

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Yolanda Silva v. Nancy Jackson

No. 1:25-cv-01893-SAB (PC) (E.D. Cal. Jan. 14, 2026) · No. 1:25-cv-01893-SAB (PC) · Decided January 15, 2026

SUMMARY

The United States District Court for the Eastern District of California screened a pro se prisoner’s 42 U.S.C. § 1983 complaint alleging that a fellow inmate attacked and injured her. The magistrate judge concluded that the fellow inmate was not acting under color of state law and therefore could not be sued under § 1983. The court ordered random assignment of a district judge and recommended dismissal without leave to amend for failure to state a cognizable claim.

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	January 15, 2026
DOCKET	1:25-cv-01893-SAB (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Magistrate Judge's Findings and Recommendation on screening of prisoner's pro se civil rights complaint.
STANDARD OF REVIEW	Screening standard under 28 U.S.C. §§ 1915 and 1915A.
PRECEDENTIAL VALUE	unpublished
PARTIES	Yolanda Silva v. Nancy Jackson

TOPICS

- section 1983
- prisoners rights
- pleadings
- civil procedure
- state action

PRACTICE AREAS

- civil rights
- prisoners' rights
- civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's complaint states a cognizable claim under 42 U.S.C. § 1983 against a fellow inmate.
2. Whether leave to amend should be granted when the claim fails as a matter of law.

HOLDINGS

1. A fellow inmate is not a state actor and therefore cannot be liable under 42 U.S.C. § 1983.
2. A district court may deny leave to amend when amendment would be futile, such as when the complaint lacks merit entirely.

KEY QUOTATIONS

“To establish § 1983 liability, a plaintiff must show both (1) deprivation of a right secured by the Constitution and laws of the United States, and (2) that the deprivation was committed by a person acting under color of state law.” (at 3)

“Courts have consistently rejected attempts by prisoner plaintiffs to sue fellow inmates under § 1983.” (at 3)

“A district court may deny leave to amend when amendment would be futile.” (at 4)

FACTUAL BACKGROUND

Plaintiff alleged she was attacked and bitten by fellow inmate Nancy Johnson on December 5, 2024. She sought \$10,000 in damages for pain and suffering and emotional distress. The named Defendant was the fellow inmate who allegedly attacked her.

PROCEDURAL HISTORY

Plaintiff, proceeding pro se and in forma pauperis, filed a complaint pursuant to 42 U.S.C. § 1983. The Magistrate Judge screened the complaint pursuant to 28 U.S.C. §§ 1915 and 1915A and recommended dismissal for failure to state a cognizable claim.

DISPOSITION

dismissed

CASES CITED

- Jackson v. Foster, 372 F. App'x 770 (9th Cir. 2010)
- Chudacoff v. Univ. Med. Ctr. of S. Nev., 649 F.3d 1143 (9th Cir. 2011)
- Broam v. Bogan, 320 F.3d 1023 (9th Cir. 2003)
- Soo Park v. Thompson, 851 F.3d 910 (9th Cir. 2017)
- Lugar v. Edmondson Oil Co., 457 U.S. 922 (1982)
- Manuel v. City of Joliet, Ill., 137 S. Ct. 911 (2017)
- Gettimier v. Burse, 2015 WL 75224 (E.D. Mo. Jan. 6, 2015)
- Rigano v. Cty. of Sullivan, 486 F. Supp. 2d 244 (S.D.N.Y. 2007)

