

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

Andreyev v. Chatigny

No. 2:24-cv-2651-TLN-JDP (PS) (E.D. Cal. Apr. 24, 2025) · No. 2:24-cv-2651-TLN-JDP (PS) · Decided April
24, 2025

OPINION

(PS) Andreyev v. Chatigny

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 EUGENE E. ANDREYEV, Case No. 2:24-cv-2651-TLN-JDP (PS) 12 Plaintiff, 13 v.
ORDER 14 DANIEL CHATIGNY, et al., 15 Defendants. 16 17 Plaintiff Eugene E. Andreyev
alleges that his rights were violated when, in October 2023, 18 Placer County sheriff’s deputies
unlawfully drew his blood, deprived him of his right to familial 19 association, and falsely
arrested and detained him. ECF No. 5 at 10. The only named defendants 20 are Sheriff Wayne
Woo and County Executive Officer Daniel Chartigny, both of whom are sued 21 only in their
official capacity. Also sued are an unspecified number of unidentified John and Jane 22 Doe
sheriff’s deputies. The amended complaint is too vague to raise a cognizable claim against 23 any
defendant and is non-compliant with Rule 8 of the Federal Rules of Civil Procedure. I will 24
dismiss the complaint with leave to amend one more time; this will be plaintiff’s final opportunity
25 to amend before I recommend dismissal of this action. 26 Screening and Pleading
Requirements 27 A federal court must screen the complaint of any claimant seeking permission to
proceed 28 in forma pauperis. See 28 U.S.C. § 1915(e). The court must identify any cognizable
claims and 1 dismiss any portion of the complaint that is frivolous or malicious, fails to state a
claim upon 2 which relief may be granted, or seeks monetary relief from a defendant who is
immune from such 3 relief. Id. 4 A complaint must contain a short and plain statement that
plaintiff is entitled to relief, 5 Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to
relief that is plausible on its 6 face,” Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007). The
plausibility standard does not 7 require detailed allegations, but legal conclusions do not suffice.
See Ashcroft v. Iqbal, 556 U.S. 8 662, 678 (2009). If the allegations “do not permit the court to
infer more than the mere 9 possibility of misconduct,” the complaint states no claim. Id. at 679.
The complaint need not 10 identify “a precise legal theory.” Kobold v. Good Samaritan Reg’l
Med. Ctr., 832 F.3d 1024, 11 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—
a set of “allegations that 12 give rise to an enforceable right to relief.” Nagrampa v. MailCoups,
Inc., 469 F.3d 1257, 1264 13 n.2 (9th Cir. 2006) (en banc) (citations omitted). 14 The court must

construe a pro se litigant's complaint liberally. See *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant's complaint "if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). However, "a liberal interpretation of a civil rights complaint may not supply essential elements of the claim that were not initially pled." *Bruns v. Nat'l Credit Union Admin.*, 122 F.3d 1251, 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). Analysis As before, plaintiff alleges that he was falsely arrested and detained, that his blood was drawn unlawfully, and that he was deprived of his right to familial association. ECF No. 5 at 10. As an initial matter, it is unclear how the blood draw and the denial of familial association claims are sufficiently related to proceed in the same suit. Plaintiff was advised of this deficiency in my previous screening order, ECF No. 4 at 4, and the amended complaint has done nothing to remedy the problem. Additionally, the only named defendants, Woo and Chartigny, are sued only in their official capacities, ECF No. 5 at 7, and, thus, plaintiff effectively makes claims against Placer County itself. *Kentucky v. Graham*, 473 U.S. 159, 166 (1985) ("[An] official-capacity suit is, in all respects other than name, to be treated as a suit against the entity."). And here, I can discern no explicit claim that the violations alleged can be attributed to any policy or custom, official or unofficial, of the county. See *Bd. of the Cnty. Comm'rs v. Brown*, 520 U.S. 397, 399 (1997) (To bring a section 1983 claim against a municipal defendant, "the plaintiff must identify a municipal 'policy' or 'custom' that caused the injury"). Finally, as to the unnamed "Doe" defendants, plaintiff has failed to distinguish between any of them or to attribute any of the alleged violations to any individual, unnamed defendant. Thus, the complaint cannot, as Rule 8 requires, put any defendant on notice of the specific claims against them. I will dismiss the complaint with leave to amend so that plaintiff may have one final opportunity to remedy these deficiencies. As before, his amended complaint will supersede its predecessor entirely. The next amended complaint should be entitled "Second Amended Complaint." Accordingly, it is hereby ORDERED that: 1. Plaintiff's amended complaint, ECF No. 5 is DISMISSED with leave to amend. 2. Within thirty days from service of this order, plaintiff shall file either (1) an amended complaint or (2) notice of voluntary dismissal of this action without prejudice. 3. Failure to timely file either an amended complaint or notice of voluntary dismissal may result in the imposition of sanctions, including a recommendation that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 4. The Clerk of Court shall send plaintiff a complaint form with this order. IT IS SO ORDERED. (q oy — Dated: _ April 24, 2025 q——

24 JEREMY D., PETERSON

UNITED STATES MAGISTRATE JUDGE

26 27 28

