

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Chestra v. Brodie

No. 2:24-cv-02376-CKD (E.D. Cal. May 23, 2025) · No. 2:24-cv-2376-CKD · Decided May 23, 2025

SUMMARY

The United States District Court for the Eastern District of California screens Robert Chestra’s 42 U.S.C. § 1983 complaint concerning alleged deductions from his inmate trust account. The court concludes that the alleged unauthorized deprivation of property does not state a Fourteenth Amendment due process claim because California provides an adequate post-deprivation remedy, and that no private cause of action exists for extortion. The magistrate judge recommends dismissal without leave to amend and directs the clerk to assign a district judge.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 23, 2025
DOCKET	2:24-cv-2376-CKD
DISPOSITION	remanded
PROCEDURAL POSTURE	A pro se state prisoner brought a fee-paid action under 42 U.S.C. § 1983 alleging that unauthorized deductions were made from his inmate trust account and asserting due process and extortion claims. The magistrate judge screened the complaint under 28 U.S.C. § 1915A and issued findings and recommendations that the complaint be dismissed without leave to amend.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915A; the complaint must be dismissed if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant.
PRECEDENTIAL VALUE	unpublished, nonprecedential magistrate judge findings and recommendations

TOPICS

- section 1983
- procedural due process
- prisoners rights
- civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

federal civil procedure

remedies

QUESTIONS PRESENTED

1. Whether alleged unauthorized deductions from a state prisoner's inmate trust account stated a Fourteenth Amendment procedural due process claim under 42 U.S.C. § 1983.
2. Whether the plaintiff could maintain a private civil extortion claim against the defendants under federal criminal statutes.
3. Whether amendment would be futile such that dismissal should occur without leave to amend.

HOLDINGS

1. The alleged random and unauthorized deprivation of plaintiff's property did not state a procedural due process claim because California provides an adequate post-deprivation remedy through the Government Claims Act.
2. Plaintiff failed to state a civil extortion claim because he had no private cause of action against the defendants under the criminal extortion statutes.
3. Dismissal without leave to amend was appropriate because amendment would be futile.

KEY QUOTATIONS

"Neither the negligent nor intentional deprivation of property states a due process claim under 42 U.S.C. § 1983 if the deprivation was random and unauthorized." (at 2)

"In this instance, amendment would be futile because plaintiff cannot state a due process claim based on the unauthorized deprivations alleged." (at 4)

FACTUAL BACKGROUND

Plaintiff, a California state prisoner, alleged that deductions continued to be taken from his inmate trust account for filing fees associated with *Chestra v. Raman*, No. 15-CV-00560-VC, even though the deductions identified a different case-number suffix that plaintiff claimed did not exist. He alleged that prison trust-office personnel ignored his assertion that the fee had been paid and that defendants denied or rejected his grievance and appeal. He asserted Fourteenth Amendment due process and extortion claims and sought damages and injunctive relief.

PROCEDURAL HISTORY

Plaintiff alleged that prison officials continued deducting funds from his inmate trust account for a purported filing-fee obligation associated with a nonexistent case-number variant. After plaintiff pursued an administrative grievance and appeal, he filed this § 1983 action seeking damages and injunctive relief. The magistrate judge concluded that the complaint failed to state a claim, recommended dismissal without leave to amend, and directed assignment of a district judge; the recommendation was subject to objections within 14 days.

DISPOSITION

remanded

REMAND INSTRUCTIONS

No remand to a lower court was ordered. The magistrate judge recommended that the complaint be dismissed without leave to amend and that the Clerk close the case, subject to review by the assigned district judge after any objections.

CASES CITED

- Parratt v. Taylor, 451 U.S. 527, 535-44 (1981)
- Hudson v. Palmer, 468 U.S. 517, 533 (1984)
- Zimmerman v. City of Oakland, 255 F.3d 734, 738 (9th Cir. 2001)
- Zinermon v. Burch, 494 U.S. 113, 128 (1990)
- Barnett v. Centoni, 31 F.3d 813, 816-17 (9th Cir. 1994) (per curiam)
- Del Elmer; Zachay v. Metzger, 967 F. Supp. 398, 403 (S.D. Cal. 1997)
- Abcarian v. Levine, 972 F.3d 1019, 1026 (9th Cir. 2020)
- McKeague v. Matsuura, No. CIV 08-00571 ACK KSC, 2009 WL 89112, at *1 (D. Haw. Jan. 12, 2009)
- United States v. Nixon, 418 U.S. 683, 693 (1974)
- Lopez v. Smith, 203 F.3d 1122, 1130-31 (9th Cir. 2000) (en banc)
- Cato v. United States, 70 F.3d 1103, 1105-06 (9th Cir. 1995)
- Klamath-Lake Pharm. Ass'n v. Klamath Med. Serv. Bureau, 701 F.2d 1276, 1293 (9th Cir. 1983)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Chestra v. Brodie

