. Secret Service, 572 F.3d 962, 969 (9th Cir. 2009)
- Bull v. City & County of San Francisco, 595 F.3d 964, 974-75 (9th Cir. 2010)
- Byrd v. Maricopa County Sheriff's Dept., 629 F.3d 1135, 1141 (9th Cir. 2011)
- Florence v. Board of Chosen Freeholders, 566 U.S. 318, 328 (2012)
- Bell v. Wolfish, 441 U.S. 520, 558-60 (1979)
- Michenfelder v. Sumner, 860 F.2d 328, 332-34 (9th Cir. 1988)
- Rickman v. Avaniti, 854 F.2d 327 (9th Cir. 1988)
- Thompson v. Souza, 111 F.3d 694, 701 (9th Cir. 1997)
- Hudson v. Palmer, 468 U.S. 517, 528 (1984)
- Cates v. Stroud, 976 F.3d 972, 979-80 (9th Cir. 2020)
- McMorris v. Alioto, 567 F.2d 897, 900-01 (9th Cir. 1977)
- Hines v. Gomez, 108 F.3d 265, 268 (9th Cir. 1997)
- Sprouse v. Babcock, 870 F.2d 450, 452 (8th Cir. 1989)
- Freeman v. Rideout, 808 F.2d 949, 951 (2d Cir. 1986)
- Sweaney v. Ada Cty., Idaho, 119 F.3d 1385, 1391 (9th Cir. 1997)
- Lovell v. Poway Unified Sch. Dist., 90 F.3d 367, 370 (9th Cir. 1996)
- Davis v. Kissinger, No. CIV S-04-0878-GEB-DAD-P, 2009 WL 256574, at *12 n.4 (E.D. Cal. Feb. 3, 2009)
- Cousins v. Lockyer, 568 F.3d 1063, 1070 (9th Cir. 2009)
- Lopez v. Smith, 203 F.3d 1122, 1130-31 (9th Cir. 2000) (en banc)
- Cato v. United States, 70 F.3d 1103, 1105-06 (9th Cir. 1995)
- Hartmann v. CDCR, 707 F.3d 1114, 1130 (9th Cir. 2013)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

