

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Carlos Martinez, a.k.a. Pedro Saucedo Calderon v. Secretary of
California Department of Corrections and Rehabilitation, et al.**

No. 1:22-cv-01170 JLT GSA (PC) (E.D. Cal. Aug. 1, 2025) · No. 1:22-cv-01170 JLT GSA (PC) · Decided
August 1, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Carlos Martinez’s motion under Federal Rule of Civil Procedure 60(b) seeking relief from the determination that he was a three-strikes litigant under 28 U.S.C. § 1915(g). The court held that two prior dismissals, Martinez I and Martinez II, qualified as strikes because the cases were dismissed for failure to state a claim, and that the plaintiff had not shown grounds for reconsideration. The court ordered the plaintiff to pay the filing fee in full within 30 days or voluntarily dismiss the action.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 1, 2025
DOCKET	1:22-cv-01170 JLT GSA (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b) for relief from the Court's order revoking his in forma pauperis status and determining that he was a three-strikes litigant under 28 U.S.C. § 1915(g). The Court also considered the substantive content of a supplemental pleading.
STANDARD OF REVIEW	A motion for relief from judgment under Federal Rule of Civil Procedure 60(b) is addressed to the sound discretion of the district court.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Carlos Martinez, a.k.a. Pedro Saucedo Calderon v. Secretary of California Department of Corrections and Rehabilitation, et al.

TOPICS

motion for reconsideration

prisoners rights

section 1983

civil procedure

eleventh amendment immunity

PRACTICE AREAS

prisoner civil rights

federal civil procedure

in forma pauperis litigation

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to relief under Federal Rule of Civil Procedure 60(b) from the determination that he was a three-strikes litigant under 28 U.S.C. § 1915(g).
2. Whether the dismissals in Martinez I and Martinez II qualified as separate strikes under 28 U.S.C. § 1915(g).

HOLDINGS

1. Plaintiff was not entitled to relief under Rule 60(b) because he supplied no legal or factual basis showing mistake, voidness, or another ground justifying relief from the prior order.
2. Martinez I and Martinez II each qualified as a separate strike because each case was terminated after denial of in forma pauperis status on the ground that the complaint failed to state a claim.

KEY QUOTATIONS

“[T]he district court has ‘dismissed’ the prisoner’s case for purposes of [Section] 1915(g) when the Court denies the prisoner’s application to file without prepayment of the filing fee on the ground that the complaint is frivolous, malicious or fails to state a claim, and thereupon terminates that complaint.” (at 3)

FACTUAL BACKGROUND

Plaintiff, a state prisoner proceeding pro se under 42 U.S.C. § 1983, had previously been granted in forma pauperis status. The Court determined that three of his prior actions had been dismissed for failure to state a claim and therefore constituted strikes under 28 U.S.C. § 1915(g). Plaintiff initially argued that two of those cases were not his cases, then acknowledged that he had filed them and argued instead that they should count as only one strike because they concerned related classification-point issues.

PROCEDURAL HISTORY

Plaintiff was granted in forma pauperis status in 2022. After a magistrate judge issued an order to show cause and recommended revocation based on three qualifying dismissals, the district court adopted the recommendation on February 21, 2025, revoked in forma pauperis status, and ordered Plaintiff to pay the filing fee in full. Plaintiff then moved for relief from judgment and later submitted additional information, but the Court denied relief and gave him thirty days either to pay the fee or voluntarily dismiss the action.

DISPOSITION

other

CASES CITED

- Allmerica Financial Life Insurance and Annuity Co. v. Llewellyn, 139 F.3d 664, 665 (9th Cir. 1998)
- O'Neal v. Price, 531 F.3d 1146, 1152 (9th Cir. 2008)
- El-Shaddai v. Zamora, 833 F.3d 1036, 1042 (9th Cir. 2016)
- Martinez v. California Department of Corrections and Rehabilitation, No. 2:08-cv-01488 (C.D. Cal. Mar. 28, 2008)
- Martinez v. Director, California Department of Corrections and Rehabilitation, No. 2:09-cv-07155 UA AJW (C.D. Cal. Oct. 14, 2009)
- Martinez v. San Juan, No. 1:21-cv-00146 DAD EPG (E.D. Cal. June 10, 2021)

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