

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hill v. Engelbrektson

Hill · No. 2:24-cv-1904-JDP (P) · Decided February 28, 2025

SUMMARY

The court recommends dismissal without prejudice of Michael Alan Hill’s second amended civil rights complaint because his claims challenge the validity of his state-court conviction and are not cognizable under 42 U.S.C. § 1983. The magistrate judge declines to convert the action into a habeas petition, orders that a habeas petition form be provided, and recommends closing the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 28, 2025
DOCKET	2:24-cv-1904-JDP (P)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of a prisoner's second amended civil-rights complaint under 28 U.S.C. § 1915, followed by findings and recommendations that the action be dismissed without prejudice for failure to state a cognizable claim under 42 U.S.C. § 1983.
STANDARD OF REVIEW	The complaint was screened under 28 U.S.C. § 1915(e). The court applied the Rule 8(a)(2) plausibility standard and construed the pro se complaint liberally, while recognizing that liberal construction cannot supply essential elements that were not pleaded.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Michael Alan Hill v. Corey Engelbrektson, et al.

TOPICS

- section 1983
- federal habeas corpus
- prisoners rights
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the second amended complaint stated a cognizable claim under 42 U.S.C. § 1983 when its allegations challenged the validity of plaintiff's state-court criminal conviction.
2. Whether the district court should convert the civil-rights action into a federal habeas petition.
3. Whether plaintiff should receive further leave to amend.

HOLDINGS

1. A prisoner may not use this section 1983 action to obtain relief based on claims that attack the validity of a completed state criminal conviction; such a challenge must proceed through a federal habeas petition after exhaustion of state remedies.
2. The court should not convert the action into a habeas petition when the proper habeas respondent is absent, exhaustion is unclear, and the plaintiff has not clearly expressed an intent to seek habeas relief.
3. Further leave to amend was unwarranted because the amended complaint did not cure the previously identified defect and plaintiff appeared unable to state a cognizable section 1983 claim.

KEY QUOTATIONS

“When the intent to bring a habeas petition is not clear, however, the district court should not convert a defective section 1983 claim into a habeas petition.” (2)

“Further leave to amend in this case, however, is unwarranted as it appears plaintiff is not capable of stating a cognizable section 1983 claim.” (2)

FACTUAL BACKGROUND

Plaintiff alleged that a state superior court withheld information about a prior conviction of a material witness in his criminal trial and that the prosecutor failed to correct testimony the prosecutor knew was false. He also appeared to raise additional claims related to his September 2022 criminal trial. Because the allegations attacked the validity of his state conviction, the court determined that, if the state proceedings were complete, the claims had to be pursued through federal habeas corpus after exhaustion of state remedies.

PROCEDURAL HISTORY

Plaintiff, an inmate in the El Dorado County Jail, filed a civil-rights action concerning alleged errors and misconduct relating to his state criminal conviction. After a prior screening order identified that claims attacking the conviction had to be brought through habeas corpus and granted leave to amend, plaintiff filed a second amended complaint. The magistrate judge concluded that the amended pleading did not cure the defect, declined to convert the action into a habeas petition, ordered that a habeas form be provided, and recommended dismissal without prejudice and closure of the case.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-679 (2009)
- Kobold v. Good Samaritan Reg'l Med. Ctr., 832 F.3d 1024, 1038 (9th Cir. 2016)
- Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hayes v. Idaho Corr. Ctr., 849 F.3d 1204, 1208 (9th Cir. 2017)
- Bruns v. Nat'l Credit Union Admin., 122 F.3d 1251, 1257 (9th Cir. 1997)
- Ivey v. Bd. of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Stanly v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994)
- Trimble v. City of Santa Rosa, 49 F.3d 583, 586 (9th Cir. 1995)
- Younger v. Harris, 401 U.S. 37 (1971)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Hill v. Engelbrektson

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 MICHAEL ALAN HILL, Case No. 2:24-cv-1904-JDP (P) 12 Plaintiff,

