

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Andreyev v. Chatigny

No. 2:24-cv-2651-TLN-JDP (PS) (E.D. Cal. Feb. 24, 2025) · No. 2:24-cv-2651-TLN-JDP (PS) · Decided
February 24, 2025

SUMMARY

The United States District Court for the Eastern District of California screened Eugene E. Andreyev’s pro se civil-rights complaint concerning his arrest, alleged familial-association rights, alleged fabrication of evidence, and non-consensual blood draws. The court granted plaintiff’s application to proceed in forma pauperis but dismissed the complaint for failure to state a cognizable claim. Dismissal was with leave to amend within thirty days or, alternatively, to voluntarily dismiss the action.

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 24, 2025
DOCKET	2:24-cv-2651-TLN-JDP (PS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of a pro se civil-rights complaint filed by a plaintiff seeking to proceed in forma pauperis under 28 U.S.C. § 1915(e).
STANDARD OF REVIEW	On screening under 28 U.S.C. § 1915(e), the court must dismiss claims that are frivolous or malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from an immune defendant. The complaint must satisfy Federal Rule of Civil Procedure 8(a)(2) and plead facts sufficient to state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished
PARTIES	Eugene E. Andreyev v. Daniel Chatigny, Wayne Woo, Doe Placer County Sheriff’s Deputies

TOPICS

section 1983

pleadings

civil procedure

fourth amendment

due process

PRACTICE AREAS

civil rights

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the complaint stated a viable Fourteenth Amendment familial-association claim based on plaintiff's detention when his daughter's life support was terminated.
2. Whether the complaint plausibly alleged a Fourth Amendment false-arrest claim by showing that the arresting officers lacked probable cause.
3. Whether the complaint plausibly alleged a due-process claim for deliberate fabrication of evidence.
4. Whether the allegations concerning non-consensual blood draws stated a cognizable claim and were properly joined with the other claims.

HOLDINGS

1. The complaint failed to state a familial-association claim because plaintiff alleged that his daughter was already hospitalized before his arrest and that the decision to terminate life support occurred days after the arrest, making the daughter's death insufficiently connected to defendants' conduct.
2. The complaint failed to state a false-arrest claim because it did not allege facts showing that the arresting officers lacked probable cause.
3. The complaint failed to state a deliberate-fabrication-of-evidence claim because plaintiff's allegation that he was arrested on false and fabricated evidence was conclusory and the later dismissal of the charges did not establish that the evidence was fabricated.
4. The blood-draw allegations failed to state a cognizable claim because plaintiff did not identify who drew his blood, what led to the draws, or what evidence supported the allegation beyond his conclusory assertion. The claim also appeared unrelated to the familial-association claim and therefore could not be joined against unrelated defendants under Rule 20.
5. The complaint was dismissed with leave to amend because, as pleaded, it did not state a cognizable claim for relief.

KEY QUOTATIONS

"As articulated, the complaint does not state a viable claim, and so I will dismiss it with leave to amend." (at 1)

"there is a clearly established constitutional due process right not to be subjected to criminal charges on the basis of false evidence that was deliberately fabricated by the government." (at 4)

"Unrelated claims against unrelated defendants belong in different suits." (at 5)

FACTUAL BACKGROUND

Plaintiff alleges that he went to a Roseville hospital after learning that his daughter was unconscious and was arrested by Placer County sheriff’s deputies upon arrival. His bail was set at \$250,000, but the state court dismissed the case and released him several days later; during that period, the child’s mother decided to terminate the daughter’s life support. Plaintiff also alleges that jail staff conducted multiple non-consensual blood draws and that defendants fabricated charges and concealed evidence.

PROCEDURAL HISTORY

Plaintiff filed a complaint alleging constitutional violations arising from his arrest, his daughter’s death while he was detained, alleged fabrication of charges and evidence, and non-consensual blood draws while in pretrial custody. The court granted plaintiff’s application to proceed in forma pauperis, screened the complaint, found that it failed to state a cognizable claim, dismissed it with leave to amend, and allowed thirty days to file an amended complaint or a notice of voluntary dismissal.

