

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

Joshua Brisbane Sr. v. Sacramento County, et al.

Brisbane · No. 2:25-cv-2196-JDP (P) · Decided October 7, 2025

OPINION

Joshua Brisbane Sr. v. Sacramento County, et al.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 JOSHUA BRISBANE SR., Case No. 2:25-cv-2196-JDP (P) 12 Plaintiff, 13 v. ORDER 14
SACRAMENTO COUNTY, et al., 15 Defendants. 16 17 18 Plaintiff, a detainee in the Sacramento
County Jail, brings this action against at thirteen 19 defendants and alleges various violations of
his rights, all related to a widespread and covert 20 system of surveillance that he claims has been
deployed against him. ECF No. 1 at 5, 7-8. Courts 21 routinely dismiss claims that, like these,
border on the fanciful. I will dismiss the complaint with 22 leave to amend and give plaintiff an
opportunity to file a new complaint that explains why this 23 actions should proceed. 24 I.
Screening and Pleading Requirements 25 A federal court must screen a prisoner's¹ complaint that
seeks relief against a 26 governmental entity, officer, or employee. See 28 U.S.C. § 1915A(a). The
court must identify 27 28 1 This provision applies to pretrial detainees like plaintiff. See 28 U.S.C.
§ 1915(h). 1 any cognizable claims and dismiss any portion of the complaint that is frivolous or
malicious, 2 fails to state a claim upon which relief may be granted, or seeks monetary relief from
a defendant 3 who is immune from such relief. See 28 U.S.C. §§ 1915A(b)(1), (2). 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 15 U.S. 519, 520 (1972) (per curiam). The court may dismiss
a pro se litigant's complaint “if it 16 appears beyond doubt that the plaintiff can prove no set of

facts in support of his claim which 17 would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). 18 However, ““a liberal interpretation of a civil rights complaint may not supply essential elements 19 of the claim that were not initially pled.”” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 20 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 21 II. Analysis 22 Plaintiff brings several allegations relating to an overarching surveillance system that he 23 alleges defendants have deployed against him. First, he claims that defendants Brookshire, Igoe, 24 Spence, and Leahy have used audio and visual surveillance during his medical appointments to 25 gain private health information and to influence his prescriptions. ECF No. 1 at 7-8. Second, he 26 alleges that, in December 2023, defendant Banks used “non-standard” surveillance technology 27 against him that was “tun[ed] to an individual’s intrinsic frequency.” *Id.* at 11. Plaintiff claims 28 that Banks’ actions caused him “cognitive disruption,” “unnatural daily routines,” and suicidal 1 thoughts. *Id.* Third, he alleges that Steve Whitworth, an attorney retained to defend him in

2 September 2023, did little to help his case and acted in concert with the correctional staff to spy 3 on him with a surveillance program on his cell phone. *Id.* at 14. Separately, plaintiff alleges that 4 a different attorney, Alan Whisenand, who was appointed by the public defender’s office 5 (presumably after Whitworth was relieved of duties), rendered ineffective assistance. *Id.* at 15. 6 There does not appear to be, as best I can tell, any surveillance related allegations against 7 Whisenand. Fourth, he alleges that Dan Williams, a chaplain at the Rio Consumnes Correctional 8 Center, attempted to elicit private information that could be used against him by proxies 9 representing or associated with the mother of his children. *Id.* at 18. 10 There are two issues with these disparate claims. First, they are not sufficiently related to 11 proceed together. Multiple, unrelated claims against multiple defendants belong in different 12 lawsuits. See *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). Second, the conspiratorial 13 claims regarding covert surveillance that can be tuned to an individual’s frequencies are the sort 14 of fanciful claims that should not proceed past screening. See *Neitzke v. Williams*, 490 U.S. 319, 15 327-28 (1989). 16 I will give plaintiff an opportunity to amend so that he may better explain the nature of 17 these claims and why this action should proceed. In any amended complaint, plaintiff should be 18 explicit as to how many defendants he seeks to sue and how each allegedly violated his rights. 19 He is advised that the amended complaint will supersede the current complaint. See *Lacey v. 20 Maricopa County*, 693 F. 3d 896, 907 n.1 (9th Cir. 2012) (en banc). The amended complaint 21 should be titled “Amended Complaint” and refer to the appropriate case number. 22 Accordingly, it is ORDERED that: 23 1. Plaintiff’s complaint, contained in ECF No. 1, is DISMISSED with leave to amend. 24 2. Within thirty days from service of this order, plaintiff shall file either (1) an amended 25 complaint or (2) notice of voluntary dismissal of this action without prejudice. 26 3. Failure to timely file either an amended complaint or notice of voluntary dismissal may 27 result in the imposition of sanctions, including a recommendation that this action be dismissed 28 with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 1 4. The Clerk of Court shall send

plaintiff a complaint form with this order. 2 3 IT IS SO ORDERED. Dated: _ October 7, 2025 q-

5 JEREMY D. PETERSON

6 UNITED STATES MAGISTRATE JUDGE

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