

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Anthony W. Garcia v. Jeff Macomber, et al.

Garcia v. Macomber · No. 1:25-cv-00027-SAB (PC) · Decided August 28, 2025

SUMMARY

The United States District Court for the Eastern District of California screens Anthony W. Garcia’s second amended 42 U.S.C. § 1983 complaint. The court finds that Garcia plausibly alleges an Eighth Amendment deliberate-indifference-to-safety claim against Jeff Macomber, Ron Broomfield, and John/Jane Does 1 through 8, but fails to state a First Amendment retaliation claim. The magistrate judge recommends dismissal of the retaliation claim without further leave to amend and directs random assignment of a district judge.

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	August 28, 2025
DOCKET	1:25-cv-00027-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. On statutory screening, the magistrate judge recommended that the deliberate-indifference claim proceed and that the retaliation claim be dismissed without further leave to amend; the findings and recommendations were submitted to an assigned district judge for review.
STANDARD OF REVIEW	Statutory screening under 28 U.S.C. §§ 1915A and 1915(e)(2)(B), applying the Rule 8 pleading standard and the plausibility standard under <i>Ashcroft v. Iqbal</i> and <i>Bell Atlantic Corp. v. Twombly</i> . The complaint's factual allegations were accepted as true for screening purposes and liberally construed because Plaintiff proceeded pro se.
PRECEDENTIAL VALUE	Nonprecedential magistrate judge findings and recommendations; subject to review and possible adoption by a district judge.

TOPICS

prisoners rights

section 1983

cruel and unusual punishment

first amendment

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff plausibly stated an Eighth Amendment deliberate-indifference-to-safety claim against the identified prison officials and Doe defendants.
2. Whether Plaintiff plausibly stated a First Amendment retaliation claim based on his transfer and housing on B-yard.
3. Whether further leave to amend the retaliation claim was warranted.

HOLDINGS

1. At the pleading stage, allegations that prison officials knew of a substantial risk of serious harm and nevertheless approved or ordered Plaintiff, a member of the STG-Bulldogs, to enter a yard housing rival gang members were sufficient to state a plausible deliberate-indifference claim.
2. Plaintiff failed to state a cognizable First Amendment retaliation claim because he did not allege facts showing that any Defendant knew of protected conduct or that the protected conduct was the but-for cause of his transfer and housing assignment.
3. Further leave to amend the retaliation claim was not warranted after Plaintiff had been provided the applicable legal standards and remained unable to state a claim.

KEY QUOTATIONS

“[P]rison officials have a duty ... to protect prisoners from violence at the hands of other prisoners.”
(Discussion III.A)

“There are five elements to a First Amendment claim in the prison context: “(1) [a]n assertion that a state actor took some adverse action against an inmate (2) because of (3) that prisoner’s protected conduct, and that such action (4) chilled the inmate’s exercise of his First Amendment rights, and (5) the action did not reasonably advance a legitimate correctional goal.”” (Discussion III.B)

FACTUAL BACKGROUND

Plaintiff, a prisoner classified as a member of the STG-Bulldogs, alleged that rival gang members had issued a green light authorizing violence against Bulldogs and that prison officials had prior notice of the threat. He alleged that officials transferred him to SATF-Corcoran, housed him on B-yard with rival gang members, and ordered or permitted him to enter the yard despite knowing that an assault was likely; Plaintiff was then stabbed during a riot. He also alleged that the transfer and housing decision were retaliation for his grievances, litigation, and refusal to program on a non-designated program facility with rival gang members.

PROCEDURAL HISTORY

Plaintiff filed this prisoner civil-rights action and a second amended complaint on July 25, 2025. The court screened the complaint under 28 U.S.C. §§ 1915A and 1915(e)(2)(B). The magistrate judge recommended allowing the Eighth Amendment deliberate-indifference claim to proceed against Jeff Macomber, Ron Broomfield, and John/Jane Does 1 through 8, while dismissing the retaliation claim for failure to state a cognizable claim and denying further leave to amend.