13 v. ORDER; FINDINGS AND

RECOMMENDATIONS

14 COREY ENGELBREKTSON, et al., 15 Defendants. 16 17 18 Plaintiff, an inmate in the El
Dorado County Jail, brings this action against a member of 19 the El Dorado County Sheriff's
office and a district attorney. ECF No. 11 at 1. His claims center 20 on the validity of his
conviction in state court and, as I informed plaintiff in my last screening 21 order, if the state
proceedings are complete, plaintiff's request for exoneration can only be 22 accomplished by
filing a habeas petition after he exhausts his claims in state court. I have already 23 informed
plaintiff of this deficiency and given him leave to amend once. The most recent 24 amended
complaint does nothing to effectively address it, and I now recommend this action be 25
dismissed. 26 27 28 1 Screening Order 2 I. Screening and Pleading Requirements 3 A federal court
must screen the complaint of any claimant seeking permission to proceed 4 in forma pauperis. See
28 U.S.C. § 1915(e). The court must identify any cognizable claims and 5 dismiss any portion of

the complaint that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. *Id.* A complaint must contain a short and plain statement that plaintiff is entitled to relief, Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). If the allegations “do not permit the court to infer more than the mere possibility of misconduct,” the complaint states no claim. *Id.* at 679. The complaint need not identify “a precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024, 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that give rise to an enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc) (citations omitted). The court must construe a pro se litigant’s complaint liberally. See *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). However, “a liberal interpretation of a civil rights complaint may not supply essential elements of the claim that were not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)).

II. Analysis

Plaintiff alleges that the state superior court erred when it withheld information about a prior conviction of a material witness in his criminal trial. ECF No. 11 at 2. He also alleges that the prosecutor failed to correct testimony that the prosecutor knew was false. *Id.* at 4. The complaint is lengthy, and other claims related to plaintiff’s criminal trial are also implicated. *Id.* at 23-24. Plaintiff alleges that the criminal trial occurred in September 2022. *Id.* at 2. If the criminal proceedings are complete,¹ plaintiff may challenge his conviction only by way of a federal habeas petition. Such a petition can proceed once he has fully exhausted his claims in state court. I decline to convert the immediate action into a habeas petition. First, neither of the named defendants would be a proper respondent in a habeas petition. See *Stanly v. California Supreme Court*, 21 F.3d 359, 360 (9th Cir. 1994) (“A petitioner for habeas corpus relief must name the state officer having custody of him or her as the respondent to the petition.”). Second, it is unclear whether plaintiff’s claims have been exhausted for habeas purposes by way of presentation to the California Supreme Court. Converting the petition only to dismiss it for want of exhaustion makes little sense. Third and finally, plaintiff was notified in my previous screening order that claims attacking his conviction could proceed only by way of a habeas petition. ECF No. 7 at 3. As best I can tell, his current complaint evinces no explicit intent to convert the action into one for habeas corpus relief. See *Trimble v. City of Santa Rosa*, 49 F.3d 583, 586 (9th Cir. 1995) (“When the intent to bring a habeas petition is not clear, however, the district court should not convert a defective section 1983 claim into a habeas petition.”). Thus, I find it most appropriate to recommend

dismissal of this action without prejudice. I will order a habeas form be sent to him and he may, if he chooses, initiate a separate habeas action attacking his conviction. Further leave to amend in this case, however, is unwarranted as it appears plaintiff is not capable of stating a cognizable section 1983 claim. Accordingly, it is ORDERED that: 1. The Clerk of Court shall assign a district judge to this action. 2. The Clerk of Court shall send plaintiff a habeas petition form with this order and recommendations. As I explained in my previous screening order, if the criminal proceedings are ongoing, this court must refrain from interfering under the abstention doctrine in *Younger v. Harris*, 401 U.S. 37 (1971). Further, it is RECOMMENDED that the second amended complaint, ECF No. 11, be DISMISSED for failure to state a cognizable section 1983 claim and this case be closed. These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of service of these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Any such document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed within fourteen days of service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. See *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 11 1991). 12 IT IS SO ORDERED. 14 (ie — Dated: _ February 27, 2025 q——

15 JEREMY D. PETERSON
16 UNITED STATES MAGISTRATE JUDGE
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