- Williams v. Calidonna, 2007 WL 432773 (N.D.N.Y. Feb. 2, 2007)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)
- Jones v. Williams, 297 F.3d 930 (9th Cir. 2002)
- Wilhelm v. Rotman, 680 F.3d 1113 (9th Cir. 2012)
- Moss v. U.S. Secret Service, 572 F.3d 962 (9th Cir. 2009)
- Hartmann v. CDCR, 707 F.3d 1114 (9th Cir. 2013)
- Lopez v. Smith, 203 F.3d 1122 (9th Cir. 2000)
- Wilkerson v. Wheeler, 772 F.3d 834 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 YOLANDA SILVA, No. 1:25-cv-01893-SAB (PC) 12 Plaintiff, ORDER
DIRECTING CLERK OF COURT TO RANDOMLY ASSIGN A DISTRICT JUDGE 13 v. TO
THIS ACTION 14 NANCY JACKSON, FINDINGS AND RECOMMENDATION
RECOMMENDING DISMISSAL FOR 15 Defendant. FAILURE TO STATE A COGNIZABLE
CLAIM FOR RELIEF 16 (ECF No. 1) 17 18 19 Plaintiff is proceeding pro se and in forma
pauperis in this action filed pursuant to 42 20 U.S.C. § 1983.

21 Currently before the Court is Plaintiff's complaint, filed December 17, 2025. 22 I. 23
SCREENING REQUIREMENT 24 The Court is required to screen complaints brought by
prisoners seeking relief against a 25 governmental entity or officer or employee of a governmental
entity. 28 U.S.C. § 1915A(a).

The 26 Court must dismiss a complaint or portion thereof if the prisoner has raised claims that are
legally 27 "frivolous or malicious," that "fail[] to state a claim on which relief may be granted," or
that 28 1 "seek[] monetary relief against a defendant who is immune from such relief." 28 U.S.C.
§ 2 1915(e)(2)(B); see also 28 U.S.C. § 1915A(b). 3 A complaint must contain "a short and plain
statement of the claim showing that the 4 pleader is entitled to relief...." Fed.

R. Civ. P. 8(a)(2). Detailed factual allegations are not 5 required, but "[t]hreadbare recitals of the
elements of a cause of action, supported by mere 6 conclusory statements, do not suffice."
Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (citing Bell 7 Atlantic Corp. v. Twombly, 550 U.S.
544, 555 (2007)).

Moreover, Plaintiff must demonstrate 8 that each defendant personally participated in the
deprivation of Plaintiff's rights. Jones v. 9 Williams, 297 F.3d 930, 934 (9th Cir. 2002). 10
Prisoners proceeding pro se in civil rights actions are entitled to have their pleadings 11 liberally

construed and to have any doubt resolved in their favor. *Wilhelm v. Rotman*, 680 F.3d 12 1113, 1121 (9th Cir.

2012) (citations omitted). To survive screening, Plaintiff's claims must be 13 facially plausible, which requires sufficient factual detail to allow the Court to reasonably infer 14 that each named defendant is liable for the misconduct alleged. *Iqbal*, 556 U.S. at 678-79; *Moss 15 v. U.S. Secret Service*, 572 F.3d 962, 969 (9th Cir. 2009).

The "sheer possibility that a defendant 16 has acted unlawfully" is not sufficient, and "facts that are 'merely consistent with' a defendant's 17 liability" falls short of satisfying the plausibility standard. *Iqbal*, 556 U.S. at 678; *Moss*, 572 F.3d 18 at 969. 19 II. 20 SUMMARY OF ALLEGATIONS 21 The Court accepts Plaintiff's allegations in the complaint as true only for the purpose of 22 the screening requirement under 28 U.S.C. § 1915.

23 Plaintiff names inmate Nancy Johnson as the sole Defendant. 24 On December 5, 2024, Plaintiff was attacked by fellow inmate Nancy Johnson who bit 25 Plaintiff in the cheek, finger, and elbow. Plaintiff believed that she needed stitches, but the doctor 26 disagreed. Plaintiff is seeking \$10,000 in damages for pain and suffering and emotional distress. 27 /// 28 /// 1 III.