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)
- Farmer v. Brennan, 511 U.S. 825, 833-34 (1994)
- Rish v. Johnson, 131 F.3d 1092, 1096 (9th Cir. 1997)
- Williams v. Wood, 223 Fed. Appx. 670, 671 (9th Cir. 2007)
- Bruce v. Ylst, 351 F.3d 1283, 1288 (9th Cir. 2003)
- Rhodes v. Robinson, 408 F.3d 559, 567-68 (9th Cir. 2005)
- Brodheim v. Cry, 584 F.3d 1262, 1271 (9th Cir. 2009)
- Soranno's Gasco, Inc. v. Morgan, 874 F.2d 1310, 1314 (9th Cir. 1989)
- Capp v. County of San Diego, 940 F.3d 1046, 1053 (9th Cir. 2019)
- Crawford-El v. Britton, 523 U.S. 574, 593 (1998)
- Hartman v. Moore, 547 U.S. 250, 260 (2006)
- Huskey v. City of San Jose, 204 F.3d 893, 899 (9th Cir. 2000)
- Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

OPINION

(PC) Garcia v. Macomber

PER CURIAM.

1 2 3 4 5 6

7 UNITED STATES DISTRICT COURT

8 EASTERN DISTRICT OF CALIFORNIA

10 ANTHONY W. GARCIA, No. 1:25-cv-00027-SAB (PC)

11 Plaintiff, ORDER DIRECTING CLERK OF COURT TO
RANDOMLY ASSIGN A DISTRICT JUDGE

12 v. TO THIS ACTION

13 JEFF MACOMBER, et al., FINDINGS AND RECOMMENDATIONS
RECOMMENDING DISMISSAL OF

14 Defendants. RETALIATION CLAIM 15 (ECF No. 10) 16 17 Plaintiff is proceeding pro se and
in forma pauperis in this action filed pursuant to 42 18 U.S.C. § 1983. 19 Currently before the
Court is Plaintiff's second amended complaint, filed July 25, 2025. 20 I. 21

SCREENING REQUIREMENT

22 The Court is required to screen complaints brought by prisoners seeking relief against a 23
governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The
24 Court must dismiss a complaint or portion thereof if the prisoner has raised claims that are
legally 25 "frivolous or malicious," that "fail[] to state a claim on which relief may be granted," or
that "seek[] 26 monetary relief against a defendant who is immune from such relief." 28 U.S.C. §
1915(e)(2)(B); 27 see also 28 U.S.C. § 1915A(b). 28 1 A complaint must contain "a short and
plain statement of the claim showing that the pleader 2 is entitled to relief. . . ." Fed. R. Civ. P. 8(a)
(2). Detailed factual allegations are not required, but 3 "[t]hreadbare recitals of the elements of a
cause of action, supported by mere conclusory statements, 4 do not suffice." *Ashcroft v. Iqbal*, 556
U.S. 662, 678 (2009) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).
Moreover, Plaintiff must demonstrate that each defendant personally 6 participated in the
deprivation of Plaintiff's rights. *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 7 2002). 8 Prisoners
proceeding pro se in civil rights actions are entitled to have their pleadings 9 liberally construed
and to have any doubt resolved in their favor. *Wilhelm v. Rotman*, 680 F.3d 10 1113, 1121 (9th Cir.
2012) (citations omitted). To survive screening, Plaintiff's claims must be 11 facially plausible,
which requires sufficient factual detail to allow the Court to reasonably infer that 12 each named
defendant is liable for the misconduct alleged. *Iqbal*, 556 U.S. at 678-79; *Moss v. U.S. 13 Secret*
Service, 572 F.3d 962, 969 (9th Cir. 2009). The "sheer possibility that a defendant has acted 14
unlawfully" is not sufficient, and "facts that are 'merely consistent with' a defendant's liability" 15
falls short of satisfying the plausibility standard. *Iqbal*, 556 U.S. at 678; *Moss*, 572 F.3d at 969. 16
II.

