

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Polk v. Jennie Clay, et al.

Polk · No. 24-cv-08712-TLT · Decided September 25, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed Elvin Polk’s First Amended Complaint without leave to amend. The court concluded that Polk had not cured deficiencies concerning his status, alleged property deprivation, individual defendants’ conduct, and asserted constitutional violations. The court directed the Clerk to enter judgment for the defendants and close the case.

CASE DETAILS

COURT	United States District Court for the Northern District of California
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 25, 2025
DOCKET	24-cv-08712-TLT
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff brought a civil-rights action under 42 U.S.C. § 1983. After the original complaint was dismissed with leave to amend, the court screened the First Amended Complaint and dismissed the action without leave to amend.
STANDARD OF REVIEW	Mandatory preliminary screening under 28 U.S.C. § 1915A; the court determines whether the complaint is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The pleading is liberally construed because plaintiff is proceeding pro se, but it must satisfy Federal Rule of Civil Procedure 8(a)(2) and state a plausible claim for relief.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status not identified
PARTIES	Elvin Polk v. Jennie Clay, Mark Rohlena, Jan Thnay, Peter U.S., Nomer

TOPICS

- section 1983
- due process
- pleadings
- civil procedure

PRACTICE AREAS

Civil procedure

Civil rights

Prisoner litigation

Constitutional law

QUESTIONS PRESENTED

1. Whether the First Amended Complaint stated a cognizable claim under 42 U.S.C. § 1983.
2. Whether the alleged random and unauthorized deprivation of property stated a federal due-process claim.
3. Whether plaintiff adequately alleged specific unconstitutional acts by each defendant and otherwise satisfied the pleading requirements.
4. Whether further leave to amend should be granted.

HOLDINGS

1. The First Amended Complaint failed to state a claim under § 1983 because it did not adequately allege a violation of a federal right by each defendant acting under color of state law.
2. The alleged random and unauthorized deprivation of plaintiff's property did not state a federal due-process claim because plaintiff may pursue a state tort action.
3. Further leave to amend was denied because amendment would be futile.

KEY QUOTATIONS

"To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged violation was committed by a person acting under the color of state law." (p. 1)

"A complaint must proffer 'enough facts to state a claim to relief that is plausible on its face.'" (p. 1)

"Because it appears that further amendment would be futile, his claims are dismissed without leave to amend." (p. 2)

FACTUAL BACKGROUND

Plaintiff was confined at Napa State Hospital and alleged that hospital staff illegally searched and seized property on October 9 and December 12, 2024. He also alleged that his legal mail was opened on January 15, 2025 and that defendants tampered with evidence. The First Amended Complaint named Mark Rohlena, Jennie Clay, Jan Thnay, Peter U.S., and Nomer, and included more than 650 pages of documents consisting largely of jokes, games, drawings, invention notes, and religious content.

PROCEDURAL HISTORY

Polk filed a § 1983 complaint concerning alleged searches, seizures, opening of legal mail, evidence tampering, and property deprivation at Napa State Hospital. The court previously dismissed the complaint with leave to amend. After reviewing the First Amended Complaint, the court concluded that the identified deficiencies

remained and that further amendment would be futile, so it dismissed the action without leave to amend and directed the Clerk to enter judgment and close the file.

DISPOSITION

dismissed

CASES CITED

- United States v. Qazi, 975 F.3d 989, 993 (9th Cir. 2020)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Leadsinger, Inc. v. BMG Music Pub., 512 F.3d 522, 532 (9th Cir. 2008)