

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

**Sanchez de Tagle v. Santa Clara County Sheriff Hernandez M3C, et
al.**

No. 25-cv-01887-SVK (N.D. Cal. Sept. 19, 2025) · No. 25-cv-01887-SVK · Decided September 19, 2025

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
ORLANDO SANCHEZ DE TAGLE, Case No. 25-cv-01887-SVK 8 Plaintiff, ORDER
GRANTING MOTION FOR RECONSIDERATION; GRANTING 9 v. IFP APPLICATION AND
SCREENING AMENDED COMPLAINT PURSUANT 10 SANTA CLARA COUNTY SHERIFF
TO 28 U.S.C. § 1915(e); ISSUING SUA HERNANDEZ M3C, et al., SPONTE REFERRAL FOR
PURPOSES 11 OF DETERMINING CASE Defendants.

RELATIONSHIP 12 Re: Dkt. Nos. 13, 16, 19 13 14 15 On February 21, 2025, self-represented
plaintiff Orlando Sanchez de Tagle filed a Section 16 1983 complaint for damages against the
Santa Clara County Sherriff Department, alleging 17 violation of the Eighth Amendment. Dkt. 1
(the “Original Complaint”). Plaintiff also filed an 18 application to proceed in forma pauperis
 (“IFP”).

Dkt. 3. On March 27, 2025, the Court denied 19 Plaintiff’s IFP application without prejudice due
to missing information and screened the Original 20 Complaint due to deficiencies, on the face of
the complaint, with the defendants sued by Plaintiff. 21 Dkt. 5 at 2-4 (“First IFP Order”).

After the First IFP Order, Plaintiff amended his complaint and 22 filed an essentially unchanged
IFP application. Dkt. 13 (“FAC” or “First Amended Complaint”); 23 Dkt. 10 (“Second IFP
Application”). When the Court again denied Plaintiff’s IFP application 24 without prejudice, (Dkt.
15), he filed a third IFP application (the operative application) providing 25 additional information
as requested by this Court.

Dkt. 16 (“Third IFP Application”). 26 On July 17, 2025, the Court denied Plaintiff IFP status on
the merits, finding that, 27 considering his monthly income minus monthly expenses, he had
“roughly \$743 ... available 1 August 13, 2025, Plaintiff filed a “Request to Clarify Forma
Pauperi,” providing additional facts 2 as to Plaintiff’s financial status, which this Court construed
as a motion for reconsideration (the 3 “Request”).

Dkts. 19-20. Now, considering the Request, Plaintiff’s Third IFP Application, the 4 relevant law
and the record in this action, the Court GRANTS the Request, GRANTS the Third 5 IFP
Application and SCREENS the First Amended Complaint according to 28 U.S.C. § 1915(e). 6 I.

PLAINTIFF'S MOTION FOR RECONSIDERATION 7 At the outset, this District's local rules permit reconsideration upon a showing of one of 8 three criteria: (1) "a material difference in fact or law exists from that which was presented to the 9 Court," so long as the moving party shows that he or she "did not know such fact or law" despite 10 exercising reasonable diligence; (2) the "emergence of new material facts or a change in law ... 11 after the time of" the order; or (3) a "manifest failure by the Court to consider material facts or 12 dispositive" law despite being presented with such.

Civ. L.R. 7-9(b). Here, Plaintiff's Request 13 does not meet criteria (2) or (3); the facts Plaintiff seeks to present are not "new," nor were they 14 presented to the Court previously. See Dkts. 3, 10, 16. Nor does the Request satisfy the first 15 option, as Plaintiff undoubtedly knows his own financial circumstances and cannot show 16 reasonable diligence in bringing them to the Court's attention belatedly.

17 Nonetheless, "[t]he Court's determination that [Plaintiff's] ... proffer is not 'newly- 18 discovered' does not foreclose it from exercising its discretion and reconsidering its prior ruling. 19 "The Court's Local Rules must be construed 'to promote the just, efficient, speedy, and 20 economical determination of every action and proceeding.'" United States v. Quintanilla, No. 09-21 cr-01188-SBA, 2011 WL 4502668, at *7 (N.D.

Cal. Sept. 28, 2011) (quoting Civ. L.R. 1-2(b)). 22 Considering Plaintiff's pro se status, the provision that the District's Local Rules be construed to 23 promote justice and "to avoid manifest injustice," (id.), the Court exercises its discretion to 24 GRANT the Request and consider the additional financial information provided therein. 25 //// 26 //// 27 //// 1 II.

