

**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

OPINION

Yolanda Silva v. Nancy Jackson

PER CURIAM.

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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 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