

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Tiffany Harrison Shabazz v. Debra Kahn, et al.

Shabazz v. Kahn · No. 2:25-cv-02813-TLN-CSK PS · Decided December 1, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Tiffany Harrison Shabazz's request to proceed in forma pauperis and screens her complaint under 28 U.S.C. § 1915(e). The court dismisses the claims for wrongful death, elder abuse, and violation of civil rights without prejudice, identifying issues including statute of limitations, lack of adequately pleaded state action, insufficient factual allegations, and improper pro se representation of an estate and minor children. The court grants leave to amend within 30 days.

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	December 1, 2025
DOCKET	2:25-cv-02813-TLN-CSK PS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, proceeding pro se, applied to proceed in forma pauperis and filed claims for wrongful death, elder abuse or neglect, and interference with civil rights or familial association under 42 U.S.C. § 1983. The district court granted in forma pauperis status and screened the complaint under 28 U.S.C. § 1915(e).
STANDARD OF REVIEW	Mandatory screening under 28 U.S.C. § 1915(e)(2)(B), accepting well-pleaded factual allegations as true and construing them in the light most favorable to the plaintiff, while disregarding conclusory allegations, unreasonable inferences, and unwarranted factual deductions. Pro se pleadings are liberally construed.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Tiffany Harrison Shabazz v. Debra Kahn, Christine (RN), Susan Peck

TOPICS

pleadings

statute of limitations

section 1983

civil procedure

health law

PRACTICE AREAS

civil procedure

civil rights

statute of limitations

health law

torts

QUESTIONS PRESENTED

1. Whether Plaintiff satisfied the financial requirements to proceed in forma pauperis.
2. Whether the complaint was subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim or because the claims appeared barred by the statute of limitations.
3. Whether a pro se plaintiff may represent minor children or an estate without counsel.
4. Whether the complaint adequately alleged that the Defendants acted under color of state law for purposes of 42 U.S.C. § 1983.
5. Whether the complaint adequately stated California wrongful-death and elder-abuse or neglect claims.

HOLDINGS

1. Plaintiff made the required financial showing and was entitled to proceed in forma pauperis.
2. The complaint, as pleaded, appeared to be filed outside the applicable two-year limitations period for the § 1983 claim and related claims, but dismissal without prejudice was appropriate because Plaintiff might be able to plead facts supporting equitable or other tolling.
3. Plaintiff could not prosecute claims on behalf of her minor children or the Estate of Iman Shabazz without retaining counsel.
4. The complaint failed to allege sufficient facts showing that Defendants, who appeared to be private medical-care providers, acted under color of state law or that a government actor was involved.
5. The complaint did not plead sufficient facts to state claims for wrongful death or elder abuse or neglect, but leave to amend was warranted.

KEY QUOTATIONS

“Pursuant to 28 U.S.C. § 1915(e), the court must screen every in forma pauperis proceeding, and must order dismissal of the case if it is “frivolous or malicious,” “fails to state a claim on which relief may be granted,” or “seeks monetary relief against a defendant who is immune from such relief.”” (at 1)

“To state a claim on which relief may be granted, the plaintiff must allege enough facts “to state a claim to relief that is plausible on its face.”” (at 2)

“If Plaintiff wishes to bring claims on behalf of the estate and her minor children, she will need to retain a lawyer.” (at 3)

“As a general matter, private hospitals and doctors are not state actors and therefore cannot be sued under § 1983.” (at 4)

FACTUAL BACKGROUND

Plaintiff alleged that her spouse, Iman Shabazz, was hospitalized in 2021 and later transferred to long-term care. She alleged that Defendants confiscated Iman Shabazz's personal cell phone and his daughter's phone for approximately ten months, isolating him from his wife, children, and advocates. Plaintiff asserted wrongful death, California elder abuse or neglect, and a § 1983 claim based on interference with civil rights and familial association.

PROCEDURAL HISTORY

The action was filed in the Eastern District of California. The court granted Plaintiff's request to proceed in forma pauperis, screened the complaint, found the claims deficient and apparently time-barred, dismissed the complaint without prejudice, and granted 30 days to amend.

DISPOSITION

dismissed

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1126-27, 1130-31 (9th Cir. 2000) (en banc)
- Neitzke v. Williams, 490 U.S. 319, 325, 327
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960
- Hebbe v. Pliler, 627 F.3d 338, 342 & n.7
- Western Mining Council v. Watt, 643 F.2d 618, 624
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570
- Ashcroft v. Iqbal, 556 U.S. 662, 678
- Johns v. County of San Diego, 114 F.3d 874, 877
- C.E. Pope Equity Trust v. United States, 818 F.2d 696, 697
- Gutierrez v. Dep't of Children & Family Servs. (D.C.F.S.), 2022 WL 3574691, at *2
- Pouncil v. Tilton, 704 F.3d 568, 573
- Wallace v. Kato, 549 U.S. 384, 387
- Butler v. Nat. Cmty. Renaissance of Cal., 766 F.3d 1191, 1198
- Johnson v. State of California, 207 F.3d 650, 654
- Jones v. Blanas, 393 F.3d 918, 928
- Honchariw v. County of Stanislaus, 530 F. Supp. 3d 939, 949-50
- McDonald v. Antelope Valley Community College District, 45 Cal. 4th 88, 99-100
- Callins v. Mason, 2022 WL 1720951, at *2
- Cervantes v. City of San Diego, 5 F.3d 1273, 1276
- Gomez v. Toledo, 446 U.S. 635, 638
- Price v. Hawaii, 939 F.2d 702, 707-08
- Sutton v. Providence St. Joseph Medical Center, 192 F.3d 826, 835

- Franklin v. Fox, 312 F.3d 423, 444
- Florer v. Congregation Pidyon Shevuyim, N.A., 639 F.3d 916, 922
- Felix v. Casey, 2021 WL 2209828, at *2
- Briley v. California, 564 F.2d 855-856
- Estate of Prasad ex rel. Prasad v. County of Sutter, 958 F. Supp. 2d 1101, 1118
- Norgart v. Upjohn Co., 21 Cal. 4th 383, 390
- Jack v. Jack, 2013 WL 557019, at *3
- Von Mangoldt Hills v. Intensive Air, Inc., 2007 WL 521222, at *2
- Jones v. Community Redevelopment Agency, 733 F.2d 646, 649
- McHenry v. Renne, 84 F.3d 1172, 1177, 1179-80
- Lacey v. Maricopa County, 693 F.3d 896, 927

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