

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Montgomery v. Culum

No. 2:22-cv-1156 DC CSK P (E.D. Cal. June 11, 2025) · No. No. 2:22-cv-1156 DC CSK P · Decided June 11, 2025

SUMMARY

The document is an order and findings and recommendations in a prisoner civil-rights action under 42 U.S.C. § 1983. The court grants the plaintiff’s motion for an extension of time and recommends granting defendants’ motion to dismiss under Heck v. Humphrey as to one excessive-force claim involving defendant Culum, while recommending denial of the motion in all other respects. The court also addresses requests for judicial notice concerning related criminal and prison disciplinary proceedings.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 11, 2025
DOCKET	No. 2:22-cv-1156 DC CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se under 42 U.S.C. § 1983, opposed defendants' Rule 12(b)(6) motion to dismiss on Heck v. Humphrey grounds. The magistrate judge granted plaintiff's motion for an extension of time and issued findings and recommendations recommending partial dismissal of one excessive-force claim and denial of the motion in all other respects.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded allegations as true and construes the complaint in the light most favorable to the plaintiff. The court may consider documents attached to or incorporated into the complaint and matters subject to judicial notice without converting the motion, but ordinarily must convert the motion to summary judgment if it considers evidence outside the pleadings. For Heck purposes, the court determines whether success on a § 1983

claim would necessarily imply the invalidity of the relevant criminal or disciplinary judgment.

PRECEDENTIAL VALUE

nonprecedential

TOPICS

section 1983

prisoners rights

police misconduct

motions to dismiss

civil procedure

PRACTICE AREAS

civil rights

prisoner litigation

federal civil procedure

constitutional torts

QUESTIONS PRESENTED

1. Whether plaintiff's § 1983 claims were barred by Heck v. Humphrey because success on the claims would necessarily imply the invalidity of his state criminal conviction for battery on Pesce.
2. Whether plaintiff's § 1983 claims were barred by Heck because success would necessarily imply the invalidity of prison disciplinary convictions for batteries involving Pesce and Culum.
3. Whether plaintiff's motion for an extension of time to oppose the motion to dismiss should be granted.

HOLDINGS

1. Plaintiff's stipulation to the preliminary-hearing transcript as the factual basis for his no-contest plea was limited to the discrete act forming the basis of the conviction: kicking defendant Pesce in the left knee. Because success on plaintiff's remaining excessive-force and mental-health-care claims would not necessarily invalidate that conviction, those claims were not Heck barred.
2. The prison disciplinary conviction based on plaintiff's kick to Pesce's left knee did not bar plaintiff's remaining § 1983 claims because a finding for plaintiff on those claims would not necessarily invalidate the disciplinary conviction.
3. The claim that Culum yanked plaintiff from the holding cage, swung him 180 degrees, slammed him into the wall, and smashed his heel onto plaintiff's foot was Heck barred because it was based on a version of events inconsistent with the disciplinary finding that plaintiff aggressively spun and pushed his shoulder into Culum's chest.
4. Plaintiff's motion for an extension of time to oppose defendants' motion to dismiss was granted for good cause.

KEY QUOTATIONS

"To decide whether success on a section 1983 claim would necessarily imply the invalidity of a conviction, [the court] must determine which acts formed the basis for the conviction." (at 19)

"if the record is silent as to the factual basis for the plea, defendants will be unable to establish their defense, and plaintiff's § 1983 action will not be Heck barred." (at 19)

“A finding in plaintiff’s favor as to these claims would not necessarily imply the invalidity of plaintiff’s battery conviction.” (at 20)

“These claims of excessive force and plaintiff’s disciplinary conviction are premised on different versions of the same event.” (at 22)

FACTUAL BACKGROUND

Plaintiff alleged that correctional officers used excessive force against him during and after a June 1, 2020 incident at Mule Creek State Prison. The claims included allegations that officers dragged him, slammed him to the floor, applied painful restraints, drove body weight onto his ankles, assaulted him in a holding cage, and failed to provide requested mental-health care. Plaintiff later pleaded no contest to battery on defendant Pesce based on kicking Pesce in the left knee, and was found guilty in separate prison disciplinary proceedings of batteries involving Pesce and Culum. The court concluded that only the claim concerning Culum's alleged yanking, swinging, and slamming of plaintiff from the holding cage conflicted with the factual basis of the Culum disciplinary conviction.

