

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Murillo v. Smith

Murillo · No. 25-cv-00230-JST · Decided July 8, 2025

SUMMARY

The United States District Court for the Northern District of California screens a prisoner’s 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915A. The court finds cognizable First Amendment free-exercise and Equal Protection claims against four Pelican Bay State Prison officials, orders partial service, and dismisses claims against two defendants, including dismissal of one defendant with leave to amend. The order also sets deadlines for amendment, dispositive motions, discovery, and related case management.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jon S. Tigar
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 8, 2025
DOCKET	25-cv-00230-JST
DISPOSITION	other
PROCEDURAL POSTURE	Screening order in a pro se prisoner civil-rights action under 28 U.S.C. § 1915A. The court found First Amendment free-exercise and Fourteenth Amendment equal-protection claims cognizable against four defendants, dismissed claims against two defendants, dismissed J. Moeckly with leave to amend, and ordered partial service.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must identify and dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pro se pleadings are liberally construed, but must satisfy Federal Rule of Civil Procedure 8(a)(2) and allege a constitutional or federal-right violation by a person acting under color of state law.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district-court order

PARTIES

Joaquin Daniel Murillo v. Stephen Smith, Robert Lassaco, Jim Robertson, Barneburg, K. Love, J. Moeckly

TOPICS

prisoners rights

section 1983

free exercise clause

equal protection

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the complaint stated cognizable First Amendment free-exercise and Fourteenth Amendment equal-protection claims against the identified Pelican Bay officials.
2. Whether the complaint stated a § 1983 claim against J. Moeckly when it contained no specific allegations describing Moeckly's conduct.
3. Whether K. Love could be held personally liable under § 1983 based solely on reviewing or denying Murillo's grievance.
4. What relief and service procedures were appropriate after screening the prisoner complaint.

HOLDINGS

1. Liberally construed, the complaint stated cognizable First Amendment free-exercise and Fourteenth Amendment equal-protection claims against Stephen Smith, Robert Lassaco, Jim Robertson, and Barneburg.
2. The complaint failed to state a § 1983 claim against J. Moeckly because it contained no specific allegations connecting Moeckly to a constitutional deprivation; Moeckly was dismissed with leave to amend.
3. K. Love's alleged review or denial of Murillo's grievance, without more, did not state a cognizable § 1983 claim, and Love was dismissed.
4. Moeckly was dismissed with leave to amend because the deficiency might be cured by alleging specific facts concerning Moeckly's conduct.

KEY QUOTATIONS

"To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged violation was committed by a person acting under the color of state law." (2)

"A prison official's denial of an inmate's grievance generally does not constitute significant participation in an alleged constitutional violation sufficient to give rise to personal liability under Section 1983." (3)

FACTUAL BACKGROUND

Murillo, a Muslim inmate at Pelican Bay State Prison, alleged that prison officials failed to hire an imam, failed to provide regular Muslim services and a Halal diet, denied Ramadan foods and Muslim religious events, refused outside donations, and barred outside religious presentations. He alleged that prison officials treated Christian inmates more favorably by hiring a Protestant chaplain, permitting Christian donations and events, and allowing outside Christian visitors. The complaint contained no specific allegations concerning J. Moeckly and alleged that K. Love's involvement was limited to reviewing a grievance.

PROCEDURAL HISTORY

Murillo filed a pro se action under 42 U.S.C. § 1983 while incarcerated at Pelican Bay State Prison and was granted leave to proceed in forma pauperis in a separate order. The court screened the complaint under 28 U.S.C. § 1915A, determined that claims against Smith, Lassaco, Robertson, and Barneburg could proceed, and ordered those defendants served. The court dismissed Moeckly with leave to amend and dismissed Love based on the absence of personal liability arising solely from grievance review.

DISPOSITION

other

CASES CITED

- United States v. Qazi, 975 F.3d 989, 993 (9th Cir. 2020)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 677-78 (2009)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Shakur v. S'well, 514 F.3d 878 (9th Cir. 2008)
- Engquist v. Oregon Dep't of Agr., 553 U.S. 591, 601 (2008)
- Leer v. Murphy, 844 F.2d 628, 634 (9th Cir. 1988)
- Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000)
- Wilson v. Woodford, No. 1:05-cv-00560-OWW-SMS, 2009 WL 839921, at *6 (E.D. Cal. Mar. 30, 2009)
- Ramirez v. Galaza, 334 F.3d 850, 860 (9th Cir. 2003)
- Mann v. Adams, 855 F.2d 639, 640 (9th Cir. 1988)
- BMG Music Pub., 512 F.3d 522, 532 (9th Cir. 2008)
- Lacey v. Maricopa Cnty., 693 F.3d 896, 925 (9th Cir. 2012)
- Woods v. Carey, 684 F.3d 934, 939 (9th Cir. 2012)
- Rand v. Rowland, 154 F.3d 952, 962-63 (9th Cir. 1998) (en banc)
- Albino v. Baca, 747 F.3d 1162 (9th Cir. 2014) (en banc)
- Wyatt v. Terhune, 315 F.3d 1108, 1119 (9th Cir. 2003)