DISPOSITION

dismissed

CASES CITED

- Wilkinson v. Torres, 610 F.3d 546, 554 (9th Cir. 2010)
- Alderman v. United States, 394 U.S. 165, 174 (1969)
- Moreland v. Las Vegas Metro. Police Dep’t, 159 F.3d 365, 369 (9th Cir. 1998)
- Smith v. City of Fontana, 818 F.2d 1411, 1417 (9th Cir. 1987)
- Sykes v. City of Henderson, 738 F. Supp. 3d 1344, 1349-50 (D. Nev. June 28, 2024)
- Jaramillo v. City of San Mateo, 76 F. Supp. 3d 905, 920 (N.D. Cal. 2014)
- United States v. Lopez, 482 F.3d 1067, 1072 (9th Cir. 2007)
- Devereaux v. Abbey, 263 F.3d 1070, 1074-76 (9th Cir. 2001) (en banc)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (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)

OPINION

Plaintiff, 13 v. ORDER 14 DANIEL CHATIGNY, et al., 15 Defendant. 16 17 Plaintiff alleges that defendants Daniel Chatigny, a county executive officer; Wayne Woo, 18 Placer County Sheriff; and certain Doe Placer County Sheriff's Deputies violated his 19 constitutional rights.

As articulated, the complaint does not state a viable claim, and so I will 20 dismiss it with leave to amend. Plaintiff's application to proceed in forma pauperis makes the 21 required showing and will be granted. 22 Screening and Pleading Requirements 23 A federal court must screen the complaint of any claimant seeking permission to proceed 24 in forma pauperis.

See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and 25 dismiss any portion of the complaint that is frivolous or malicious, fails to state a claim upon 26 which relief may be granted, or seeks monetary relief from a defendant who is immune from such 27 relief. *Id.* 28 A complaint must contain a short and plain statement that plaintiff is entitled to relief, 1 Fed.

R. Civ. P. 8(a)(2), and provide "enough facts to state a claim to relief that is plausible on its 2 face," *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not 3 require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S. 4 662, 678 (2009). If the allegations "do not permit the court to infer more than the mere 5 possibility of misconduct," the complaint states no claim.

Id. at 679. The complaint need not 6 identify "a precise legal theory." *Kobold v. Good Samaritan Reg'l Med. Ctr.*, 832 F.3d 1024, 7 1038 (9th Cir. 2016). Instead, what plaintiff must state is a "claim"—a set of "allegations that 8 give rise to an enforceable right to relief." *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 9 n.2 (9th Cir. 2006) (en banc) (citations omitted).

10 The court must construe a pro se litigant's complaint liberally. See *Haines v. Kerner*, 404 11 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant's complaint "if it 12 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which 13 would entitle him to relief." *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir.

2017). 14 However, "a liberal interpretation of a civil rights complaint may not supply essential elements 15 of the claim that were not initially pled." *Bruns v. Nat'l Credit Union Admin.*, 122 F.3d 1251, 16 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 17 Analysis 18 Plaintiff alleges that on October 5, 2023, he rushed to a hospital in Roseville after 19 receiving a call informing him that his daughter was unconscious.

ECF No. 1 at 7. Plaintiff and 20 his mother arrived at the hospital shortly after receiving that call, but upon their arrival, Placer 21 County Sheriff's deputies arrested plaintiff. *Id.* While plaintiff's bail was set at \$250,000, on 22 October 9, the state court judge dismissed the case against plaintiff and released him. *Id.* A day 23 prior, however, plaintiff's daughter had passed away.

Plaintiff's daughter's mother made the 24 decision to remove their daughter from life support, but plaintiff states that he would not have 25 consented to removing her life support had he been consulted. *Id.* at 8; 14. Unrelatedly, plaintiff 26 alleges that, while he was in pre-trial custody, he underwent multiple, non-consensual blood 27 extractions. 28 Plaintiff alleges that defendants violated his associational rights under the Fourteenth 1 Amendment, that they falsely arrested him under the Fourth Amendment, and that jail staff 2 preformed non-consensual blood draws.

He also alleges "fabrication of charges and concealment 3 of evidence." *Id.* at 10-11. As articulated, the complaint does not state a cognizable claim. 4 Familial Association Claim 5 The Ninth Circuit "has recognized that parents have a Fourteenth Amendment liberty 6 interest in the companionship and society of their children." *Wilkinson v. Torres*, 610 F.3d 546, 7 554 (9th Cir.