17 COMPLAINT ALLEGATIONS

18 The Court accepts Plaintiff's allegations in the complaint as true only for the purpose of the 19
screening requirement under 28 U.S.C. § 1915. 20 On or around September 18, 2018, a stabbing
occurred at Corcoran causing the Mexican 21 Mafia (EME) to issue a "green light" (an order to
use violence and deadly force) against STG- 22 Bulldogs, which extended to affiliate subservient
gangs such as the Surenos. Plaintiff along with 23 eleven other inmates have been designated by

CDCR or admitted to being members of the STG- 24 Bulldogs. 25 On September 29, 2018, riots occurred on E and F blocks at Avenal State Prison wherein 26 approximately 20 members of the STG-Bulldogs were attacked by dozens of STG-Surenos and 27 their STG allies. As a result of the attack, multiple victims were sent to the hospital with life 28 threatening injuries. 1 On information and belief, the Multi-Unit Gang Enforcement Consortium (M.A.G.E.C.) had 2 communicated to Defendants that a “green light” (authorization for unprovoked attacks) had been 3 issued by the Mexican Mafia and Surenos, whom the EME controls. Defendants were made aware 4 of this information. 5 On November 30, 2022, Plaintiff along with eleven other STG-Bulldog classified inmates 6 were transferred against their will to SATF-Corcoran. Upon arrival, Plaintiff was processed 7 through Receiving and Release as is policy and procedure and was cleared to go to B-yard. When 8 Plaintiff requested his property, staff stated that he would not need it where they were going (as if 9 staff were aware of what was to come). 10 Plaintiff along with the other STG-Bulldog inmates were then escorted to B-yard by 11 John/Jane Does 1-5, where they were left to be assaulted, stabbed, and possibly murdered by the 12 dozens of rival STG-Southern/Northern classified inmates who were waiting for Plaintiff on the 13 yard. It was obvious Defendants were all aware of what would happen if and when Plaintiff and 14 the STG-Bulldog inmates entered B-yard with dozens of rival gang members. After numerous 15 documented attacks, several direct warnings via letter, direct statements to ICC, and pending 16 lawsuits addressing injuries incurred in almost identical attacks across multiple CDCR prisons, 17 including, Ironwood, Pelican Bay, Avenal, Soledad, Pleasant Valley, and California City. After 18 having been set up only a few months before at SCC to encounter rival STG inmates and his clear 19 statement that he was an STG-Bulldog classified inmate and would continue to fight and defend 20 himself if rehoused on a Non-Designated Program Facility (NDPF). Plaintiff was transferred to 21 SATF-Corcoran in retaliation for failing to program on a NDPF with known and well 22 documented rival gang members. 23 Defendants all had prior notice of the direct and credible threat of physical violence 24 toward Plaintiff because regular and systematic attacks had occurred throughout the CDCR 25 system since 2018, media reports and CDCR press releases addressed these attacks. Plaintiff, 26 himself, expressed a fear of imminent attack and SATF administration had been directly 27 contacted regarding the threat. Nonetheless, Defendants forced Plaintiff to enter the yard and a 28 riot occurred. 1 There had been multiple riots similar to the one on November 30, 2022 in question, all of 2 which Defendants were aware of and knew would occur if Plaintiff was placed on the yard. 3 Secretary Macomber and Director Broomfield possessed direct knowledge of 4 documented, extreme risks, personally failed to take reasonable steps to mitigate the dangers. 5 Despite their clear knowledge, Defendants Macomber and Broomfield personally acted with 6 deliberate indifference by failing to implement adequate protective measures or alternative 7 housing solutions, or by maintaining a policy that they knew would lead to severe harm. 8 Defendant John Doe 1 (SATF Warden) and John Doe 2 (Captain) acted with deliberate 9 indifference to a substantial risk of serious harm by personally overseeing,

