

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PRECEDENTIAL VALUE	nonprecedential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)