

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Mario Bennett v. Warden for Mule Creek State Prison

Bennett v. Warden · No. 2:24-cv-1587-TLN-SCR · Decided October 24, 2025

SUMMARY

The magistrate judge recommends dismissing Mario Bennett’s § 1983 action without leave to amend. The court concludes that a five-day delay in delivery of personal mail does not state a First Amendment claim and that the supervisory defendants cannot be held liable solely based on their supervisory roles. The findings and recommendations were submitted to the assigned district judge, with objections due within 21 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 24, 2025
DOCKET	2:24-cv-1587-TLN-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge on screening a pro se prisoner's first amended complaint under the Prison Litigation Reform Act.
STANDARD OF REVIEW	Statutory screening under 28 U.S.C. § 1915A; failure-to-state-a-claim review under the plausibility standard of Federal Rule of Civil Procedure 8 and Twombly and Iqbal, accepting well-pleaded allegations as true and construing them in the plaintiff's favor.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- prisoners rights
- first amendment
- section 1983
- pleadings
- civil procedure

PRACTICE AREAS

- prisoner civil rights
- constitutional law
- federal civil procedure

QUESTIONS PRESENTED

1. Whether a five-day, non-content-based delay in delivering a prisoner's personal mail states a First Amendment claim.
2. Whether the warden and other supervisory officials may be held liable under 42 U.S.C. § 1983 based solely on their supervisory roles.
3. Whether Bennett should be granted further leave to amend after having already amended his complaint.

HOLDINGS

1. A temporary, isolated, non-content-based delay of five days in delivering a prisoner's personal mail does not state a First Amendment violation, particularly where the complaint does not identify the delayed mail or allege that the delay was content-based.
2. Government officials may not be held liable under § 1983 solely because they supervise employees who allegedly engaged in unconstitutional conduct; liability must be based on each official's own misconduct.
3. Further leave to amend should be denied when the plaintiff has already been given an opportunity to amend and the alleged additional facts do not indicate that the pleading defects can be cured.

KEY QUOTATIONS

“Although plaintiff specified in his amended complaint that the delay was for a period of five days, that does not rise to the level of establishing a First Amendment violation.” (at 2)

“Government officials may not be held liable for the unconstitutional conduct of their subordinates under a theory of respondeat superior.” (at 2)

“Given the additional facts alleged by plaintiff, it does not appear that further amendment would result in a cognizable claim.” (at 3)

FACTUAL BACKGROUND

While incarcerated in administrative segregation at Mule Creek State Prison, Bennett alleged that he did not receive his personal mail for five days because Facility C Search and Escort Officers failed to deliver the mail bag. He also sued the warden and three other supervisory officials based on their supervision of mail staff. Bennett alleged that his grievance was granted and that prison officials created a procedure to ensure mail delivery when Search and Escort Officers were busy.

PROCEDURAL HISTORY

Mario Bennett filed a 42 U.S.C. § 1983 action alleging that prison personnel failed to deliver his personal mail for five days. After being advised of pleading deficiencies, he filed a first amended complaint. The magistrate judge concluded that the amended complaint failed to state a First Amendment claim and failed to state a claim against supervisory defendants, and recommended dismissal without leave to amend, subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Neitzke v. Williams, 490 U.S. 319, 327 (1989)
- Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-557 (2007)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Ashcroft v. Iqbal, 556 U.S. 662, 677 (2009)
- Erickson v. Pardus, 551 U.S. 89, 93-94 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Sizemore v. Williford, 829 F.2d 608, 610 (7th Cir. 1987)
- Davis v. Goord, 320 F.3d 346, 351 (2d Cir. 2003)
- Smith v. Maschner, 899 F.2d 940, 944 (10th Cir. 1990)
- Lopez v. Smith, 203 F.3d 1122, 1130-31 (9th Cir. 2000) (en banc)
- Cato v. United States, 70 F.3d 1103, 1105-06 (9th Cir. 1995)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 MARIO BENNETT, No. 2:24-cv-1587-TLN-SCR 12 Plaintiff, 13 v. 14
WARDEN FOR MULE CREEK STATE FINDINGS AND RECOMMENDATIONS PRISON, 15
Defendant. 16 17 18 Plaintiff is an incarcerated individual representing himself in this civil rights
action filed 19 pursuant to 42 U.S.C. § 1983.

This proceeding was referred to the undersigned by operation of 20 Local Rule 302 and 28 U.S.C.
§ 636(b)(1). Plaintiff's first amended complaint is pending before 21 the court for screening. ECF
No. 18. 22 I. Statutory Screening of Prisoner Complaints 23 The court is required to screen
complaints brought by prisoners seeking relief against "a 24 governmental entity or officer or
employee of a governmental entity." 28 U.S.C. § 1915A(a).

In 25 performing this screening function, the court must dismiss any claim that "(1) is frivolous,
26 malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary
relief 27 from a defendant who is immune from such relief." Id. § 1915A(b). A claim is legally
frivolous 28 when it lacks an arguable basis either in law or in fact.

Neitzke v. Williams, 490 U.S. 319, 325 1 (1989). The court may dismiss a claim as frivolous if it is based on an indisputably meritless 2 legal theory or factual contentions that are baseless. Neitzke, 490 U.S. at 327.

The critical 3 inquiry is whether a constitutional claim, however inartfully pleaded, has an arguable legal and 4 factual basis. See Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989). 5 In order to avoid dismissal for failure to state a claim a complaint must contain more than 6 “naked assertions,” “labels and conclusions” or “a formulaic recitation of the elements of a cause 7 of action.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-557 (2007).

