

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Abdul Rahim Sabir II v. San Francisco County Sheriff's Office

Sabir · No. 25-cv-06662-WHO (PR) · Decided January 21, 2026

SUMMARY

The United States District Court for the Northern District of California dismissed Abdul Rahim Sabir II's 42 U.S.C. § 1983 complaint against the San Francisco County Sheriff's Office for failure to state a claim. The court granted leave to amend by March 2, 2026, denied the motion to proceed in forma pauperis as moot because the filing fee had been paid, and warned that failure to amend could result in dismissal for failure to prosecute.

OPINION

Sabir

PER CURIAM.

1 2 3 4 5 6

7 UNITED STATES DISTRICT COURT

8 NORTHERN DISTRICT OF CALIFORNIA

9 10 ABDUL RAHIM SABIR II, Case No. 25-cv-06662-WHO (PR) Plaintiff, 11

ORDER DISMISSING THE

v.

12 COMPLAINT WITH LEAVE TO

AMEND

13 SAN FRANCISCO COUNTY

SHERIFF'S OFFICE,

14 Defendant. 15

16 INTRODUCTION

17 Plaintiff Abdul Rahim Sabir II claims that unnamed persons at the San Francisco 18 Sheriff's
Office violated his constitutional rights by stripping him naked in front of 19 females. His 42
U.S.C. § 1983 complaint containing these allegations is now before me 20 for review pursuant to
28 U.S.C. § 1915A(a). 21 The complaint fails to state any claim for relief. Sabir has not provided
sufficient 22 factual information, such as the date on which this occurred, the persons who
committed 23 these acts (the only defendant he names is the San Francisco Sheriff's Office), and
what 24 the context was (for example, why was he being transferred to another cell). Sabir must
25 allege specific facts tying each specific person to the exact wrong. Accordingly, the 26
complaint is DISMISSED with leave to file an amended complaint on or before March 2, 27 2026.

Failure to file a proper amended complaint by March 2, 2026, may result in 1 prosecute. 2 Because Sabir has paid the filing fee, his motion to proceed in forma pauperis is 3 DENIED as moot. (Dkt. No. 2.) 4 The Clerk shall terminate all pending motions. 5 Sabir has filed several lawsuits. Many of them are subject to dismissal because 6 mail sent by the Court to Sabir has been returned as undeliverable, Sabir having failed to 7 update his address to his current one in Sacramento. Whenever his address changes, Sabir 8 must file a change of address notice in each of his cases, or they likely will be dismissed 9 under Federal Rule of Civil Procedure 41(b) for failure to prosecute. 10 The Clerk shall send this Order to this address: 11 Abdul Rahim Sabir II 12 # 709192 Sacramento Behavioral Healthcare Hospital 13 1400 Expo Parkway Sacramento, CA 95815 14

DISCUSSION

15 A. Standard of Review 16 A federal court must conduct a preliminary screening in any case in which a 17 prisoner seeks redress from a governmental entity or officer or employee of a 18 governmental entity. See 28 U.S.C. § 1915A(a). In its review, the court must identify any 19 cognizable claims and dismiss any claims that are frivolous, malicious, fail to state a claim 20 upon which relief may be granted or seek monetary relief from a defendant who is immune 21 from such relief. See *id.* § 1915A(b)(1), (2). Pro se pleadings must be liberally construed. 22 See *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1988). 23 A “complaint must contain sufficient factual matter, accepted as true, to ‘state a 24 claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) 25 (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial 26 plausibility when the plaintiff pleads factual content that allows the court to draw the 27 1 *Twombly*, 550 U.S. at 556). Furthermore, a court “is not required to accept legal 2 conclusions cast in the form of factual allegations if those conclusions cannot reasonably 3 be drawn from the facts alleged.” *Clegg v. Cult Awareness Network*, 18 F.3d 752, 754–55 4 (9th Cir. 1994). 5 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential 6 elements: (1) that a right secured by the Constitution or laws of the United States was 7 violated, and (2) that the alleged violation was committed by a person acting under the 8 color of state law. See *West v. Atkins*, 487 U.S. 42, 48 (1988). 9 B. Legal Claims 10 Sabir’s statement of his claim reads in full as follows: “I was extracted from cell 11 and thrown in safety cell (isolation chamber) stripped nude in the prescence [sic] of 12 women while being filmed in the prescence [sic] of female staff i.e. nurses female 13 deputies and civilian personnel and exploited without consent.” (Compl., Dkt. No. 1 at 2- 14 3.) 15 “A person deprives another ‘of a constitutional right,’ within the meaning of 16 section 1983, if he does an affirmative act, participates in another’s affirmative acts, or 17 omits to perform an act which he is legally required to do that causes the deprivation of 18 which [the plaintiff complains].” *Leer v. Murphy*, 844 F.2d 628, 633 (9th Cir. 1988) 19 (quoting *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)). The inquiry into causation 20 is individualized and focuses on the duties and responsibilities of each individual 21 defendant whose acts or omissions are alleged to have