approving, and 10 allowing the intake of Plaintiff and the 11 STG-Bulldog inmates and their subsequent clearance to 11 B-yard which resulted in injuries to Plaintiff after being stabbed multiple times. These 12 Defendants were well aware of the ongoing violence across the State and “green light” issued by 13 the Mexican Mafia against all STG-Bulldogs, yet they allowed the integration and assault to take 14 place at their institution. 15 Defendant John Doe 3 (Lieutenant) acted with deliberate indifference to a substantial risk 16 of harm to Plaintiff by personally reviewing and clearing Plaintiff to go to B-yard and failing to 17 remedy the unconstitutional NDPF housing policy that systematically commingled rival STGs. 18 Defendant John Does 4 through 7 acted with deliberate indifference to a substantial risk of 19 serious harm to Plaintiff when they escorted Plaintiff to the B-yard sally port door, and had John 20 Doe 8 open the door and ordered Plaintiff to enter the yard. All John Doe Defendants clearly 21 understood what was about to transpire because of their prior knowledge of the “green light” and 22 the fact that their institution radios had alerted/informed them that several groups of STG- 23 Southern and STG-Northern inmates were congregating in menacing ways on B-yard awaiting 24 the entry to the yard by Plaintiff and the 11 other STG-Bulldog inmates. 25 Defendant John Doe 8 acted with deliberate indifference to a substantial risk of serious 26 harm to Plaintiff when he opened the sally port door to B-yard and ordered Plaintiff to enter the 27 yard and closed the door. Defendant John Doe 8 knew of the impending violence that would 28 ensure after having observed and communicated via the institutional radio. 1 III.

2 DISCUSSION

3 A. Deliberate Indifference to Safety 4 “[P]rison officials have a duty ... to protect prisoners from violence at the hands of other 5 prisoners.” *Farmer v. Brennan*, 511 U.S. 825, 833 (1994) (quotation marks and citations omitted). 6 “[A] prison official violates the Eighth Amendment only when two requirements are met. First, 7 the deprivation alleged must be, objectively, ‘sufficiently serious’; a prison official’s act or 8 omission must result in the denial of ‘the minimal civilized measure of life’s necessities.’ ” *Id.* at 9 834 (citations omitted). Only extreme deprivations are adequate to satisfy the objective 10 component of an Eighth Amendment claim regarding conditions of confinement. *Rish v. 11 Johnson*, 131 F.3d 1092, 1096 (9th Cir. 1997). Speculative fear of harm at the hands of other 12 prisoners does not constitute a sufficiently substantial risk of harm to future health and safety. 13 See, e.g., *Williams v. Wood*, 223 Fed. Appx. 670, 671 (9th Cir. 2007) (citing *Farmer*, 511 U.S. at 14 842). Second, “ ‘only the unnecessary and wanton infliction of pain implicates the Eighth 15 Amendment.’ To violate the Cruel and Unusual Punishments Clause, a prison official must have a 16 ‘sufficiently culpable state of mind,’ ” “one of ‘deliberate indifference’ to inmate health or 17 safety.” *Id.* (citations omitted). 18 Here, at the pleading stage, Plaintiff’s allegations that Defendants had prior knowledge of 19 the substantial risk of serious harm by approving and ordering Plaintiff (a STG-Bulldog) to enter 20 the B-yard of the NDHP facility at SATF-Corcoran which housed rival gang members, are 21 sufficient to give rise to a plausible claim of deliberate indifference against Defendants Jeff 22 Macomber, Ron

Broomfield, and John/Jane Does 1 through 8. 23 B. Retaliation 24 The First Amendment protects prisoners' rights to file prison grievances. *Bruce v. Ylst*, 25 351 F.3d 1283, 1288 (9th Cir. 2003). As such, any action taken in retaliation for filing a prison 26 grievance violates inmates' constitutional rights. *Rhodes v. Robinson*, 408 F.3d 559, 567 (9th Cir. 27 2005). There are five elements to a First Amendment claim in the prison context: "(1) [a]n 28 assertion that a state actor took some adverse action against an inmate (2) because of (3) that 1 prisoner's protected conduct, and that such action (4) chilled the inmate's exercise of his First 2 Amendment rights, and (5) the action did not reasonably advance a legitimate correctional goal."

