

**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

OPINION

(PC) Rodriguez v. State of California

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

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 28
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

6

FOR THE EASTERN DISTRICT OF CALIFORNIA

7 8

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