

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Cruz v. Gipson

No. 1:23-cv-00338-SAB (PC) (E.D. Cal. Mar. 15, 2023) · No. 1:23-cv-00338-SAB (PC) · Decided March 15, 2023

SUMMARY

The court recommends dismissal without leave to amend of Manuel Luis Cruz’s 42 U.S.C. § 1983 action concerning the delayed prison disciplinary hearing and handling of his inmate grievances. It concludes that an alleged violation of prison regulations requiring a timely hearing does not, without more, establish a federal due process violation, and that prisoners have no standalone due process right to a particular grievance process. The court also orders the Clerk to randomly assign a district judge and advises Plaintiff of the deadline for filing objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 15, 2023
DOCKET	1:23-cv-00338-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner proceeding in forma pauperis filed a 42 U.S.C. § 1983 complaint. A magistrate judge screened the complaint and issued findings and a recommendation that the action be dismissed without leave to amend; the Clerk was directed to randomly assign a district judge.
STANDARD OF REVIEW	Screening under 28 U.S.C. §§ 1915A and 1915(e)(2)(B), accepting the complaint's allegations as true for screening purposes and evaluating whether the pleading states a facially plausible claim for relief.
PRECEDENTIAL VALUE	Nonprecedential findings and recommendation of a federal magistrate judge; subject to district judge review.
PARTIES	Manuel Luis Cruz v. Connie Gipson, et al.

TOPICS

- prisoners rights
- procedural due process
- section 1983
- civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the alleged failure to hold a prison disciplinary hearing within thirty days of sentencing stated a procedural due process claim under 42 U.S.C. § 1983.
2. Whether the denial, rejection, screening, or inadequate processing of Plaintiff's inmate grievances stated a standalone due process claim.
3. Whether amendment would be futile and the complaint should be dismissed without leave to amend.

HOLDINGS

1. The alleged failure to hold the disciplinary hearing within a thirty-day period required by prison regulations did not state a cognizable federal due process claim because the Constitution requires the procedures identified in *Wolff v. McDonnell*, not compliance with more generous prison procedures.
2. The denial, rejection, screening, review, or cancellation of an inmate grievance does not, by itself, violate due process or create a cognizable § 1983 claim.
3. Dismissal without leave to amend was recommended because Plaintiff's claims were legally noncognizable and amendment would be futile.

KEY QUOTATIONS

“The Due Process Clause only requires that prisoner be afforded those procedures mandated by Wolff; it does not require that prisons comply with their own, more generous procedures.” (Discussion III.A)

“Thus, the denial, rejection, screening out of issues, review, or cancellation of a grievance does not constitute a due process violation.” (Discussion III.B)

“Accordingly, the Court recommends dismissal of the complaint without leave to amend.” (Discussion III.C)

FACTUAL BACKGROUND

Plaintiff was apprehended at Kern Valley State Prison on December 2, 2018, on suspicion of introducing a controlled substance, and his contact visits were suspended. After he entered a nolo contendere plea in state court on July 29, 2020, he alleged that prison officials delayed his institutional rules-violation hearing for approximately one year and seven months despite having notice of the adjudication. He also alleged that officials rejected or failed to process his grievances concerning the delayed hearing.

PROCEDURAL HISTORY

Plaintiff filed his complaint on March 7, 2023, alleging that prison officials delayed a rules-violation hearing and mishandled his inmate grievances. The court screened the complaint under the Prison Litigation Reform Act and concluded that the allegations did not state a cognizable federal claim. The court recommended dismissal without leave to amend, subject to objections and review by an assigned district judge.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Jones v. Williams, 297 F.3d 930, 934 (9th Cir. 2002)
- Wilhelm v. Rotman, 680 F.3d 1113, 1121 (9th Cir. 2012)
- Moss v. U.S. Secret Service, 572 F.3d 962, 969 (9th Cir. 2009)
- Wolff v. McDonnell, 418 U.S. 539, 556 (1974)
- Superintendent v. Hill, 472 U.S. 445, 454-56 (1985)
- United States v. Segal, 549 F.2d 1293, 1296-99 (9th Cir. 1977)
- Walker v. Sumner, 14 F.3d 1415, 1419-20 (9th Cir. 1994)
- Sandin v. Conner, 515 U.S. 472, 482, 484 (1995)
- Bostic v. Carlson, 884 F.2d 1267, 1270 (9th Cir. 1989)
- Ybarra v. Bastian, 647 F.2d 891, 892 (9th Cir. 1981)
- Wilkinson v. Austin, 545 U.S. 209, 221 (2005)
- Ramirez v. Galaza, 334 F.3d 850, 860 (9th Cir. 2003)
- Mann v. Adams, 855 F.2d 639, 640 (9th Cir. 1988)
- Evans v. Skolnik, 637 F. App'x 285, 288 (9th Cir. 2015)
- Wright v. Shannon, No. 1:05-cv-01485-LJO-YNP PC, 2010 WL 445203, at *5 (E.D. Cal. Feb. 2, 2010)
- Towner v. Knowles, No. CIV S-08-2823 LKK EFB P, 2009 WL 4281999, at *2 (E.D. Cal. Nov. 20, 2009)
- Williams v. Cate, No. 1:09-CV-00568-OWW-YNP PC, 2009 WL 3789597, at *6 (E.D. Cal. Nov. 10, 2009)
- Buckley v. Barlow, 997 F.2d 494, 495 (8th Cir. 1993)
- Hartmann v. California Department of Corrections and Rehabilitation, 707 F.3d 1114, 1130 (9th Cir. 2013)
- Lopez v. Smith, 203 F.3d 1122, 1129 (9th Cir. 2000)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)