3 Id. at 567–68.

4 To satisfy the causation element, Plaintiff must show that his constitutionally protected 5 conduct was a " 'substantial' or 'motivating' factor" for the alleged retaliatory action. *Brodheim 6 v. Cry*, 584 F.3d 1262, 1271 (9th Cir. 2009) (quoting *Soranno's Gasco, Inc. v. Morgan*, 874 F.2d 7 at 1310, 1314 (9th Cir. 1989)). "[P]laintiff must show that the defendant's retaliatory animus was 8 'a "but-for" cause, meaning that the adverse action against the plaintiff would not have been 9 taken absent the retaliatory motive.' " *Capp v. Cnty. of San Diego*, 940 F.3d 1046, 1053 (9th Cir. 10 2019) (as amended) (citation omitted). An action colored by some degree of bad motive does not 11 amount to a constitutional violation if that action would have been taken anyway. See *Crawford- 12 El v. Britton*, 523 U.S. 574, 593 (1998); *Hartman v. Moore*, 547 U.S. 250, 260 (2005) (holding 13 that if retaliation is not the but-for cause, "the claim fails for lack of causal connection between 14 unconstitutional motive and resulting harm, despite proof of some retaliatory animus in the 15 official's mind."). Retaliation is not established simply by showing adverse activity by a 16 defendant after protected conduct; rather, a plaintiff must show a nexus between the two. See 17 *Huskey v. City of San Jose*, 204 F.3d 893, 899 (9th Cir. 2000). However, "timing can properly 18 be considered as circumstantial evidence of retaliatory intent." *Bruce v. Ylst*, 351 F.3d 1283, 19 1288 (9th Cir. 2003) (quoting *Pratt v. Rowland*, 65 F.3d 802, 808 (9th Cir. 1995)). 20 Here, Plaintiff alleges that Defendants set him up "to be beaten, stabbed, and possibly 21 murdered by known, well documented rival STG classified inmates in retaliation for exercising 22 the grievance process/court access due to previous and current litigation by Plaintiff and other 23 STG classified inmates against CDCR and its agents." (ECF No. 10 at 2.) Plaintiff further 24 alleges he was transferred to SATF-Corcoran in retaliation for failing to program on a NDPF with 25 known and well documented rival gang members. Plaintiff fails to state a cognizable retaliation 26 claim. There are no facts from which it can be inferred that Plaintiff filed grievances/lawsuits, or 27 that any Defendant was aware of any protected conduct, such that it was the but-for cause of 28 Plaintiff being housed at SATF-Corcoran NDPF facility B-yard. Simply stating that Defendants 1 retaliated against him or acted in retaliation is not sufficient to state a claim for relief. Further, a 2 refusal to program or follow prison official's orders with regard to housing is not "protected 3 conduct" under the First Amendment. Thus, Plaintiff fails to state a cognizable retaliation claim. 4 Despite being provided with the relevant legal standard applicable to his claims, Plaintiff has been

5 unable to state a claim and further leave to amend is not warranted. *Lopez v. Smith*, 203 F.3d 6
1122, 1130 (9th Cir. 2000). Accordingly, Plaintiff's retaliation claim should be dismissed 7 without
further leave to amend. 8 IV.

9 ORDER AND RECOMMENDATIONS

10 Based on the foregoing, it is HEREBY ORDERED that the Clerk of Court shall randomly 11
assign a District Judge to this action. 12 Further, it is HEREBY RECOMMENDED that: 13 1.
This action proceed on Plaintiff's deliberate indifference claim against Defendants 14 Jeff
Macomber, Ron Broomfield, and John/Jane Does 1 through 8; and 15 2. Plaintiff's retaliation
claim be dismissed for failure to state a cognizable claim for 16 relief. 17 These Findings and
Recommendations will be submitted to the United States District 18 Judge assigned to the case,
pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen 19 (14) days after being
served with these Findings and Recommendations, Plaintiff may file written 20 objections with the
Court, limited to 15 pages in length, including exhibits. The document should 21 be captioned
"Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is 22 advised that
failure to file objections within the specified time may result in the waiver of rights 23 /// 24 /// 25
/// 26 /// 27 /// 28 /// 1 | onappeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014)
(citing *Baxter v. 2 | Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)). 3 4

5 IT IS SO ORDERED. FA. ee

6 | Dated: _August 28, 2025

STANLEY A. BOONE

7 United States Magistrate Judge 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28