2 DISCUSSION 3 Section 1983 allows a private citizen to sue for the deprivation of a right secured by 4 federal law. See 42 U.S.C. § 1983; *Manuel v. City of Joliet, Ill.*, 137 S. Ct. 911, 916 (2017). "To 5 establish § 1983 liability, a plaintiff must show both (1) deprivation of a right secured by the 6 Constitution and laws of the United States, and (2) that the deprivation was committed by a 7 person acting under color of state law." *Chudacoff v. Univ.*

Med. Ctr. of S. Nev., 649 F.3d 1143, 8 1149 (9th Cir. 2011) (citing *Broam v. Bogan*, 320 F.3d 1023, 1028 (9th Cir. 2003)); *Soo Park v. 9 Thompson*, 851 F.3d 910, 921 (9th Cir. 2017). "The 'under color of law' requirement under § 10 1983 is the same as the Fourteenth Amendment's 'state action' requirement." *Chudacoff*, 649 11 F.3d at 1149 (citing *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 928 (1982)).

12 Courts have consistently rejected attempts by prisoner plaintiffs to sue fellow inmates 13 under § 1983. See, e.g., *Jackson v. Foster*, 372 F. App'x 770, 771 (9th Cir. 2010) (concluding that 14 "the district court properly dismissed Jackson's excessive force claim because [fellow] inmate... 15 did not act under color of state law under any formulation of the governmental actor tests"); see 16 also *Gettimier v. Burse*, 2015 WL 75224, at *5 n.3 (E.D.

Mo. Jan. 6, 2015) ("The fact that a 17 fellow inmate is not a 'state actor' for purposes of § 1983 litigation is so fundamental as to not 18 require citation."); *Rigano v. Cty. of Sullivan*, 486 F. Supp. 2d 244, 256 n.15 (S.D.N.Y. 2007) ("It 19 is well-established that a § 1983 claim is only cognizable against a state actor and not a fellow 20 inmate."); cf. *Williams v. Calidonna*, 2007 WL 432773, at *1-2 (N.D.N.Y.

Feb. 2, 2007) 21 (dismissing § 1983 action against inmates despite allegation they were working as state 22 informants). Accordingly, Plaintiff cannot succeed in stating a section 1983 claim against fellow 23 inmate Steven Stansell in this case as inmates are not state actors. 24 B. Leave to Amend Would be Futile 25 As Plaintiff's sole claim fails as a matter of law, the Court finds that further leave to 26 amend would be futile.

Accordingly, the Court finds that the complaint fails to state a cognizable 27 civil rights claim under 42 U.S.C. § 1983 and that any amendment of the complaint would be 28 futile. "A district court may deny leave to amend when amendment would be futile." *Hartmann v. 1 | CDCR*, 707 F.3d 1114, 1130 (9th Cir. 2013); accord *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th 2 | Cir.

2000) ("Courts are not required to grant leave to amend if a complaint lacks merit entirely."). 3 | Because Plaintiff cannot state a claim as a matter of law, it is recommended that this action be 4 | dismissed for failure to state a claim upon which relief may be granted. See 28 U.S.C. § 5 | 1915A(b)(1). 6 IV. 7 ORDER AND RECOMMENDATION 8 Based on the foregoing, it is HEREBY ORDERED that the Clerk of Court shall randomly 9 | assign a District Judge to this action.

10 Further, it is HEREBY RECOMMENDED that this action be dismissed, without leave to 11 amend, for failure to state a cognizable claim for relief. 12 This Findings and Recommendation will be submitted to the United States District Judge 13 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)d). Within fourteen (14) 14 | days after being served with this Findings and Recommendation, Plaintiff may file written 15 | objections with the Court, limited to 15 pages in length, including exhibits.

The document should 16 | be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is 17 | advised that failure to file objections within the specified time may result in the waiver of rights 18 | on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing *Baxter v. 19 | Sullivan*, 923 F.2d 1391, 1394 (9th Cir.

1991)). 20 IT IS SO ORDERED. DAA Le 22 | Dated: _January 14, 2026 __ OO STANLEY A. BOONE 23 United States Magistrate Judge 24 25 26 27 28