

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Karlis Ruben Augustus Howard v. CDCR, et al.

No. 1:24-cv-01335-KES-SAB (PC) · No. No. 1:24-cv-01335-KES-SAB (PC) · Decided June 2, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted in full the magistrate judge’s findings and recommendations concerning plaintiff Karlis Ruben Augustus Howard’s § 1983 action against CDCR defendants. The court allowed specified excessive-force, failure-to-intervene, state-law tort, and retaliation claims to proceed and dismissed all other claims and defendants for failure to state a claim.

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	June 2, 2025
DOCKET	No. 1:24-cv-01335-KES-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983. After screening the complaint, the magistrate judge recommended that the action proceed only on cognizable claims and that the remaining claims and defendants be dismissed. The district court conducted de novo review, adopted the findings and recommendations in full, allowed the cognizable claims to proceed, and dismissed the remaining claims and defendants for failure to state a claim.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge’s findings and recommendations.
PRECEDENTIAL VALUE	nonprecedential district court order

TOPICS

- section 1983
- prisoners rights
- civil rights
- pleadings
- torts

PRACTICE AREAS

- prisoner civil rights
- federal civil procedure
- tort law

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations should be adopted after de novo review.
2. Which claims and defendants stated cognizable claims and could proceed under the court's screening order.
3. Whether the remaining claims and defendants should be dismissed for failure to state a claim upon which relief may be granted.

HOLDINGS

1. The district court adopted the April 10, 2025 findings and recommendations in full after conducting de novo review.
2. The action could proceed on the specified claims for excessive force, failure to intervene, assault, battery, negligence, intentional infliction of emotional distress, Bane Act violation, and retaliation against the identified defendants.
3. All claims and defendants not included among the cognizable claims were dismissed for failure to state a claim upon which relief may be granted.

KEY QUOTATIONS

“Having carefully reviewed the matter, the Court finds the findings and recommendations to be supported by the record and proper analysis.” (at 1)

“All other claims and defendants are dismissed for failure to state a claim upon which relief may be granted;” (at 2)

FACTUAL BACKGROUND

Plaintiff, a prisoner proceeding pro se, alleged that correctional defendants used excessive force, failed to intervene, committed state-law torts and violated the Bane Act, and retaliated against him for filing inmate grievances. The alleged retaliation included removal from a veterans' group, issuance of a false rules-violation report, and removal from the Bravo yard. The court determined at screening that only specified claims against defendants Lee, Rios, Perez, Reyes, and Harter were cognizable.

PROCEDURAL HISTORY

Plaintiff filed the action on October 31, 2024, proceeding pro se and in forma pauperis. On March 7, 2025, the court screened the complaint and identified cognizable excessive-force, failure-to-intervene, state-law tort and Bane Act, and retaliation claims; plaintiff elected to proceed only on those claims. On April 10, 2025, the assigned magistrate judge issued findings and recommendations, and plaintiff filed no objections. The district court reviewed the matter de novo, adopted the recommendations, dismissed the noncognizable claims and defendants, and referred the case back to the magistrate judge.

DISPOSITION

other

REMAND INSTRUCTIONS

The action is referred back to the assigned magistrate judge for further proceedings consistent with the order.

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838–39 (9th Cir. 2014)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 KARLIS RUBEN AUGUSTUS HOWARD, No. 1:24-cv-01335-KES-SAB
(PC) 12 Plaintiff, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS TO DISMISS
13 v. CERTAIN CLAIMS AND DEFENDANTS 14 CDCR, et al., Doc. 11 15 Defendants. 16 17
Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 18 U.S.C. §
1983.

The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. 19 § 636(b)(1)
(B) and Local Rule 302. 20 Plaintiff initiated this action on October 31, 2024. Doc. 1. On March 7,
2025, the Court 21 screened plaintiff's complaint, and found that plaintiff stated the following
cognizable claims: (1) 22 excessive force against defendants Lee, Rios, Perez, and Reyes; (2)
failure to intervene claim 23 against defendants Rios, Perez, and Reyes; (3) state law claims of
assault, battery, negligence, 24 intentional infliction of emotional distress, and violation of the
Bane Act against defendants Lee, 25 Rios, Perez, and Reyes; (4) retaliation against defendant Lee
for removing him from the 26 Veteran's group because he filed an inmate grievance; (5) retaliation
against defendants Lee and 27 Perez for issuing a false rules violation report for filing an inmate
grievance; and (6) retaliation 28 1 against defendants Perez, Lee, and Harter for removal from the
Bravo yard for filing an inmate 2 grievance.

Doc. 8. Plaintiff was ordered to file a first amended complaint or notify the court of 3 his
willingness to proceed only on the cognizable claims identified in the screening order. Id. at 4 22.
In response to the court's order, plaintiff timely filed a notice indicating he wanted to proceed 5
only on claims found to be cognizable. Doc. 9. 6 On April 10, 2025, the assigned magistrate issued
findings and recommendations, 7 recommending that the case proceed only on the claims found to
be cognizable.

Doc. 11. The 8 findings and recommendations were served on plaintiff and notified him that any
objections were 9 to be filed within fourteen (14) days after service. Id. at 2. Plaintiff was advised
that the failure 10 to file objections within the specified time may result in the waiver of rights on
appeal. Id., citing 11 Wilkerson v. Wheeler, 772 F.3d 834, 838–39 (9th Cir.

2014). Plaintiff did not file any objections, 12 and the deadline to do so has passed. 13 In accordance with 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of 14 this case. Having carefully reviewed the matter, the Court finds the findings and 15 recommendations to be supported by the record and proper analysis. 16 Accordingly: 17 1.

The findings and recommendations issued on April 10, 2025 (Doc. 11), are 18 ADOPTED IN FULL; 19 2. This case shall PROCEED on the following claims: (1) excessive force against 20 defendants Lee, Rios, Perez, and Reyes; (2) failure to intervene claim against 21 defendants Rios, Perez, and Reyes; (3) state law claims of assault, battery, negligence, 22 intentional infliction of emotional distress, and violation of the Bane Act against 23 defendants Lee, Rios, Perez, and Reyes; (4) retaliation against defendant Lee for 24 removing him from the Veteran's group because he filed an inmate grievance; 25 (5) retaliation against defendants Lee and Perez for issuing a false rules violation 26 report for filing an inmate grievance; and (6) retaliation against defendants Perez, Lee, 27 and Harter for removal from the Bravo yard for filing an inmate grievance; 28 1 3.

All other claims and defendants are dismissed for failure to state a claim upon which 2 relief may be granted; and 3 4. This action is referred back to the assigned magistrate judge for further proceedings 4 consistent with this order. 5 6 7 | ITISSO ORDERED. _ 8 Dated: _ June 1, 2025 4h 9 UNITED STATES DISTRICT JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28