

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Morgan v. Espinoza

Morgan · No. 2:23-cv-01955-DAD-DMC (PC) · Decided August 18, 2025

OPINION

(PC) Morgan v. Espinoza

PER CURIAM.

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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 MIKE MORGAN, No. 2:23-cv-01955-DAD-DMC (PC)

12 Plaintiff, ORDER ADOPTING IN FULL FINDINGS

AND RECOMMENDATIONS, GRANTING

13 v. IN PART AND DENYING IN PART

DEFENDANTS' MOTION TO DISMISS

14 A. ESPINOZA, et al., (Doc. Nos. 31, 41) 15 Defendants. 16 17 Plaintiff Mike Morgan is a state
prisoner proceeding pro se and in forma pauperis in this 18 civil rights action brought pursuant to
42 U.S.C. § 1983. The matter was referred to a United 19 States Magistrate Judge pursuant to 28
U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On June 6, 2025, the assigned magistrate judge
issued findings and recommendations 21 recommending that defendants' motion to dismiss, (Doc.
No. 31), be granted in part and denied in 22 part. (Doc. No. 41.) Specifically, the magistrate judge
concluded that as to defendant Hall, 23 plaintiff's due process claim based upon defendant
purportedly issuing a false prison disciplinary 24 charge against plaintiff was not cognizable
because prisoners do not have a constitutional right 25 not to be wrongly accused of conduct
which may result in the deprivation of a protected liberty 26 interest. (Id. at 5–6.) As to defendant
Espinoza, the magistrate judge concluded that plaintiff had 27 sufficiently alleged that defendant
had interfered with his right to present witness testimony at his 28 // 1 prison disciplinary
hearing and that defendant Espinoza was not entitled to dismissal of that claim 2 on qualified
immunity grounds. (Id. at 6–9.) 3 The pending findings and recommendations were served on the
parties and contained 4 notice that any objections thereto were to be filed within fourteen (14)
days after service. (Id. at 5 10.) On June 23, 2025, plaintiff filed objections to the findings and
recommendations. (Doc. No. 6 42.) On July 3, 2025 defendants filed a reply to plaintiff's
objections in which they confirmed 7 that they were raising no objection to the recommendation
that the motion to dismiss the claim 8 brought against defendant Espinoza be denied. (Doc. No.

43.) On July 30, 2025, plaintiff filed 9 what was characterized as another response to defendants' motion to dismiss in which he objected 10 to the dismissal of defendant Hall from this action. (Doc. No. 44.) 11 In his objections, plaintiff argues that his claims against both defendants Hall and 12 Espinoza should be allowed to proceed. (Doc. No. 43 at 1–4.)1 In his subsequent filing plaintiff 13 mistakenly suggests that the recommendation that his claim brought against defendant Hall was 14 based upon some deficiency in how he “filled out” that claim in his submission to the court. 15 (Doc. No. 44 at 2.) In any event, none of the arguments presented by plaintiff in his objections 16 provides a basis upon which the pending findings and recommendations should be rejected. See 17 *Garrott v. Glebe*, 600 F. App'x 540, 542 (9th Cir. 2015)2 (acknowledging that there is no 18 federally recognized right for a prisoner to be free from false accusations); see also *Toscano v.* 19 *Lewis*, No. 12-cv-05893-EMC, 2013 WL 1632691, at *6 (N.D. Cal. Apr. 16, 2013) (“[F]alsely 20 accusing an inmate of misconduct does not violate a right secured by the Constitution or laws of 21 the United States.”) 22 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a 23 de novo review of the case. Having carefully reviewed the entire file, including plaintiff's 24 // 25 26 1 As noted by defendants, the pending findings and recommendations recommend that their motion to dismiss the claim brought by plaintiff against defendant Espinoza be denied. 27 2 Citation to this unpublished Ninth Circuit opinion is appropriate pursuant to Ninth Circuit Rule 28 36–3(b). 1 | objections, the court concludes that the findings and recommendations are supported by the 2 | record and by proper analysis. 3 Accordingly: 4 1. The findings and recommendations issued on June 6, 2025 (Doc. No. 41) are 5 ADOPTED in full; 6 2. Defendants' motion to dismiss (Doc. No. 31), is GRANTED in part and DENIED 7 in part; 8 3. Defendants' motion is granted as plaintiff's claims brought against defendant Hall, 9 those claims are dismissed with prejudice, and the Clerk of the Court is directed to 10 TERMINATE Hall as a defendant to this action; 11 4. Defendants' motion is denied as to plaintiff's claims brought against defendant 12 Espinoza and defendant Espinoza shall file an answer to plaintiff's first amended 13 complaint within 30 days of the date of this order; and 14 5. This matter is referred back to the assigned magistrate judge for further 15 proceedings. 16 IT IS SO ORDERED. 'T | Dated: _ August 15, 2025 Da A. 2, eyel
18 DALE A. DROZD
19 UNITED STATES DISTRICT JUDGE
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