PLAINTIFF'S NOW-CLARIFIED THIRD IFP APPLICATION 2 In his Request, Plaintiff: 3 • Confirms that his income is \$1,543.93 per month from military compensation; 4 • Clarifies that his reported larger military compensation and annuity payments were 5 both "one-time payment[s]" and explains that both have been spent in order to "pay 6 [his] way through college, achieving [his] Bachelor's degree." Dkt.

19 at 1; see 7 also Dkt. 17 at 2 ("It [was] not clear to the Court whether either the \$17,451.06 8 amount or the \$20,861.34 amount were lump sums that have already been spent."); 9 • Crucially, for the first time, submits information as to his monthly expenses for rent 10 and utilities: \$490 / month in rent, a PG&E bill of approximately \$73.68 / month, 11 renters insurance for \$13.99 / month, and other utility bills of roughly \$230 / 12 month; (compare Dkt.

19 at 1-2 with Dkt. 16 at 3); and 13 • Provides other details as to financial debts and obligations. 14 Considering this new information, the Court revises its decision and finds that, after necessary 15 monthly expenses, Plaintiff has no more than \$140 available every month (\$1543.93 - \$490 -

16 \$73.68 - \$13.99 - \$230 - \$600 (food)). This is far below the cases, previously cited by the Court, 17 finding surplus income of \$655 or \$819 to be sufficient.

Contra Dkt. 17 at 2-3. Accordingly, the 18 Court now finds Plaintiff meets the financial eligibility requirement of 28 U.S.C. § 1915(a)(1) and 19 GRANTS Plaintiff's IFP application. 20 III. PLAINTIFF'S FIRST AMENDED COMPLAINT 21 In the First IFP Order, the Court screened Plaintiff's complaint and found that it failed to 22 state a claim against the Santa Clara County Sheriff Department as pleaded.

Dkt. 5 at 2-4. The 23 Court explained that, upon amendment, Plaintiff must either: "allege facts making it plausible that 24 the Santa Clara County Sheriff Department proximately caused his injury, including reference to 25 a relevant policy, practice or custom" sufficient to state a Monell claim or "must name the officials 26 who allegedly violated his Eighth Amendment rights, not the Department as a whole." Dkt.

5 at 27 3-4 (citing, inter alia, *Monell v. Dep't of Soc. Servcs. of N.Y.*, 436 U.S. 658, 690-91 (1978)).] County Sheriff Hernandez M3C and two unknown "Santa Clara County Sheriff Doe" defendants. 2 || See FAC at 3. It also expands his claims to encompass Fourth Amendment claims for excessive 3 force. See, e.g., FAC, 9 25-26.

The Court finds that, liberally construed, Plaintiff has alleged 4 || sufficient facts to make plausible that he was deprived of his constitutional right to medical care 5 || under the Eighth Amendment and that he was subjected to excessive force in violation of the 6 || Fourth Amendment. 7 || IV. SUA SPONTE JUDICIAL REFERRAL FOR PURPOSES OF DETERMINING CASE RELATIONSHIP In examining the amended allegations, the Court notes that the Honorable P. Casey Pitts ° has screened claims nearly identical to those alleged in Plaintiff's FAC.

See *De Tagle v. Santa ° Clara County Sheriff*, No. 24-cv-556-EKL, Dkt. 11 at 3-6 (dismissing ADA claim but permitting medical needs claim and excessive force claim to move forward) (later reassigned to the = Honorable Eumi K. Lee). Particularly in light of Plaintiffs additional allegations identifying Shernf Hernandez, the Court believes that this case may be related to Case No. 5:24-cv-00556- " EKL, *De Tagle v. Santa Clara County Sheriff*.

In accordance with Civil. L.R. 3-12(c), IT IS ORDERED that this case is referred to Judge Lee to determine whether the cases are related. Vv. | CONCLUSION " The Court GRANTS Plaintiffs Third IFP Application and has screened Plaintiff's FAC. Furthermore, the court ORDERS that this case be referred to the Judge Lee to determine whether " the cases are related.

See, supra, § IV. However, for the sake of judicial economy, the Court will refrain from ordering service of Mr. de Tagle's complaint at this time, pending a determination by Judge Lee as to whether these cases are related. 23 24 SO ORDERED. °° Dated: September 19, 2025 26 S 27 SUSAN VAN KEULEN 2g United States Magistrate Judge

