

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA**

**Robert D. Johnson v. Ana Mondet, Scott Steadman, H. Mosely, Brian
Wilfong, Ronald Bates, Jessica Lewis, James Hill, Patrick O’Neill**

Johnson v. Mondet · No. 3:25-cv-1150-DMS-BLM · Decided December 16, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 ROBERT D. JOHNSON, Case No.: 3:25-cv-1150-DMS-BLM CDCR #AL-
4784, 12 ORDER: (1) GRANTING MOTION Plaintiff, 13 TO PROCEED IN FORMA vs.
PAUPERIS [ECF No. 9] AND 14 15 (2) DISMISSING COMPLAINT ANA MONDET, SCOTT
STEADMAN, H. FOR FAILURE TO STATE A 16 MOSELY, BRIAN WILFONG, RONALD
CLAIM PURSUANT TO 28 U.S.C. 17 BATES, JESSICA LEWIS, JAMES HILL, §§ 1915(e)(2)
(B) AND 1915A(b) PATRICK O’NEILL, 18 Defendants.

19 20 21 I. INTRODUCTION 22 Robert D. Johnson (“Plaintiff”) is a state inmate proceeding pro
se with a civil rights 23 complaint pursuant to 42 U.S.C. § 1983.1 ECF No. 1. On July 18, 2025,
the Court denied 24 Johnson’s request to proceed in forma pauperis (“IFP”) and dismissed the
action without 25 prejudice. ECF No. 7.

The Court granted Plaintiff leave to have his case reopened by either 26 27 1 The case was
originally filed in the United States District Court for the Central District of California and 28 1
submitting a properly supported IFP motion or paying the filing fee. Id. Johnson has now 2 filed a
renewed IFP motion (ECF No. 9) and the case has been reopened.

For the reasons 3 explained below, the Court grants Plaintiff’s IFP motion and dismisses the
complaint for 4 failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)
(1). 5 II. IFP MOTION 6 All parties instituting any civil action, suit or proceeding in a district
court of the 7 United States, except an application for writ of habeas corpus, must pay a filing fee
of 8 \$405.2 See 28 U.S.C. § 1914(a).

The action may proceed despite a failure to pay the entire 9 fee at the time of filing only if the
court grants the Plaintiff leave to proceed IFP pursuant 10 to 28 U.S.C. § 1915(a). See *Andrews v.*
Cervantes, 493 F.3d 1047, 1051 (9th Cir. 2007); 11 cf. *Hymas v. U.S. Dep’t of the Interior*, 73
F.4th 763, 765 (9th Cir. 2023) (“[W]here [an] 12 IFP application is denied altogether, Plaintiff’s
case [cannot] proceed unless and until the 13 fee[s] [a]re paid.”).

14 To proceed IFP, prisoners must “submit[] an affidavit that includes a statement of 15 all assets
[they] possess[,]” as well as “a “certified copy of the[ir] trust fund account 16 statement (or

institutional equivalent) for... the 6-month period immediately preceding 17 the filing of the complaint.” 28 U.S.C. § 1915(a)(1), (2); *Andrews v. King*, 398 F.3d 1113, 18 1119 (9th Cir.

2005). Using this financial information, the court “assess[es] and when funds 19 exist, collect[s], ... an initial partial filing fee,” which is “calculated based on ‘the average 20 monthly deposits to the prisoner’s account’ or ‘the average monthly balance in the 21 prisoner’s account’ over a 6-month term; the remainder of the fee is to be paid in ‘monthly 22 payments of 20 percent of the preceding month’s income credited to the prisoner’s 23 account.” *Hymas*, 73 F.4th at 767 (quoting 28 U.S.C. § 1915(b)(1)–(2)).

In short, while 24 prisoners may qualify to proceed IFP without having to pay the full statutory filing upfront, 25 26 2 In addition to the \$350 statutory fee, civil litigants must pay an additional administrative fee of \$55. See 27 28 U.S.C. § 1914(a) (Judicial Conference Schedule of Fees, District Court Misc. Fee Schedule, § 14 (eff. Dec. 1, 2023).

The additional \$55 administrative fee does not apply to persons granted leave to proceed 28 1 they remain obligated to pay the full amount due in monthly payments. See *Bruce v. 2 Samuels*, 577 U.S. 82, 84 (2016); 28 U.S.C. § 1915(b)(1) & (2); *Taylor v. Delatoore*, 281 3 F.3d 844, 847 (9th Cir. 2002). 4 In support of his IFP Motion, Johnson has provided a copy of his prison trust account 5 statement, which reflects an average monthly balance of \$870.72, average monthly 6 deposits of \$254.00; and an available account balance of \$73.68.

