

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Raymond Albert Rodriguez v. State of California, et al.

Rodriguez v. State of California, No. 2:25-cv-1141 CKD P (E.D. Cal. Sept. 3, 2025) · No. No. 2:25-cv-1141
CKD P · Decided September 3, 2025

SUMMARY

The court grants Raymond Albert Rodriguez leave to proceed in forma pauperis but requires payment of the statutory filing fee. Upon screening under 28 U.S.C. § 1915A, the court identifies a Fourteenth Amendment claim against defendant Ho concerning allegedly unsanitary conditions of confinement and gives plaintiff 21 days either to proceed on that claim and dismiss the others or to file an amended complaint.

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	September 3, 2025
DOCKET	No. 2:25-cv-1141 CKD P
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983. On screening under 28 U.S.C. § 1915A, the court granted plaintiff leave to proceed in forma pauperis, found that one Fourteenth Amendment conditions-of-confinement claim against defendant Ho could proceed, and gave plaintiff the option to proceed on that claim or amend the complaint to attempt to cure deficiencies in the remaining claims.
STANDARD OF REVIEW	Mandatory screening under 28 U.S.C. § 1915A; the court must dismiss prisoner claims that are frivolous or malicious, fail to state a claim, or seek monetary relief from an immune defendant.
PRECEDENTIAL VALUE	Nonprecedential district court screening order
PARTIES	Raymond Albert Rodriguez v. State of California, et al.

TOPICS

- prisoners rights
- section 1983
- ada / disability
- civil procedure
- due process

PRACTICE AREAS

prisoner civil rights

civil procedure

constitutional law

disability discrimination

QUESTIONS PRESENTED

1. Whether plaintiff satisfied the statutory requirements to proceed in forma pauperis.
2. Whether the complaint stated a potentially cognizable Fourteenth Amendment claim against defendant Ho based on deliberate indifference to unsanitary conditions of confinement.
3. Whether the State of California and Sacramento County were proper defendants for the asserted § 1983 claims.
4. Whether plaintiff stated a claim under Title II of the ADA.
5. Whether the complaint adequately linked each defendant's conduct to the alleged constitutional deprivation and adequately alleged supervisory liability.

HOLDINGS

1. Plaintiff satisfied the showing required by 28 U.S.C. § 1915(a), so the court granted leave to proceed in forma pauperis.
2. The complaint stated a claim against defendant Ho arising under the Fourteenth Amendment for Ho being at least deliberately indifferent to plaintiff's exposure to unsanitary conditions of confinement.
3. A municipality cannot be held vicariously liable under § 1983 for the actions of its employees; liability requires that execution of a government policy or custom inflict the constitutional injury.
4. Plaintiff failed to state a Title II ADA claim because he did not show exclusion from or discrimination regarding a public entity's services, programs, or activities by reason of a disability.
5. A § 1983 claim requires an affirmative link or connection between a defendant's actions and the claimed deprivation; vague and conclusory allegations of supervisory participation are insufficient, and there is no vicarious liability under § 1983.

KEY QUOTATIONS

“Instead, it is when execution of a government's policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, inflicts the injury that the government as an entity is responsible under § 1983.” (at 2)

“To establish a violation of Title II of the ADA, a plaintiff must show that (1) [he] is a qualified individual with a disability; (2) [he] was excluded from participation in or otherwise discriminated against with regard to a public entity's services, programs, or activities; and (3) such exclusion or discrimination was by reason of [his] disability.” (at 2)

FACTUAL BACKGROUND

Plaintiff is a state prisoner who alleged exposure to unsanitary conditions of confinement in the Sacramento County Jail. He identified defendant Ho and alleged facts sufficient at the screening stage to support that Ho was

at least deliberately indifferent to the exposure. Plaintiff also named the State of California and Sacramento County, asserted an ADA claim, and alleged supervisory or official involvement in civil-rights violations.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding without counsel, filed a complaint seeking relief under 42 U.S.C. § 1983 and moved to proceed in forma pauperis. The court granted in forma pauperis status and screened the complaint under 28 U.S.C. § 1915A. The court identified a potentially cognizable claim against Ho concerning deliberate indifference to unsanitary conditions of confinement, while finding deficiencies in claims against other defendants and under the ADA. Plaintiff was given 21 days to elect to proceed on the identified claim and voluntarily dismiss the remaining claims or file an amended complaint.