PROCEDURAL HISTORY

The action proceeded on plaintiff's amended complaint asserting Eighth Amendment excessive-force and inadequate-mental-health-care claims against correctional officials. Defendants moved to dismiss, arguing that the claims were barred by plaintiff's state criminal conviction and prison disciplinary convictions. The magistrate judge recommended dismissal only of the claim concerning defendant Culum's alleged extraction of plaintiff from a holding cage, while recommending that the remaining claims proceed. The findings and recommendations were submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), subject to objections.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended that the district judge grant defendants' motion to dismiss only as to the holding-cage claim concerning Culum's alleged yanking, swinging, wall-slammings, and foot-smashing, and deny the motion in all other respects. The parties were permitted fourteen days to object under 28 U.S.C. § 636(b)(1).

CASES CITED

- Heck v. Humphrey, 512 U.S. 477 (1994)
- Edwards v. Balisok, 520 U.S. 641, 643 (1997)
- Erickson v. Pardus, 551 U.S. 89 (2007)
- Jenkins v. McKeithen, 395 U.S. 411, 421 (1969)
- Meek v. County of Riverside, 183 F.3d 962, 965 (9th Cir. 1999)

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Hishon v. King & Spaulding, 467 U.S. 69, 73 (1984)
- Van Buskirk v. Cable News Network, Inc., 284 F.3d 977, 980 (9th Cir. 2002)
- United States v. Ritchie, 342 F.3d 903, 907-08 (9th Cir. 2003)
- Tellabs, Inc. v. Makor Issues & Rights, Ltd., 551 U.S. 308, 322 (2007)
- Cunningham v. Gates, 312 F.3d 1148, 1153-54 (9th Cir. 2002)
- Lemos v. County of Sonoma, 40 F.4th 1002, 1006 (9th Cir. 2022)
- Sanford v. Motts, 258 F.3d 1117, 1119 (9th Cir. 2001)
- Sanders v. City of Pittsburg, 14 F.4th 968, 970-72 (9th Cir. 2021)
- Smith v. City of Hemet, 394 F.3d 689, 698 (9th Cir. 2005) (en banc)
- Martell v. Cole, 115 F.4th 1233, 1238-39 (9th Cir. 2024)
- Hooper v. County of San Diego, 629 F.3d 1127, 1129, 1131 (9th Cir. 2011)
- Winder v. McMahon, 345 F. Supp. 3d 1197, 1206-07 (C.D. Cal. 2018)
- Lee v. City of Los Angeles, 250 F.3d 668, 688-90 (9th Cir. 2001)
- Galbraith v. County of Santa Clara, 307 F.3d 1119 (9th Cir. 2002)
- Lininger v. Pfleger, 2017 WL 5128170, at *1 n.1 (N.D. Cal. Nov. 6, 2017)
- Arellano v. Haskins, 2021 WL 1193814, at *6 (E.D. Cal. Mar. 30, 2021)
- Daniels v. Valencia, 2018 WL 3640321, at *3 (E.D. Cal. July 30, 2018)
- M/V Am. Queen v. San Diego Marine Construction Corp., 708 F.3d 1483, 1491 (9th Cir. 1983)
- Ruiz v. City of Santa Maria, 160 F.3d 543, 548 n.13 (9th Cir. 1998)
- Brown v. Holland, 2014 WL 1339687, at *4 (N.D. Cal. Mar. 28, 2014)
- Blocker v. Solis, 2023 WL 10479566, at *5 (C.D. Cal. Dec. 18, 2023)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)