In other words, 8 “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory 9 statements do not suffice.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). A claim upon which the 10 court can grant relief has facial plausibility. Twombly, 550 U.S. at 570. “A claim has facial 11 plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable 12 inference that the defendant is liable for the misconduct alleged.” Iqbal, 556 U.S. at 678.

When 13 considering whether a complaint states a claim, the court must accept the allegations as true, 14 Erickson v. Pardus, 551 U.S. 89, 93-94 (2007), and construe the complaint in the light most 15 favorable to the plaintiff, Scheuer v. Rhodes, 416 U.S. 232, 236 (1974). 16 II.

First Amended Complaint 17 Plaintiff alleges that while in administrative segregation at Mule Creek State Prison, he 18 did not receive his personal mail for a five day period. Plaintiff asserts that the Facility C Search 19 and Escort Officers did not deliver the mail bag on these days as they are required to do. Plaintiff 20 also names four additional supervisory defendants in this action: the Warden of Mule Creek; the 21 Third Watch Lieutenant of C-Yard; the Third Watch Sergeant of C-Yard; and the Third Watch 22 Captain of C-Yard because they supervised the mail staff.

Plaintiff filed an inmate grievance 23 about the delay in receiving his personal mail, and it was granted by prison officials who 24 established a procedure for ensuring delivery of mail when Search and Escort Officers were busy. 25 ECF No. 18 at 13. By way of relief, plaintiff requests a declaratory judgment as well as monetary 26 and punitive damages. 27 III.

Failure to State a Claim 28 As plaintiff was previously advised, a temporary delay or isolated incident of delay does 1 not violate a prisoner’s First Amendment right to send and receive mail. ECF No. 15 at 4; see 2 also Sizemore v. Williford, 829 F.2d 608, 610 (7th Cir. 1987) (emphasizing that “merely alleging 3 an isolated delay or some other relatively short-term, non content-based disruption in the delivery 4 of inmate reading materials will not support... a cause of action grounded upon the First 5 Amendment”); Davis v. Goord, 320 F.3d 346, 351 (2d Cir.

2003) (“isolated incident of mail 6 tampering is usually insufficient to establish a constitutional violation”); Smith v. Maschner, 899 7 F.2d 940, 944 (10th Cir. 1990) (isolated incident of mail

interference, absent evidence of 8 improper motive, does not give rise to constitutional violation).

Although plaintiff specified in 9 his amended complaint that the delay was for a period of five days, that does not rise to the level 10 of establishing a First Amendment violation. *Id.* Plaintiff does not specify what personal mail 11 was delayed or allege that it was not delivered on the basis of its content. Absent such 12 information, the amended complaint fails to state a claim.

13 The amended complaint also fails to state a claim against any of the four supervisory 14 defendants. Government officials may not be held liable for the unconstitutional conduct of their 15 subordinates under a theory of respondeat superior. *Ashcroft v. Iqbal*, 556 U.S. 662, 677 (2009) 16 (emphasizing that “[i]n a § 1983 suit... the term “supervisory liability” is a misnomer.

Absent 17 vicarious liability, each Government official, his or her title notwithstanding is only liable for his 18 or her own misconduct.”). For this additional reason, plaintiff fails to state a claim against any of 19 the supervisory defendants in this action. 20 IV. No Leave to Amend 21 Leave to amend should be granted if it appears possible that the defects in the complaint 22 could be corrected, especially if a plaintiff is pro se.

Lopez v. Smith, 203 F.3d 1122, 1130-31 23 (9th Cir. 2000) (en banc). However, if, after careful consideration, it is clear that a complaint 24 cannot be cured by amendment, the court may dismiss without leave to amend. *Cato v. United 25 States*, 70 F.3d 1103, 1105-06 (9th Cir. 1995). 26 The undersigned finds that, as set forth above, the complaint fails to state a claim upon 27 which relief may be granted.

Plaintiff has already been given an opportunity to amend the 28 complaint and advised what kind of information he needed to provide. ECF No. 15. Given the 1 | additional facts alleged by plaintiff, it does not appear that further amendment would result in a 2 || cognizable claim.

As a result, leave to amend would be futile and the complaint should be 3 || dismissed without leave to amend. 4 V. Plain Language Summary for Party Proceeding Without a Lawyer 5 It is being recommended that your complaint be dismissed without leave to amend 6 || because the five day failure to deliver your personal mail does not rise to the level of a First 7 || Amendment violation.

8 If you disagree with this recommendation, you have 21 days to explain why it is not the 9 || correct result. Label your explanation “Objections to Magistrate Judge’s Findings and 10 | Recommendations.” The district judge assigned to your case will review the file and make the 11 | final decision. 12 Accordingly, IT IS RECOMMENDED that the complaint be dismissed without leave to 13 | amend for failure to state a claim.

14 These findings and recommendations are submitted to the United States District Judge 15 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days

16 | after being served with these findings and recommendations, plaintiff may file written objections 17 || with the court. Such a document should be captioned “Objections to Magistrate Judges Findings 18 | and Recommendations.” Plaintiff is advised that failure to file objections within the specified 19 | time may waive the right to appeal the District Court’s order.

Martinez v. Ylst, 951 F.2d 1153 20 | (9th Cir. 1991). 21 || DATED: October 23, 2025 22 mk 23
SEAN C. RIORDAN UNITED STATES MAGISTRATE JUDGE 25 26 27 28