

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Anthony J. Davis v. Tuolumne County, et al.

No. 1:25-cv-00925-SAB (PC) (E.D. Cal. Sept. 23, 2025) · No. 1:25-cv-00925-SAB (PC) · Decided September 23, 2025

SUMMARY

The court directs the Clerk to randomly assign a district judge and recommends that the action proceed only on the plaintiff’s retaliation claim against Defendant Hurtado. It further recommends dismissal of all other claims and defendants for failure to state a cognizable claim, and advises the plaintiff regarding objections to the Findings and Recommendations.

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	September 23, 2025
DOCKET	1:25-cv-00925-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff proceeded pro se and in forma pauperis under 42 U.S.C. § 1983. After screening the first amended complaint, the magistrate judge found one cognizable retaliation claim against Defendant Hurtado and recommended dismissal of all other claims and defendants. Plaintiff then notified the court that he intended to proceed only on the retaliation claim.
STANDARD OF REVIEW	Screening for failure to state a cognizable claim for relief under the applicable prisoner civil-rights screening standard.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Anthony J. Davis v. Tuolumne County, Hurtado, Other named defendants

TOPICS

- section 1983
- prisoners rights
- pleadings
- civil procedure

PRACTICE AREAS

prisoner civil rights

civil procedure

pleading and screening

QUESTIONS PRESENTED

1. Whether Plaintiff's first amended complaint stated any cognizable claims beyond the retaliation claim against Defendant Hurtado.
2. Whether the action should proceed solely on the retaliation claim against Hurtado and whether the remaining claims and defendants should be dismissed for failure to state a cognizable claim.

HOLDINGS

1. The magistrate judge recommended that the action proceed only on Plaintiff's retaliation claim against Defendant Hurtado and that all other claims and defendants be dismissed for failure to state a cognizable claim for relief.

FACTUAL BACKGROUND

Anthony J. Davis filed a pro se, in forma pauperis action under 42 U.S.C. § 1983 against Tuolumne County and other defendants. Upon screening his first amended complaint, the court found that Davis stated a cognizable retaliation claim against Defendant Hurtado but did not state any other cognizable claims. Davis elected to proceed only on the retaliation claim.

PROCEDURAL HISTORY

On September 5, 2025, the court screened Plaintiff's first amended complaint, found a cognizable retaliation claim against Hurtado, and granted leave to amend or proceed on that claim alone. On September 22, 2025, Plaintiff elected to proceed only on the retaliation claim. The magistrate judge ordered random assignment of a district judge and issued findings and recommendations under 28 U.S.C. § 636(b)(1), recommending dismissal of all remaining claims and defendants.

DISPOSITION

other

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 ANTHONY J. DAVIS, No. 1:25-cv-00925-SAB (PC) 12 Plaintiff, ORDER
DIRECTING CLERK OF COURT TO RANDOMLY ASSIGN A DISTRICT JUDGE 13 v. TO
THIS ACTION 14 TUOLUMNE COUNTY, et al., FINDINGS AND RECOMMENDATIONS

RECOMMENDING DISMISSAL OF 15 Defendants. CERTAIN CLAIMS 16 (ECF Nos. 7, 9) 17
18 Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 19 U.S.C.
§ 1983.

20 On September 5, 2025, the Court screened Plaintiff's first amended complaint, and found 21
that Plaintiff stated a cognizable retaliation claim against Defendant Hurtado, but failed to state 22
any other cognizable claims. (ECF No. 7.)

The Court granted Plaintiff leave to file a second 23 amended complaint or notify the Court of his
intent to proceed only on the retaliation claim. (Id.) 24 On September 22, 2025, Plaintiff filed a
notice of intent to proceed on the claim found to be 25 cognizable. (ECF No. 9.) 26 Accordingly, it
is HEREBY ORDERED that the Clerk of the Court shall assign a District 27 Judge to this action.

28 1 Further, it is HEREBY RECOMMENDED that: 2 1. This action proceed only on Plaintiffs
retaliation against Defendant Hurtado; and 3 2. All other claims and Defendants be dismissed from
the action for failure to state a 4 cognizable claim for relief. 5 These Findings and
Recommendations will be submitted to the United States District Judge 6 assigned to the case,
pursuant to the provisions of 28 U.S.C. § 636(b)(1).

Within fourteen (14) 7 days after being served with these Findings and Recommendations,
Plaintiff may file written 8 objections with the Court, limited to 15 pages, including exhibits. The
document should be 9 captioned "Objections to Magistrate Judge's Findings and
Recommendations." Plaintiffis advised 10 that failure to file objections within the specified time
may result in the waiver of rights on appeal.

11 Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d
12 1391, 1394 (9th Cir. 1991)). 13 14 IT IS SO ORDERED. DAA Le 15 | Dated: _ September 23,
2025 " STANLEY A. BOONE 16 United States Magistrate Judge 17 18 19 20 21 22 23 24 25 26
27 28