

**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

OPINION

(PS) Andreyev v. Chatigny

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 EUGENE E. ANDREYEV, Case No. 2:24-cv-2651-TLN-JDP (PS) 12 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 6 plaintiff raises a deliberate-fabrication-of-evidence claim, a plaintiff 7 must, at a minimum, point to evidence that supports at least one of the following two propositions: (1) Defendants continued their 8 investigation of [the plaintiff] despite the fact that they knew or should have known that he was innocent; or (2) Defendants used 9 investigative techniques that were so coercive and abusive that they knew or should have known that those techniques would yield false 10 information. 11 Devereaux, 263 F.3d at 1076. 12 Here, plaintiff’s allegations that he was arrested on false and fabricated evidence is 13 conclusory. Plaintiff’s basis for this claim is that the judge later dismissed charges against him, 14 but that does not necessarily mean the evidence at issues was fabricated. 15 Non-Consensual Blood Draw Claim 16 Plaintiff claims that jail staff conducted non-consensual blood draws. ECF No. 1 at 11. 17 However, plaintiff fails to identify who drew his blood, what led to the blood draws, or what 18 evidence supports his claim that there was a non-consensual blood draw, apart from his 19 conclusory allegation. Additionally, this claim appears unrelated to plaintiff’s familial 20 association claim. Under Rule 20 of the Federal Rules of Civil Procedure, a plaintiff cannot bring 21 unrelated claims against different defendants. See George v. Smith, 507 F.3d 605, 607 (7th Cir. 22 2007) (“Unrelated claims against unrelated defendants belong in different suits.”). In other 23 words, a plaintiff cannot join claims against defendant B that have nothing to do with those 24 brought against defendant A. 25 Accordingly, it is hereby ORDERED that: 26 1. Plaintiff’s application to proceed in forma pauperis, ECF No. 2, is GRANTED. 27 2. Plaintiff’s complaint, ECF No. 1, is DISMISSED with leave to amend. 28 3. Within thirty days from service of this order, plaintiff shall file either (1) an amended 1 | complaint or (2) notice of voluntary dismissal of this action without prejudice. 2 4. Failure to timely file either an amended complaint or notice of voluntary dismissal may 3 | result in the imposition of sanctions, including a recommendation that this action be dismissed 4 | with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 5 5. The Clerk of Court shall send plaintiff a complaint form with this order. 6 7 IT IS SO ORDERED. Dated: _ February 24, 2025 qe

9 JEREMY D. PETERSON

10 UNITED STATES MAGISTRATE JUDGE

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