

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Holmes v. Dawling

Holmes · No. 1:25-cv-00892-KES-EPG (PC) · Decided November 21, 2025

OPINION

(PC)Holmes

PER CURIAM.

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7 UNITED STATES DISTRICT COURT

8 EASTERN DISTRICT OF CALIFORNIA

9

10 TERREL HOLMES, 1:25-cv-00892-KES-EPG (PC)

11 Plaintiff, SCREENING ORDER 12

v. ORDER ALLOWING PLAINTIFF’S

13 COMPLAINT TO PROCEED AGAINST

DAWLING, DEFENDANT DAWLING FOR EIGHTH

14 AMENDMENT EXCESSIVE FORCE

Defendant. CLAIM 15 (ECF No. 1) 16

THIRTY (30) DAY DEADLINE

17 18 Plaintiff Terrel Holmes is a federal prisoner proceeding pro se and in forma pauperis in 19
this civil rights action filed pursuant to 42 U.S.C § 1983 (ECF Nos. 1 and 9). Plaintiff filed the 20
complaint commencing this action on July 22, 2025. (ECF No. 1). Plaintiff claims Defendant 21
Dawling intentionally slammed Plaintiff’s right hand, which caused Plaintiff to be injured. (Id. 22
at 3). 23 The Court has reviewed the complaint and for the reasons described below, finds that 24
Plaintiff’s claim for excessive force in violation of the Eighth Amendment against Defendant 25
Dawling may proceed past the screening stage. 26 \\\ 27 \\\ 28

1 I. SCREENING REQUIREMENT

2 The Court is required to screen complaints brought by prisoners seeking “redress from a 3
governmental entity or officer or employee of a governmental entity.” 28 U.S.C. § 1915A(a). 4
The Court must dismiss a complaint, or a portion of it, if the prisoner has raised claims that are 5
frivolous or malicious, that fail to state a claim upon which relief may be granted, or that seek 6
monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1)– 7
(2). 8 Because Plaintiff is proceeding in forma pauperis, the Court may also screen the 9
complaint under 28 U.S.C. § 1915, which requires a court to dismiss a case if it is frivolous or 10
malicious, fails to state a claim, or seeks monetary relief from an immune defendant. 28 U.S.C. 11

§ 1915(e)(2)(B)(i)–(iii). 12 Pleadings filed by pro se plaintiff are to be liberally construed and are held to less 13 stringent standards than formal pleadings drafted by lawyers. *Erickson v. Pardus*, 551 U.S. 89, 14 94 (2007).

15 II. SUMMARY OF PLAINTIFF’S COMPLAINT

16 On July 22, 2025, Plaintiff filed his complaint commencing this action. (ECF No. 1). 17 Plaintiff states he is currently imprisoned at California Substance Abuse Treatment Facility, in 18 Corcoran, California. Plaintiff names a single defendant: Dawling. 19 Plaintiff’s complaint alleges that on May 1, 2025, he was let out of his cell to get water. 20 (*Id.* at 3). Plaintiff alleges that as soon as he exited the cell Defendant immediately slammed his 21 right hand, “on purpose.” Plaintiff alleges that he knew it was on purpose because he asked 22 Defendant if it was on purpose, and she confirmed that it was. (*Id.*). Plaintiff alleges he was 23 unable to sleep that night due to pain, and the following day, a nurse noticed the injury and 24 examined his hand as a result. (*Id.*). 25 Plaintiff states the relief he is seeking is an apology, and \$50,000. (*Id.* at 4).

