

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Kristin Hardy v. A. Silva, John Doe

Hardy v. Silva · No. 3:24-cv-0899-JAH-MSB · Decided April 22, 2025

SUMMARY

The United States District Court for the Southern District of California dismissed Kristin Hardy’s First Amended § 1983 complaint without prejudice for failure to state a claim. The court rejected First Amendment and Fourteenth Amendment due process claims arising from the return of educational books sent to a California inmate, denied further leave to amend as futile, certified that an IFP appeal would not be taken in good faith, and directed entry of judgment.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	John A. Houston
JURISDICTION	United States District Court for the Southern District of California
DECIDED	April 22, 2025
DOCKET	3:24-cv-0899-JAH-MSB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983; the court screened the First Amended Complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b) and dismissed it sua sponte for failure to state a claim.
STANDARD OF REVIEW	De novo screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), applying the Federal Rule of Civil Procedure 12(b)(6) plausibility standard.
PRECEDENTIAL VALUE	Unpublished federal district court order; persuasive, nonprecedential value.
PARTIES	Kristin Hardy v. A. Silva, John Doe

TOPICS

- section 1983
- prisoners rights
- first amendment
- due process
- pleadings

PRACTICE AREAS

prisoner civil rights

constitutional law

civil procedure

federal pleading and screening

remedies

QUESTIONS PRESENTED

1. Whether the isolated return or delay of Hardy's package of educational books, allegedly because of his administrative-segregation status and accompanied by inadequate notice, plausibly stated a First Amendment claim under 42 U.S.C. § 1983.
2. Whether the alleged return or delay of the books without timely notice stated a Fourteenth Amendment due-process claim.
3. Whether further leave to amend should be granted after Hardy failed to cure deficiencies identified in the prior screening order.

HOLDINGS

1. A single, temporary or isolated incident of mail interference, without plausible allegations of an improper motive or a broader course of unconstitutional censorship, does not state a prisoner's First Amendment claim.
2. The alleged negligent or unauthorized return or delay of the books did not state a due-process claim where the complaint did not plausibly allege an intentional deprivation and California provided an adequate post-deprivation remedy.
3. Further leave to amend was properly denied as futile after Hardy had already been informed of his pleading deficiencies and failed to cure them in the First Amended Complaint.

KEY QUOTATIONS

“The standard for determining whether 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.” (at 3)

“Absent evidence of a “broader plan or course of conduct to censor plaintiff’s mail unconstitutionally, an error by prison officials does not justify relief under § 1983.”” (at 4)

“Only if the failure to provide notice was pursuant to prison policy does this constitute a due process violation actionable under § 1983.” (at 5)

FACTUAL BACKGROUND

Hardy, a California prisoner, enrolled in a paralegal correspondence course and was to receive textbooks by mail. After he was transferred to another correctional facility and placed in administrative segregation, a shipment of books was received at the new facility but rejected by receiving-and-release officer Silva and returned to the sender. Hardy alleged that he was not timely notified and that another officer failed to forward the notice as required by prison regulations, but he did not allege that the books were never ultimately received or that the defendants acted pursuant to an unconstitutional policy or improper motive.

PROCEDURAL HISTORY

Hardy was granted in forma pauperis status, and the court dismissed his original complaint without prejudice for failure to state a claim while granting leave to amend. After an extension of time, Hardy filed a First Amended Complaint alleging First Amendment and Fourteenth Amendment violations arising from the return of educational books mailed to him in prison. The court dismissed the First Amended Complaint without further leave to amend, certified that an IFP appeal would not be taken in good faith, and directed entry of final judgment.

DISPOSITION

dismissed

CASES CITED

- 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)
- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Tsao v. Desert Palace, Inc., 698 F.3d 1128, 1138 (9th Cir. 2012)
- Witherow v. Paff, 52 F.3d 264, 265 (9th Cir. 1995)
- Crofton v. Roe, 170 F.3d 957, 961 (9th Cir. 1999)
- Smith v. Maschner, 899 F.2d 940, 944 (10th Cir. 1990)
- Rowe v. Shake, 196 F.3d 778, 782 (7th Cir. 1999)
- Lingo v. Boone, 402 F. Supp. 768, 773 (C.D. Cal. 1975)
- Canales v. Guzman, 2023 WL 5418771, at *4 (S.D. Cal. 2023)
- Watkins v. Curry, 2011 WL 5079532, at *3 (N.D. Cal. 2011)
- Hudson v. Palmer, 468 U.S. 517, 533 (1984)
- Daniels v. Williams, 474 U.S. 327, 328 (1986)
- Sorrels v. McKee, 290 F.3d 965, 972 (9th Cir. 2002)
- Barnett v. Centoni, 31 F.3d 813, 816-17 (9th Cir. 1994)
- Gonzalez v. Planned Parenthood, 759 F.3d 1112, 1116 (9th Cir. 2014)
- Zucco Partners, LLC v. Digimarc Corp., 552 F.3d 981, 1007 (9th Cir. 2009)