

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Curtis Lee Henderson, Sr. v. Fresno County Jail, et al.

Henderson · No. 1:24-cv-001569-JLT-SKO · Decided December 5, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 CURTIS LEE HENDERSON, SR., Case No.: 1:24-cv-001569-JLT-SKO 12
Plaintiff, FINDINGS AND RECOMMENDATIONS TO DISMISS CERTAIN CLAIMS AND 13
v. DEFENDANTS FOLLOWING SCREENING 14 FRESNO COUNTY JAIL, et al., 14-DAY
OBJECTION DEADLINE 15 Defendants. 16 17 Plaintiff Curtis Lee Henderson, Sr., is
proceeding pro se and in forma pauperis in this 18 civil rights action pursuant to 42 U.S.C. section
1983.

19 I. INTRODUCTION 20 On October 6, 2025, this Court issued its First Screening Order. (Doc.
19.) It found 21 Plaintiff plausibly alleged the following claims: a First Amendment retaliation
claim against 22 Defendant Lopez, in his individual capacity only; Eighth Amendment deliberate
indifference to 23 serious medical needs claims against Defendants Arce, Bergovskaya, Gill, and
Lopez, in their 24 individual capacities only; an Eighth Amendment excessive force claim against
Defendant 25 Sanchez, in his individual capacity only; an Eighth Amendment sexual assault claim
against 26 Defendant Campos, in his individual capacity only; and an Eighth Amendment failure
to protect 27 claim against Defendant Blackmon, in his or her individual capacity only; however,
it also found 1 27.)

The Court also addressed related issues concerning individual and official capacities, and 2 Rules
18 and 20 of the Federal Rules of Civil Procedure, as applied to Plaintiff’s complaint. (Id. 3 at 27-
28.) Plaintiff was ordered to do one of the following within 30 days: (1) notify the Court in 4
writing that he did not wish to file a first amended complaint and was willing to proceed only on 5
the cognizable claims identified by the Court in the First Screening Order; or (2) file a first 6
amended complaint curing the deficiencies identified in the screening order; or (3) file a notice of
7 voluntary dismissal.

(Id. at 28-29.) 8 On October 24, 2025, the United States Postal Service (USPS) returned the
screening 9 order marked “Undeliverable,” “Return to Sender,” “Unable to Forward,” and “RJ
Donovan, 480 10 Alta Road, San Diego, CA 92179.” That same date, the Clerk of the Court re-
served the screening 11 order to Plaintiff’s new address and updated his address of record.

12 On December 2, 2025,¹ Plaintiff filed his notice to proceed on cognizable claims.² (Doc. 13
21.) 14 II. CONCLUSION AND RECOMMENDATIONS 15 Accordingly, the Court the Court

RECOMMENDS that: 16 1. This action PROCEED only on Plaintiff's First Amendment retaliation claim against 17 Defendant Lopez, Eighth Amendment deliberate indifference to serious medical needs 18 claims against Defendants Arce, Bergovskaya, Gill, and Lopez, Eighth Amendment 19 excessive force claim against Defendant Sanchez, Eighth Amendment sexual assault 20 claim against Defendant Campos, and Eighth Amendment failure to protect claim 21 against Defendant Blackmon, in their individual capacities only; 22 2.

Defendants Fresno County Jail, John Zanoni, Moorer, D. Clifton, Styles, Mora, P. 23 Garcia, and B. Navarro be DISMISSED from this action; and 24 25 1 Plaintiff's notice was signed, dated and served November 20, 2025. 26 2 Plaintiff's notice also states: "Henderson would like to preserve his objection to only be allowed to proceed in their individual capacities only.

These Defendants were at all times in uniform of the Fresno 27 County Sheriff and claim to be acting on behalf of the County in their official and individual capacities." (See Doc. 21 at 2.) The undersigned does not construe this statement to negatively affect Plaintiff's willingness to proceed on the claims found cognizable by the Court. 1 3. Any remaining claims in Plaintiff's complaint be DISMISSED.

2 These Findings and Recommendations will be submitted to the United States District 3 Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days 4 after being served with a copy of these Findings and Recommendations, a party may file written 5 objections with the Court. Local Rule 304(b).

The document should be captioned, "Objections to 6 Magistrate Judge's Findings and Recommendations" and shall not exceed fifteen (15) pages 7 without leave of Court and good cause shown. The Court will not consider exhibits attached to 8 the Objections.

To the extent a party wishes to refer to any exhibit(s), the party should reference 9 the exhibit in the record by its CM/ECF document and page number, when possible, or otherwise 10 reference the exhibit with specificity. Any pages filed in excess of the fifteen (15) page limitation 11 may be disregarded by the District Judge when reviewing these Findings and Recommendations 12 under 28 U.S.C. § 636(b)(1)(C).

A party's failure to file any objections within the specified time 13 may result in the waiver of certain rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th 14 Cir. 2014). 15 IT IS SO ORDERED. 16 17 Dated: December 4, 2025 /s/ Sheila K. Oberto. UNITED STATES MAGISTRATE JUDGE 18 19 20 21 22 23 24 25 26 27