ECF No. 10 at 4. 7 Accordingly, the Court GRANTS Plaintiff’s IFP motion and assesses an initial partial 8 filing fee of \$174.14 pursuant to 28 U.S.C. § 1915(b)(1). This initial fee need be collected, 9 however, only if sufficient funds are available in Plaintiff’s account at the time this Order 10 is executed. See 28 U.S.C. § 1915(b)(4) (providing that “[i]n no event shall a prisoner be 11 prohibited from bringing a civil action or appealing a civil action or criminal judgment for 12 the reason that the prisoner has no assets and no means by which to pay the initial partial 13 filing fee.”); *Taylor*, 281 F.3d at 850 (finding that 28 U.S.C. § 1915(b)(4) acts as a “safety- 14 valve” preventing dismissal of a prisoner’s IFP case based solely on a “failure to pay...

15 due to the lack of funds available to him when payment is ordered.”). The facility having 16 custody of Plaintiff must thereafter collect the full balance of the \$350 fee owed and 17 forward payments to the Clerk of the Court as provided by 28 U.S.C. § 1915(b)(2). 18 III. SCREENING PURSUANT TO 28 U.S.C. § 1915(e)(2) & 1915A(b) 19 A. Standard of Review 20 Pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), the Court must screen a 21 prisoner’s IFP complaint and sua sponte dismiss it to the extent that it is frivolous, 22 malicious, fails to state a claim, or seeks damages from defendants who are immune.

See 23 *Lopez v. Smith*, 203 F.3d 1122, 1126–27 (9th Cir. 2000) (en banc); *Rhodes v. Robinson*, 24 621 F.3d 1002, 1004 (9th Cir. 2010). “The standard for determining whether Plaintiff has 25 failed

to state a claim upon which relief can be granted under § 1915(e)(2)(B)(ii) is the same as the Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a claim.” *Watson v. Carter*, 668 F.3d 1108, 1112 (9th Cir.

2012). Rule 12(b)(6) requires that a complaint to “contain sufficient factual matter... to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal quotation marks omitted). While detailed factual allegations are not required, “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice” to state a claim.

Id. The “mere possibility of misconduct” or “unadorned, the defendant-unlawfully- harmed me accusation[s]” fall short of meeting this plausibility standard. *Id.* B. Plaintiff’s Allegations *Johnson* names eight defendants who are either on staff at R.J. Donovan Correctional Facility (“RJD”) or with the California Department of Corrections and Rehabilitation (“CDCR”) as follows: (1) Ana Mondet, Supervisor of Educational Programs at RJD; (2) S. Steadman, RJD’s Supervisor Reviewing Educational Authority; (3) R. Bates, Vice Principal of Career Technical Education at RJD, (4) Jessica Lewis, RJD Assistant Warden; (5) James Hill, RJD Warden; (6) H. Mosely, CDCR Office of Appeals; (7) Patrick O’Neill, CDCR Education Department; and (8) B. Wilfong, CDCR Office of Correctional Education.

(ECF No. 1 at 6.) In his complaint, Johnson states that from July 1, 2022 to January 25, 2023, Defendants failed to “connect [him] with rehabilitation career technical education (CTE) vocational schooling.” (ECF No. 1 at 8.) Johnson needs “enrollment into a vocational school [in order to] earn Milestone good time credits off [his] sentence.” (*Id.*)

On August 31, 2022, Defendants Mondet, Bates, Steadman, Hill and Lewis “placed [him] on a non-existent CTE vocation welding list,” despite acknowledging that Johnson’s “high priority need for a vocational certification degree.” (*Id.* at 9.)

Because the welding class was unavailable in his housing location, Johnson asked Defendants Hill and Lewis to transfer him to “E Yard,” where the welding course was then-located. *Id.* at 10. But his request was denied. (*Id.*) Johnson also requested that he be enrolled in a CTE vocational class, “Heatspring (Solar Electricity) School,” offered through the North American Board of Certified Energy Practitioners (“NABCEP”) so that he could complete his certification in solar energy.

(*Id.*) But Defendants denied him the opportunity “complete his education” with Heatspring School and failed to offer him a “solar electricity alternative.” (*Id.* at 13.) Johnson alleges Defendants prevented him from obtaining the vocational certification he needs to “obtain six months off [his] sentence.” (*Id.*) C. Discussion To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two elements: (1) that a right secured by the Constitution or laws of the

United States was violated, and (2) 7 that the violation was committed by a person acting under the color of state law.

See *West v. Atkins*, 487 U.S. 42, 48 (1988). 9 In his complaint, Johnson alleges Defendants violated his constitutional rights by 10 denying him an opportunity to pursue his vocational education. (ECF No. 1 at 6–7.) While 11 Johnson references the Seventh, Eighth, Ninth, Thirteenth, and Fourteenth Amendments to 12 the U.S. Constitution, he fails to elaborate on how these authorities support his claim.

(ECF 13 No. 1 at 6–7.) But regardless, prisoners do not have a constitutional right to an education. 14 See *Rhodes v. Chapman*, 452 U.S. 337, 348 (1981) (stating the deprivation of rehabilitation 15 and educational programs in prison does not violate the Eighth Amendment); *Toussaint v. McCarthy*, 801 F.2d 1080, 1092 (9th Cir. 1986) (stating that a Fourteenth Amendment 17 “liberty interest does not arise even when administrative segregation imposes ‘severe 18 hardships,’ such as ‘denial of access to vocational, educational, recreational, and 19 rehabilitative programs’”); *Baumann v. Arizona Dep’t of Corr.*, 754 F.2d 841, 846 (9th Cir.

