

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Mario Patino v. D. Dominguez

Patino · No. 25-cv-00589-BAS-KSC · Decided June 4, 2025

SUMMARY

The United States District Court for the Southern District of California dismissed Mario Patino’s pro se 42 U.S.C. § 1983 complaint without prejudice under 28 U.S.C. §§ 1915(e)(2) and 1915A(b) for failure to state a claim. The court rejected claims involving an allegedly unreasonable prison search, confiscation of a religious necklace, due process, and violations of California law and regulations. The court granted Patino 45 days to file a First Amended Complaint.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cynthia Bashant
JURISDICTION	United States District Court for the Southern District of California
DECIDED	June 4, 2025
DOCKET	25-cv-00589-BAS-KSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983 dismissed sua sponte at screening under 28 U.S.C. §§ 1915(e)(2) and 1915A(b) for failure to state a claim, with leave to amend.
STANDARD OF REVIEW	The court applied the screening standards of 28 U.S.C. §§ 1915(e)(2) (B) and 1915A(b), using the Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a claim and the plausibility standard of Ashcroft v. Iqbal.
PRECEDENTIAL VALUE	unpublished
PARTIES	Mario Patino v. D. Dominguez, Miranda, Irving, Parkhill

TOPICS

- prisoners rights
- section 1983
- motions to dismiss
- free exercise clause
- due process

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged that the clothed and unclothed searches were unreasonable under the Fourth Amendment.
2. Whether confiscation of the St. Jude necklace plausibly alleged a substantial burden on sincerely held religious exercise under the First Amendment.
3. Whether the alleged unauthorized confiscation of the necklace stated a Fourteenth Amendment due-process claim despite the availability of a California post-deprivation remedy.
4. Whether alleged violations of California criminal statutes and prison regulations independently stated a claim under 42 U.S.C. § 1983.
5. Whether the complaint should be dismissed without prejudice and with leave to amend.

HOLDINGS

1. The complaint failed to plausibly allege that the initial clothed search and subsequent unclothed search were unreasonable in the prison context; therefore, it failed to state a Fourth Amendment claim.
2. The complaint failed to state a First Amendment free-exercise claim because it did not plausibly allege that Patino's need to possess the necklace was sincerely held and rooted in religious belief or that confiscation substantially burdened his religious exercise.
3. The complaint failed to state a due-process claim because California provides an adequate post-deprivation remedy for the alleged unauthorized confiscation of personal property.
4. Alleged violations of California criminal laws and Title 15 of the California Code of Regulations, without more, did not state a claim under 42 U.S.C. § 1983.

KEY QUOTATIONS

“The standard for determining whether a Plaintiff has 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.” (at 2)

“To establish § 1983 liability, a plaintiff must show both (1) deprivation of a right secured by the Constitution and laws of the United States, and (2) that the deprivation was committed by a person acting under color of state law.” (at 3)

“A substantial burden . . . places more than an inconvenience on religious exercise; it must have a tendency to coerce individuals into acting contrary to their religious beliefs or exert substantial pressure on an adherent to modify his behavior and to violate his beliefs.” (at 4)

“A district court should not dismiss a pro se complaint without leave to amend unless it is absolutely clear that the deficiencies of the complaint could not be cured by amendment.” (at 6)

FACTUAL BACKGROUND

Patino, a prisoner at Centinela State Prison, alleged that correctional officer Dominguez conducted a clothed search followed by an unclothed search and discovered a St. Jude metal medallion necklace. After officers instructed him to relinquish the necklace, Patino agreed to release it through the mail, but alleged that prison staff instead confiscated it. He claimed violations of the Fourth Amendment, First Amendment free-exercise rights, and due process, and also invoked California statutes and prison regulations.

PROCEDURAL HISTORY

Patino filed the action in the Central District of California on November 22, 2024, and was granted leave to proceed in forma pauperis on January 24, 2025. The Central District transferred the case to the Southern District of California on March 10, 2025, after determining that venue was proper there. The Southern District screened the complaint, dismissed it without prejudice, and granted forty-five days to file a first amended complaint.

DISPOSITION

dismissed

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc)
- Rhodes v. Robinson, 621 F.3d 1002, 1004 (9th Cir. 2010)
- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Tsao v. Desert Palace, Inc., 698 F.3d 1128, 1138 (9th Cir. 2012)
- Thompson v. Souza, 111 F.3d 694, 699-700 (9th Cir. 1997)
- Michenfelder v. Sumner, 860 F.2d 328, 332 (9th Cir. 1988)
- Bull v. City & Cnty. of San Francisco, 595 F.3d 964, 974-75 (9th Cir. 2010)
- Grummet v. Rushen, 779 F.2d 491, 495 (9th Cir. 1985)
- Hudson v. Palmer, 468 U.S. 517, 529, 533 (1984)
- O’Lone v. Estate of Shabazz, 482 U.S. 342, 348 (1987)
- Malik v. Brown, 16 F.3d 330, 333 (9th Cir. 1994)
- Callahan v. Woods, 658 F.2d 679, 683 (9th Cir. 1981)
- Long v. Sugai, 91 F.4th 1331, 1337 (9th Cir. 2024)
- Jones v. Williams, 791 F.3d 1023, 1031-32 (9th Cir. 2015)
- Turner v. Safley, 482 U.S. 78, 89 (1987)
- Barnett v. Centoni, 31 F.3d 813, 816-17 (9th Cir. 1994)
- Campbell v. Burt, 141 F.3d 927, 930 (9th Cir. 1998)
- Ellis v. City of San Diego, 176 F.3d 1183, 1189 (9th Cir. 1999)
- Cousins v. Lockyer, 568 F.3d 1063, 1070 (9th Cir. 2009)
- Nible v. Fink, 828 F. App’x 463, 464 (9th Cir. 2020)
- Rosati v. Igbinoso, 791 F.3d 1037, 1039 (9th Cir. 2015)

- Akhtar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 2012)
- Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc., 896 F.2d 1542, 1546 (9th Cir. 1990)
- Lira v. Herrera, 427 F.3d 1164, 1169 (9th Cir. 2005)

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