

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Derrell Musantha Smith v. Edward Borla, et al.

Smith v. Borla · No. 25-cv-03247-TLT · Decided November 4, 2025

SUMMARY

The United States District Court for the Northern District of California screened a pro se prisoner’s 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915A. The court dismissed CDCR on Eleventh Amendment immunity grounds but found a cognizable Eighth Amendment claim concerning allegedly inadequate double-cell living space against Warden Edward Borla and CDCR Secretary Jefferey Macomber, and ordered service.

CASE DETAILS

COURT	United States District Court for the Northern District of California
JURISDICTION	United States District Court for the Northern District of California
DECIDED	November 4, 2025
DOCKET	25-cv-03247-TLT
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner filed a civil-rights complaint under 42 U.S.C. § 1983. The district court screened the complaint under 28 U.S.C. § 1915A, dismissed the California Department of Corrections and Rehabilitation from the damages action on Eleventh Amendment immunity grounds, found a cognizable Eighth Amendment claim against the individual defendants, and ordered service.
STANDARD OF REVIEW	Preliminary screening under 28 U.S.C. § 1915A; the court must identify cognizable claims and dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pro se pleadings are liberally construed.
PRECEDENTIAL VALUE	Unknown
PARTIES	Derrell Musantha Smith v. Edward Borla, Jefferey Macomber, California Department of Corrections and Rehabilitation

TOPICS

prisoners rights

section 1983

cruel and unusual punishment

eleventh amendment immunity

service of process

PRACTICE AREAS

prisoner civil rights

constitutional law

civil procedure

federal courts

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable Eighth Amendment claim based on allegedly inadequate prison living space.
2. Whether CDCR was immune from a damages action under the Eleventh Amendment.
3. Whether the complaint should be served on the individual defendants after screening under 28 U.S.C. § 1915A.

HOLDINGS

1. CDCR, as an agency of the State of California, is dismissed from the damages action because it is protected by Eleventh Amendment immunity.
2. Liberally construed, allegations that prison officials housed the plaintiff in an allegedly unconstitutionally small double cell stated a cognizable Eighth Amendment claim against Borla and Macomber.
3. Service of the complaint must proceed against Edward Borla and Jefferey Macomber through the CDCR e-service program, with formal United States Marshal service for any defendant who does not waive service.
4. If failure to exhaust administrative remedies under the PLRA is clear on the face of the complaint, defendants may move under Rule 12(b)(6); otherwise, the issue must ordinarily be presented through a Rule 56 motion supported by evidence, with disputed factual issues resolved by the district judge in a preliminary proceeding.

KEY QUOTATIONS

“While the Constitution does not mandate comfortable prisons, it does require that prisoners have the “minimal civilized measure of life’s necessities.”” (at 3)

“Liberally construed, plaintiff has stated an Eighth Amendment claim against defendants Borla and Macomber for inadequate living space.” (at 3)

FACTUAL BACKGROUND

Smith, a prisoner at the Correctional Training Facility, alleged that he had been housed with another prisoner in a double cell containing only 19 square feet since May 7, 2024. He alleged that prisoners in certain North Yard buildings had been double-celled since 2011 even though those rooms were not built as double cells. He sought damages and asserted that the conditions violated the Eighth Amendment.

PROCEDURAL HISTORY

Smith alleged that he had been housed in an allegedly unconstitutional double cell at the Correctional Training Facility since May 7, 2024. On screening, the court dismissed CDCR, but allowed the claims against Warden Edward Borla and Secretary Jefferey Macomber to proceed. The court directed service through the CDCR e-service program and established deadlines for answers and dispositive motions.

DISPOSITION

other

CASES CITED

- United States v. Qazi, 975 F.3d 989, 993 (9th Cir. 2020)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Leadsinger, Inc. v. BMG Music Pub., 512 F.3d 522, 532 (9th Cir. 2008)
- Rhodes v. Chapman, 452 U.S. 337, 346-47 (1981)
- Woods v. Carey, 684 F.3d 934, 935 (9th Cir. 2012)
- Albino v. Baca, 747 F.3d 1162, 1166, 1168 (9th Cir. 2014) (en banc)
- Wyatt v. Terhune, 315 F.3d 1108, 1119 (9th Cir. 2003)
- Rand v. Rowland, 154 F.3d 952, 962-63 (9th Cir. 1998)