20 1985) (“General limitation of jobs and educational opportunities [in prison] is not 21 considered punishment.”); see also *Smith v. Lambert*, 12 F. App’x 570, 571 (9th Cir. 2001) 22 (stating a prisoner has “no constitutionally protected right to vocational training”); *Wishon v. Gammon*, 978 F.2d 446, 450 (8th Cir. 1992) (“Prisoners have no constitutional right to 24 educational or vocational opportunities during incarceration[.]”).

25 Federal district courts repeatedly have rejected § 1983 claims based on prison 26 officials’ denial of access to educational opportunities for prisoners like those alleged by 27 Johnson. See, e.g., *Neal v. California*, 2019 WL 3975456, at *2, report and 28 recommendation adopted, 2019 WL 5822744 (E.D. Cal. 2019) (dismissing as “without 1 merit” plaintiff’s claims that defendants failed to provide him with the necessary 2 educational materials to earn early release including access to college programs and e- 3 readers); *Hodge v. Santiesteban*, 2019 WL 2386056, at *1 (E.D.

Cal. 2019) (relying on 4 *Rhodes* and *Toussaint* for proposition that “there is no constitutional right to education in 5 prison” and dismissing claim for relief based upon removal from education course when 6 plaintiff was labelled a gang member); *Godoy v. Brown*, 2019 WL 359418, at *2 (N.D. 7 Cal. 2019) (“With respect to plaintiff’s allegations regarding the prisons’ failure to provide 8 educational programs, plaintiff is advised that there is no constitutional right to education 9 or rehabilitation in prison.”); *Maraglino v. Cnty. of San Diego*, 2016 WL 4536741, at *6 10 (S.D.

Cal. 2016) (“There is no constitutional right to education in prison.”). 11 Here, Johnson’s claim that Defendants prevented him from enrolling in CTE or 12 vocational classes does not amount to

a constitutional violation because he has no 13 constitutional right to educational opportunities in prison.

Therefore, the Court dismisses 14 the complaint in its entirety for failure to state a claim. See 28 U.S.C. §§ 1915(e)(2)(B)(ii) 15 & 1915A(b)(1). 16 D. Amendment Would be Futile 17 Plaintiff is proceeding pro se and “[a] district court should not dismiss a pro se 18 complaint without leave to amend unless it is absolutely clear that the deficiencies of the 19 complaint could not be cured by amendment.” *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir.

2012). Here, however, the Court finds amendment would be futile because Plaintiff’s 21 ground for relief is based on a denial of vocational training in prison and there is no such 22 constitutional right. See *Hartmann v. California Dep’t of Corr. & Rehab.*, 707 F.3d 1114, 23 1130 (9th Cir. 2013) (“A district court may deny leave to amend when amendment would 24 be futile.”); *Shatswell v. Taylor*, 2020 WL 210629, at *2 (N.D.

Cal. 2020) (dismissing 25 claim based on denial of educational opportunities in prison without leave to amend 26 because there is no constitutional right to education in prison and, as such, amendment 27 would be futile). 28 / / / 1 IV. CONCLUSION AND ORDER 2 Accordingly, the Court: 3 1. GRANTS Plaintiff’s Motion to Proceed IFP pursuant to 28 U.S.C. § 1915(a) 4 || (ECF No. 9).

5 2. DIRECTS the Secretary of the CDCR, or his designee, to collect from 6 || Plaintiffs trust account the \$174.14 initial filing fee assessed, if those funds are available 7 || at the time this Order is executed, and to forward whatever balance remains of the full \$350 8 owed in monthly payments in an amount equal to twenty percent (20%) of the preceding 9 ||month’s income to the Clerk of the Court each time the amount in Plaintiff’s account 10 exceeds \$10 pursuant to 28 U.S.C. § 1915(b)(2).

All payments must be clearly identified 11 the name and number assigned to this action. 12 3. DIRECTS the Clerk of the Court to serve a copy of this Order by U.S. Mail 13 ||on Jeff Macomber, Secretary, CDCR, P.O. Box 942883, Sacramento, California, 94283- 14 0001, or by forwarding an electronic copy to trusthelpdesk @cdcr.ca.gov. 15 4. DISMISSES Plaintiff’s Complaint sua sponte in its entirety without leave to 16 ||amend based on a failure to state a claim upon which relief may be granted pursuant to 28 17 ||U.S.C. § 1915(e)(2) and § 1915A(b)(1).

The Court certifies that any appeal would not be 18 ||taken in good faith pursuant to 28 U.S.C. § 1915(a)(3). 19 IT IS SO ORDERED. 20 || Dated: December 16, 2025 » Yim yn. 21 Hon. Dana M. Sabraw United States District Court 23 24 25 26 27 28