

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)

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