caused a constitutional deprivation. 22 Id. Defendants cannot be held liable for a constitutional violation under 42 U.S.C. § 1983 23 unless they were integral participants in the unlawful conduct. *Keates v. Koile*, 883 F.3d 24 1228, 1241 (9th Cir. 2018). 25 Sabir’s allegations fail to state a claim for relief. He has not provided sufficient 26 factual information, such as the date on which this occurred, the persons who committed 27 these acts (the only defendant he names is the San Francisco Sheriff’s Office), and what 1 allege specific facts tying each specific person to the exact wrong. 2 Further, supervisory defendants are not responsible simply because they are 3 supervisors. There is no respondeat superior liability under § 1983. *Taylor v. List*, 880 4 F.2d 1040, 1045 (9th Cir. 1989). It is not enough that the supervisor merely has a 5 supervisory relationship over the defendants; the plaintiff must show that the supervisor 6 “participated in or directed the violations, or knew of the violations and failed to act to 7 prevent them.” Id. And supervisor defendants are entitled to qualified immunity where 8 the allegations against them are simply “bald” or “conclusory” because such allegations do 9 not “plausibly” establish the supervisors’ personal involvement in their subordinates’ 10 constitutional wrong. *Iqbal*, 556 U.S. at 675-82. Sabir’s naming of the San Francisco 11 Sheriff’s Department as a defendant without adequate facts showing liability is 12 insufficient. 13 The complaint is DISMISSED with leave to amend.

14 CONCLUSION

15 The complaint is DISMISSED with leave to file a first amended complaint on or 16 before March 2, 2026. The amended complaint must include the caption and civil case 17 number used in this order (25-06662 WHO (PR)) and the words FIRST AMENDED 18 COMPLAINT must be written on the first page. The amended complaint must also appear 19 on this Court’s form, a copy of which will be sent to him. Because an amended complaint 20 completely replaces the previous complaints, plaintiff must include in his first amended 21 complaint all the claims he wishes to present and all of the defendants he wishes to sue. 22 See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). He may not incorporate 23 material from the prior complaint by reference. Failure to file a proper amended complaint 24 by March 2, 2026 may result in dismissal of this action under Federal Rule of Civil

25 Procedure 41(b) for failure to prosecute.

26 Sabir has filed several lawsuits. Many of them are subject to dismissal because 27 mail sent by the Court to Sabir has been returned as undeliverable, Sabir having failed to 1 must file a change of address notice in each of his cases, or they likely will be dismissed 2 under Federal Rule of Civil Procedure 41(b) for failure to prosecute. 3 Because Sabir has paid the filing fee, his motion to proceed in forma pauperis is 4 || DENIED as moot. (Dkt. No. 2.) 5 The Clerk shall terminate all pending motions. 6 IT IS SO ORDERED. 7 || Dated: January 21, 2026 . \f CE □

8 LLIAM H. ORRICK

9 United States District Judge 10 11 a 12 13 14 15 16 17 O Zz 18 19 20 21 22 23 24 25 26 27 28

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