2010). The general rule is that constitutional rights may not be asserted vicariously. 8 See *Alderman v. United States*, 394 U.S. 165, 174 (1969). "In § 1983 actions, however, the 9 survivors of an individual killed as a result of an officer's excessive use of force may assert a 10 Fourth Amendment claim on that individual's behalf if the relevant state's law authorizes a 11 survival action." *Moreland v. Las Vegas Metro.*

Police Dep't, 159 F.3d at 365, 369 (9th Cir. 12 1998) (citing 42 U.S.C. § 1988(a); *Smith v. City of Fontana*, 818 F.2d 1411, 1417 (9th Cir. 13 1987)). 14 Plaintiff alleges that his associational rights were violated because his daughter passed 15 away while he was falsely detained.

However, plaintiff alleges that before he was arrested, his 16 daughter was in the hospital, and it was days after his arrest that his daughter's mother decided to 17 terminate life support. Because plaintiff's daughter's death is insufficiently connected to 18 defendants' actions, plaintiff's familial association claim fails. 19 False Arrest Claim 20 To state a claim for false arrest and detention in violation of the Fourth Amendment, a 21 plaintiff must allege facts showing that there was no probable cause to arrest him.

Sykes v. City of 22 Henderson, 738 F. Supp. 3d 1344, 1349-50 (D. Nev. June 28, 2024); accord *Jaramillo v. City of 23 San Mateo*, 76 F. Supp. 3d 905, 920 (N.D. Cal. 2014). "Probable cause to arrest exists when 24 officers have knowledge or reasonably trustworthy information sufficient to lead a person of 25 reasonable caution to believe that an offense has been or is being committed by the person being 26 arrested." *United States v. Lopez*, 482 F.3d 1067, 1072 (9th Cir.

2007). 27 Plaintiff has failed to plead facts showing that the officers who arrested him lacked 28 knowledge or reasonably trustworthy information sufficient to lead a person of reasonable caution 1 to believe that plaintiff had or was committing an offense. 2 Fabrication of Evidence Claim 3 "[T]here is a clearly established constitutional due process right not to be subjected to 4 criminal charges on the basis of false evidence that was deliberately fabricated by the 5 government." *Devereaux v. Abbey*, 263 F.3d 1070, 1074-75 (9th Cir.

2001). To the extent that a plaintiff raises a deliberate-fabrication-of-evidence claim, a plaintiff must, at a minimum, point to evidence that supports at least one of the following two propositions: (1) Defendants continued their investigation of [the plaintiff] despite the fact that they knew or should have known that he was innocent; or (2) Defendants used investigative techniques that were so coercive and abusive that they knew or should have known that those techniques would yield false information.

Devereaux, 263 F.3d at 1076. Here, plaintiff's allegations that he was arrested on false and fabricated evidence is conclusory. Plaintiff's basis for this claim is that the judge later dismissed charges against him, but that does not necessarily mean the evidence at issues was fabricated. Non-Consensual Blood Draw Claim Plaintiff claims that jail staff conducted non-consensual blood draws.

ECF No. 1 at 11. However, plaintiff fails to identify who drew his blood, what led to the blood draws, or what evidence supports his claim that there was a non-consensual blood draw, apart from his conclusory allegation. Additionally, this claim appears unrelated to plaintiff's familial association claim.

Under Rule 20 of the Federal Rules of Civil Procedure, a plaintiff cannot bring unrelated claims against different defendants. See *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) ("Unrelated claims against unrelated defendants belong in different suits.").

In other words, a plaintiff cannot join claims against defendant B that have nothing to do with those brought against defendant A. Accordingly, it is hereby ORDERED that: 1. Plaintiff's application to proceed in forma pauperis, ECF No. 2, is GRANTED. 2. Plaintiff's complaint, ECF No. 1, is DISMISSED with leave to amend. 3. Within thirty days from service of this order, plaintiff shall file either (1) an amended complaint or (2) notice of voluntary dismissal of this action without prejudice.

4. Failure to timely file either an amended complaint or notice of voluntary dismissal may result in the imposition of sanctions, including a recommendation that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 5.

The Clerk of Court shall send plaintiff a complaint form with this order. IT IS SO ORDERED. Dated: February 24, 2025 by JEREMY D. PETERSON UNITED STATES MAGISTRATE JUDGE