

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

McKenzie v. Cisneros

McKenzie · No. 2:23-cv-02764-DAD-JDP (PC) · Decided August 11, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations, granted Defendant Mercado’s motion to dismiss, and dismissed Gerald McKenzie’s 42 U.S.C. § 1983 action without leave to amend. The court held that McKenzie’s First and Eighth Amendment claims were barred by claim preclusion because they had previously been litigated and rejected in a state habeas proceeding.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dale A. Drozd
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 11, 2025
DOCKET	2:23-cv-02764-DAD-JDP (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations de novo, overruled plaintiff's objections, adopted the findings and recommendations, granted defendant Mercado's motion to dismiss, and dismissed the § 1983 action without leave to amend.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C) of the magistrate judge's findings and recommendations.
PRECEDENTIAL VALUE	unpublished
PARTIES	Gerald McKenzie v. Theresa Cisneros, Mercado

TOPICS

- res judicata
- motions to dismiss
- section 1983
- prisoners rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether McKenzie's § 1983 claims were barred by California claim preclusion based on the prior state habeas proceeding.
2. Whether claim preclusion required that McKenzie have received an evidentiary hearing or a full and fair opportunity to litigate in the state habeas proceeding.
3. Whether the magistrate judge properly took judicial notice of documents from McKenzie's state habeas proceeding to determine the scope and effect of the prior judgment.

HOLDINGS

1. The claims were barred by claim preclusion because the prior state habeas proceeding litigated and rejected claims arising from the same alleged conduct and resulting harm, and the state proceeding ended in a final judgment on the merits.
2. An evidentiary hearing was not required for California claim preclusion to apply based on the prior state habeas proceeding.
3. The magistrate judge properly took judicial notice of documents from the state habeas docket to determine the scope of the prior litigation and the applicability of claim preclusion.

KEY QUOTATIONS

“the Ninth Circuit has not found, or even suggested, that “California claim preclusion based on prior state habeas decisions . . . [requires] an evidentiary hearing.”” (at 1-2)

“When challenging [by way of state habeas petition] the same actions by the same group of officials at the same time that resulted in the same harm” a prisoner “cannot escape claim preclusion” in a subsequent suit under section 1983.” (at 2)

FACTUAL BACKGROUND

McKenzie alleged that correctional officer Mercado retaliated against him for filing grievances by issuing false disciplinary reports and using the prison lighting system to prevent him from sleeping. McKenzie previously raised the same claims in a state habeas proceeding in the Kings County Superior Court. That state court addressed the claims in a reasoned opinion and entered judgment rejecting them.

PROCEDURAL HISTORY

McKenzie, a state prisoner proceeding pro se and in forma pauperis, filed a civil rights action under 42 U.S.C. § 1983. The magistrate judge took judicial notice of plaintiff's state habeas filings and recommended dismissal because the claims had been litigated and rejected in the state proceeding and were barred by claim preclusion. Plaintiff objected, arguing that the absence of an evidentiary hearing prevented claim preclusion and that judicial notice was improper. The district court conducted de novo review, rejected those objections, adopted the recommendation, granted the motion to dismiss, and closed the case.

DISPOSITION

dismissed

CASES CITED

- *Silverton v. Department of Treasury*, 644 F.2d 1341 (9th Cir. 1981)
- *Gonzales v. Cal. Dep't of Corr.*, 739 F.3d 1226, 1229, 1234 (9th Cir. 2014)
- *Smart v. Ortiz*, No. 17-cv-01454-AJB-BGS, 2018 WL 3752326, at *6 (S.D. Cal. Aug. 8, 2018), report and recommendation adopted, 2019 WL 1254570 (S.D. Cal. Mar. 19, 2019)
- *Furnace v. Giurbino*, 838 F.3d 1019, 1022 (9th Cir. 2016)
- *Manufactured Home Cmtys. Inc. v. City of San Jose*, 420 F.3d 1022, 1037 (9th Cir. 2005)
- *Perrotte v. Muntz*, No. 07-cv-01031-MWF-VBK, 2015 WL 1310950, at *9-10 (C.D. Cal. Mar. 16, 2015)
- *Stevenson v. Beard*, No. 16-cv-03079-JLS-RBM, 2019 WL 11779201, at *3 (S.D. Cal. Feb. 25, 2019)
- *Anderson v. Mendoza*, No. 2:17-cv-01244-KJM-DB (PC), 2018 WL 6528429, at *4 (E.D. Cal. Dec. 12, 2018), report and recommendation adopted, 2019 WL 10374286 (E.D. Cal. Feb. 12, 2019)