DISPOSITION

other

CASES CITED

- Monell v. Department of Social Services, 436 U.S. 658, 691, 694 (1978)
- Lovell v. Chandler, 303 F.3d 1039, 1052 (9th Cir. 2002)
- Rizzo v. Goode, 423 U.S. 362 (1976)
- Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982)

OPINION

(PC) Rodriguez v. State of California

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 RAYMOND ALBERT RODRIGUEZ, No. 2:25-cv-1141 CKD P

12 Plaintiff, 13 v. ORDER 14 STATE OF CALIFORNIA, et al., 15 Defendants. 16 17 Plaintiff is a
state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 18 1983. This
proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 19 636(b)(1). 20
Plaintiff requests leave to proceed in forma pauperis. As plaintiff has submitted a 21 declaration
that makes the showing required by 28 U.S.C. § 1915(a), his request will be granted. 22 Plaintiff is
required to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §§ 23 1914(a), 1915(b)
(1). By separate order, the court will direct the appropriate agency to collect the 24 initial partial
filing fee from plaintiff’s trust account and forward it to the Clerk of the Court. 25 Thereafter,
plaintiff will be obligated for monthly payments of twenty percent of the preceding 26 month’s
income credited to plaintiff’s prison trust account. These payments will be forwarded by 27 the

appropriate agency to the Clerk of the Court each time the amount in plaintiff's account exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2). 1 The court is required to screen complaints brought by prisoners seeking relief against a 2 governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The 3 court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally 4 "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek 5 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2). 6 The court has reviewed plaintiff's complaint and finds that plaintiff may proceed on a 7 claim against defendant Ho arising under the Fourteenth Amendment for Ho being at least 8 deliberately indifferent to plaintiff's exposure to unsanitary conditions of confinement. Plaintiff 9 has two options: (1) proceed on that claim; or (2) seek leave to file an amended complaint in an 10 attempt to cure deficiencies with respect to other claims. 11 In deciding whether to amend, plaintiff is informed as follows: 12 1. The State of California is not an appropriate defendant in this action because, among 13 other things, the events described took place in the Sacramento County Jail. 14 2. Plaintiff names Sacramento County as a defendant. Municipalities cannot be held 15 vicariously liable under § 1983 for the actions of their employees. *Monell v. Dep't of Social 16 Services*, 436 U.S. 585 at 691, 694 (1978). "Instead, it is when execution of a government's 17 policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be 18 said to represent official policy, inflicts the injury that the government as an entity is responsible 19 under § 1983." *Id.* at 694. 20 3. Title II of the Americans with Disabilities Act (ADA) "prohibit[s] discrimination on 21 the basis of disability." *Lovell v. Chandler*, 303 F.3d 1039, 1052 (9th Cir. 2002). "To establish a 22 violation of Title II of the ADA, a plaintiff must show that (1) [he] is a qualified individual with a 23 disability; (2) [he] was excluded from participation in or otherwise discriminated against with 24 regard to a public entity's services, programs, or activities; and (3) such exclusion or 25 discrimination was by reason of [his] disability." *Lovell*, 303 F.3d at 1052. Plaintiff asserts a 26 violation of the ADA but does not show exclusion or discrimination because of a disability. 27 4. There can be no liability under 42 U.S.C. § 1983 unless there is some affirmative link 28 or connection between a defendant's actions and the claimed deprivation. *Rizzo v. Goode*, 423 1 || U.S. 362 (1976). Furthermore, vague and conclusory allegations of official participation in civil 2 || rights violations against supervisors simply because they are in charge are not sufficient. *Ivey v. 3 || Board of Regents*, 673 F.2d 266, 268 (9th Cir. 1982). There is no vicarious liability in a § 1983 4 || action. 5 Finally, plaintiff is informed that the court cannot refer to a prior pleading in order to 6 || make plaintiff's amended complaint complete. Local Rule 220 requires that an amended 7 || complaint be complete in itself without reference to any prior pleading. 8 In accordance with the above, IT IS HEREBY ORDERED that: 9 1. Plaintiffs request for leave to proceed in forma pauperis (ECF No. 2) is GRANTED. 10 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. All fees 11 | shall be collected and paid in accordance with this court's order to the Director of the California 12 || Department of Corrections

and Rehabilitation filed concurrently herewith. 13 3. Plaintiff is granted 21 days within which to complete and return the attached form 14 | notifying the court whether he wants to proceed on a claim against defendant Ho arising under the 15 || Fourteenth Amendment for Ho being at least deliberately indifferent to plaintiff's exposure to 16 || unsanitary conditions of confinement and voluntarily dismiss all other claims or (2) file an 17 || amended complaint in an attempt to cure the deficiencies in his complaint with respect to his 18 | other claims. If plaintiff does not return the form, this action will proceed on the claims described 19 || above and the court will recommend all other claims and defendants be dismissed. 20 | Dated: September 3, 2025 (a8 } Kt | / } a a

22 UNITED STATES MAGISTRATE JUDGE

23 24 25 rodt! 141.option 26 27 28 1 2 3 4 5

UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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9 RAYMOND ALBERT RODRIGUEZ, No. 2:25-cv-1141 CKD P

10 Plaintiff,

11 v. PLAINTIFF'S NOTICE OF

12 STATE OF CALIFORNIA, et al., HOW TO PROCEED

13 Defendants. 14

Check one: 15 _____ Plaintiff wants to proceed on a claim against defendant Ho arising under the Fourteenth 16 Amendment for Ho being at least deliberately indifferent to plaintiff's exposure to unsanitary 17 conditions of confinement; OR 18 _____ Plaintiff wants time to file an amended complaint. 19 DATED: 20 21 _____ Plaintiff 22 23 24 25 26 27 28