26 III. ANALYSIS OF PLAINTIFF’S COMPLAINT

27 A. Section 1983 28 The Civil Rights Act under which this action was filed provides as follows: Every person who, under color of any statute, ordinance, regulation, custom, or 1 usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the 2 jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an 3 action at law, suit in equity, or other proper proceeding for redress 4 42 U.S.C. § 1983. “[Section] 1983 ‘is not itself a source of substantive rights,’ but 5 merely provides ‘a method for vindicating federal rights elsewhere conferred.’” *Graham v. 6 Connor*, 490 U.S. 386, 393-94 (1989) (quoting *Baker v. McCollan*, 443 U.S. 137, 144 n.3 7 (1979)); see also *Chapman v. Houston Welfare Rights Org.*, 441 U.S. 600, 618 (1979); *Hall v. 8 City of Los Angeles*, 697 F.3d 1059, 1068 (9th Cir. 2012); *Crowley v. Nevada*, 678 F.3d 730, 9 734 (9th Cir. 2012); *Anderson v. Warner*, 451 F.3d 1063, 1067 (9th Cir. 2006). 10 To state a claim under § 1983, a plaintiff must allege that (1) the defendant acted under 11 color of state law, and (2) the defendant deprived him of rights secured by the Constitution or 12 federal law. *Long v. County of Los Angeles*, 442 F.3d 1178, 1185 (9th Cir. 2006); see also 13 *Marsh v. County of San Diego*, 680 F.3d 1148, 1158 (9th Cir. 2012) (discussing “under color of 14 state law”). A person deprives another of a constitutional right, “within the meaning of § 1983, 15 ‘if he does an affirmative act, participates in another’s affirmative act, or omits to perform an 16 act which he is legally required to do that causes the deprivation of which complaint is 17 made.’” *Preschooler II v. Clark County Sch. Bd. of Trs.*, 479 F.3d 1175, 1183 (9th Cir. 2007) 18 (quoting *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)). “The requisite causal connection 19 may be established when an official sets in motion a ‘series of acts by others which the actor 20 knows or reasonably should know would cause others to inflict’ constitutional 21 harms.” *Preschooler II*, 479 F.3d at 1183 (quoting *Johnson*, 588 F.2d at 743). This standard of 22 causation “closely resembles the standard ‘foreseeability’ formulation of

proximate cause.” 23 *Arnold v. Int’l Bus. Mach. Corp.*, 637 F.2d 1350, 1355 (9th Cir. 1981); see also *Harper v. City 24 of Los Angeles*, 533 F.3d 1010, 1026 (9th Cir. 2008). 25 A plaintiff must demonstrate that each named defendant personally participated in the 26 deprivation of his rights. *Iqbal*, 556 U.S. at 676-77. In other words, there must be an actual 27 connection or link between the actions of the defendants and the deprivation alleged to have 28 been suffered by the plaintiff. See *Monell v. Dep’t of Soc. Servs. of City of N.Y.*, 436 U.S. 658, 1 691, 695 (1978). 2 B. Excessive Force 3 “In its prohibition of ‘cruel and unusual punishments,’ the Eighth Amendment places 4 restraints on prison officials, who may not . . . use excessive physical force against prisoners.” 5 *Farmer v. Brennan*, 511 U.S. 825, 832 (1994). “[W]henever prison officials stand accused of 6 using excessive physical force in violation of the [Eighth Amendment], the core judicial inquiry 7 is . . . whether force was applied in a good-faith effort to maintain or restore discipline, or 8 maliciously and sadistically to cause harm.” *Hudson v. McMillian*, 503 U.S. 1, 6-7 (1992). 9 “Five factors bear on the excessive force analysis in a typical Eighth Amendment claim: 10 ‘(1) the extent of injury suffered by an inmate; (2) the need for application of force; (3) the 11 relationship between that need and the amount of force used; (4) the threat reasonably 12 perceived by the responsible officials; and (5) any efforts made to temper the severity of a 13 forceful response.’” *Bearchild v. Cobban*, 947 F.3d 1130, 1141 (9th Cir. 2020) (quoting 14 *Furnace v. Sullivan*, 705 F.3d 1021, 1028 (9th Cir. 2013)). While de minimis uses of physical 15 force generally do not implicate the Eighth Amendment, significant injury need not be evident 16 in the context of an excessive force claim, because “[w]hen prison officials maliciously and 17 sadistically use force to cause harm, contemporary standards of decency always are violated.” 18 *Hudson*, 503 U.S. at 9. 19 With these legal standards in mind, the Court finds that Plaintiff’s complaint 20 sufficiently states a claim for excessive force in violation of the Eighth Amendment against 21 Defendant Dowling to proceed past screening.

22 IV. CONCLUSION AND ORDER

23 The Court has screened Plaintiff’s complaint and will allow this action to proceed 24 against Defendant Dawling on Plaintiff’s claim for excessive force, in violation of the Eighth 25 Amendment. 26 \\\ 27 \\\ 28 \\\ 1 As the Court has found that Plaintiff’s only claim should proceed past screening, the 2 || Court will, in due course, issue an order authorizing service of process on Defendant Dawling. 3 4 IT IS SO ORDERED. >| Dated: _November 21, 2025 [sf hey —

6 UNITED STATES MAGISTRATE JUDGE

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