

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Taylor v. California Department of Corrections

Taylor · No. 23-cv-206-MMA (JLB) · Decided March 16, 2023

SUMMARY

The United States District Court for the Southern District of California grants Matthew Scott Taylor leave to proceed in forma pauperis in his 42 U.S.C. § 1983 action. The court dismisses the California Department of Corrections as an immune and non-person defendant but permits Taylor’s Eighth Amendment failure-to-protect claims against the remaining defendants to proceed past screening. The court directs the United States Marshal to effect service and establishes related filing-fee collection and service requirements.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Michael M. Anello
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 16, 2023
DOCKET	23-cv-206-MMA (JLB)
DISPOSITION	other
PROCEDURAL POSTURE	Pro se incarcerated plaintiff filed a 42 U.S.C. § 1983 complaint and moved to proceed in forma pauperis. The district court granted IFP status, screened the complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), dismissed the claims against CDCR, and permitted the Eighth Amendment failure-to-protect claims against the remaining defendants to proceed to service.
STANDARD OF REVIEW	On screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), the court must dismiss claims that are frivolous, malicious, fail to state a claim, or seek damages from immune defendants. The failure-to-state-a-claim standard is the same as under Federal Rule of Civil Procedure 12(b)(6): the complaint must contain sufficient factual matter, accepted as true, to state a plausible claim for relief.
PRECEDENTIAL VALUE	unknown

TOPICS

prisoners rights

section 1983

cruel and unusual punishment

sovereign immunity

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

federal civil procedure

QUESTIONS PRESENTED

1. Whether Taylor qualified to proceed in forma pauperis and what filing-fee obligations applied.
2. Whether the complaint stated a plausible Eighth Amendment failure-to-protect claim against the individual defendants.
3. Whether the claims against the California Department of Corrections were barred because CDCR is not a person subject to suit under § 1983 and is immune from monetary damages under the Eleventh Amendment.
4. Whether the remaining claims should proceed past mandatory prisoner screening and be served.

HOLDINGS

1. Taylor qualified for IFP status because his financial submission satisfied the applicable prisoner requirements. The court assessed an initial partial filing fee of \$88.24 and required payment of the remaining \$350 through the statutory installment process.
2. The complaint plausibly alleged that the remaining defendants were deliberately indifferent to a substantial risk of serious harm, so the Eighth Amendment failure-to-protect claims could proceed past screening.
3. The claims against CDCR were dismissed because CDCR is not a person subject to suit under § 1983 and is immune from suit for monetary damages under the Eleventh Amendment.
4. Because the remaining Eighth Amendment claims met the low threshold for proceeding past screening, the court directed the Clerk and U.S. Marshal to issue and effect service after Taylor supplied sufficient information to identify the Doe defendants.

KEY QUOTATIONS

“The standard for determining whether a plaintiff has failed to state a claim upon which relief can be granted under § 1915(e)(2)(B)(ii) is the same as the Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a claim.” (3)

“The Court finds that Plaintiff’s allegations are sufficient to plausibly allege an Eighth Amendment failure to protect claim against the remaining Defendants because they show Defendants were “aware of facts from which the inference could be drawn that a substantial risk of serious harm exist[ed],” and that Defendants actually drew that inference.” (4)

FACTUAL BACKGROUND

Taylor, an incarcerated plaintiff, alleged that a new cellmate was housed with him despite having threatened prior cellmates. Taylor warned Defendant Doe 1, an assigned counselor, about the threats, but she allegedly dismissed his concerns. The next day, the cellmate stabbed Taylor multiple times with a manufactured weapon, and Taylor alleged that Defendant Torres later acknowledged knowing the cellmate was a problem.

PROCEDURAL HISTORY

Taylor filed a civil-rights complaint alleging that prison officials failed to protect him from a cellmate who stabbed him. He did not prepay the filing fee and submitted an IFP motion supported by a prison certificate. The court granted IFP status, assessed an initial partial filing fee, dismissed CDCR, and directed the U.S. Marshal to serve the remaining defendants after Taylor identifies the Doe defendants.

DISPOSITION

other

CASES CITED

- Andrews v. Cervantes, 493 F.3d 1047, 1051 (9th Cir. 2007)
- Rodriguez v. Cook, 169 F.3d 1176, 1177 (9th Cir. 1999)
- Bruce v. Samuels, 577 U.S. 82, 84 (2016)
- Williams v. Paramo, 775 F.3d 1182, 1185 (9th Cir. 2015)
- Taylor v. Delatoore, 281 F.3d 844, 847 (9th Cir. 2002)
- Andrews v. King, 398 F.3d 1113, 1119 (9th Cir. 2005)
- Williams v. King, 875 F.3d 500, 502 (9th Cir. 2017)
- Lopez v. Smith, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc)
- Rhodes v. Robinson, 621 F.3d 1002, 1004 (9th Cir. 2010)
- Nordstrom v. Ryan, 762 F.3d 903, 920 n.1 (9th Cir. 2014)
- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Wilhelm v. Rotman, 680 F.3d 1113, 1121, 1123 (9th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Hebbe v. Pliler, 627 F.3d 338, 342 & n.7 (9th Cir. 2010)
- Bretz v. Kelman, 773 F.2d 1026, 1027 n.1 (9th Cir. 1985)
- Ivey v. Board of Regents of the University of Alaska, 673 F.2d 266, 268 (9th Cir. 1982)
- Wilk v. Neven, 956 F.3d 1143, 1147 (9th Cir. 2020)
- Farmer v. Brennan, 511 U.S. 825, 833, 837 (1994)
- Castro v. County of Los Angeles, 833 F.3d 1060, 1068, 1076 (9th Cir. 2016)
- Toguchi v. Chung, 391 F.3d 1051, 1057 (9th Cir. 2004)
- Gibson v. County of Washoe, 290 F.3d 1175, 1187 (9th Cir. 2002)
- Seminole Tribe of Florida v. Florida, 517 U.S. 44, 53-54 (1996)

- Groten v. California, 251 F.3d 844, 851 (9th Cir. 2001)
- Hale v. Arizona, 993 F.2d 1387, 1398-99 (9th Cir. 1993)
- Teahan v. Wilhelm, 481 F. Supp. 2d 1115, 1119 (S.D. Cal. 2007)
- Aviles v. Village of Bedford Park, 160 F.R.D. 565, 567 (N.D. Ill. 1995)
- Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980)
- Walker v. Sumner, 14 F.3d 1415, 1422 (9th Cir. 1994)
- Finefeuiaki v. Maui Community Correction Center Staff & Affiliates, 2018 WL 3580764, at *6 (D. Haw. July 25, 2018)
- Wakefield v. Thompson, 177 F.3d 1160, 1163-64 (9th Cir. 1999)

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