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 ROBERT CHESTRA 2:24-cv-2376-CKD P

12 Plaintiff,

13 v. ORDER AND FINDINGS AND

RECOMMENDATIONS

14 W. BRODIE, et al., 15 Defendants. 16 17 18 Plaintiff Robert Chestra, a state prisoner, proceeds without counsel on a civil rights 19 complaint brought under 42 U.S.C. § 1983. Plaintiff paid the filing fee. This matter was referred 20 to the undersigned by Local Rule 302. See 28 U.S.C. § 636(b)(1). For the reasons set forth below, 21 the complaint fails to state a claim and should be

dismissed without leave to amend. 22 I. Screening Requirement 23 The court is required to screen complaints brought by prisoners seeking relief against a 24 governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The 25 court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally 26 “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek 27 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1), (2). 28 //// 1 II. Allegations in the Complaint 2 On March 1, 2023, plaintiff paid the filing fee for *Chestra v. Raman*, Case No. 15-CV- 3 00560-VC, a case then pending in the Northern District of California. (ECF No. 1 at 7.) 4 Subsequently, further payments for the same case continued to be deducted from plaintiff’s 5 inmate trust account at California Medical Facility (“CMF”), except that the case was listed as 6 “#15-CV-00560-VC-(PR), which does not exist.” (Id. at 7-8.) 7 Plaintiff explained to defendant John Doe #1 at the Trust office at CMF that he had paid 8 the filing fee in full, but defendant John Doe #1 ignored the information and continued to take 9 money from plaintiff’s trust account. (ECF No. 1 at 7.) Defendant Brodie denied plaintiff’s 602 10 grievance on grounds that “[t]he claimant’s PLRA case number 15-CV-00560-VC-(PR) differ 11 from 3:15-CV-00560-VC.” (Id. at 8.) Plaintiff’s attorney contacted the Clerk of Court for the 12 Northern District of California who informed plaintiff’s attorney “there [was] no such case 13 number [for 15-CV-00560-VC-(PR)] authorizing monthly payments to the court.” (Id. at 8-9.) 14 Plaintiff filed an appeal containing the information received from the Clerk of the Court for the 15 Northern District of California, but defendant Moeckly rejected the appeal, finding “this case 16 does belong to the appellant.” (Id. at 9.) 17 Plaintiff alleges the defendants’ actions violated his Fourteenth Amendment right to due 18 process of law and extortion laws. (ECF No. 1 at 12.) Plaintiff seeks monetary damages and 19 injunctive relief. (Id.) 20 III. Discussion 21 Neither the negligent nor intentional deprivation of property states a due process claim 22 under 42 U.S.C. § 1983 if the deprivation was random and unauthorized. See *Parratt v. Taylor*, 23 451 U.S. 527, 535-44 (1981) (no due process violation where state employee negligently lost 24 prisoner’s hobby kit) (overruled in part on other grounds); *Hudson v. Palmer*, 468 U.S. 517, 533 25 (1984) (unauthorized intentional destruction of inmate’s property not a due process violation 26 where the state provides an adequate post-deprivation remedy). Instead, a due process claim may 27 lie for deprivation of property when the official acted pursuant to an established procedure. See 28 *Zimmerman v. City of Oakland*, 255 F.3d 734, 738 (9th Cir. 2001). The distinction exists because 1 pre-deprivation procedures are impracticable when deprivations of property occur through 2 random and unauthorized conduct of a state employee since the state cannot know when such 3 deprivations will occur. *Hudson*, 468 U.S. at 533. 4 Under plaintiff’s allegations, the alleged deprivation of his property is unauthorized 5 because he alleges the trust account deductions are based on a fake case without any 6 corresponding authorization from a court for monthly payments. No due process claim lies 7 because the availability of an adequate state post-deprivation remedy provides sufficient 8 procedural due process. See *Zinermom v. Burch*, 494 U.S. 113, 128 (1990). Specifically, 9

California provides an adequate post-deprivation remedy in the form of the Government Claims Act. *Barnett v. Centoni*, 31 F.3d 813, 816-17 (9th Cir. 1994) (per curiam) (citing Cal. Gov't Code 11 §§ 810-895). The availability of California's Government Claims Act as a postdeprivation remedy satisfies due process under the circumstances, and, accordingly, no due process claim lies. 13 See *Parratt*, 451 U.S. at 538.1 14 Plaintiff also fails to state an extortion claim because he has no private cause of action 15 against the defendants for extortion. "Civil causes of action... do not generally lie under the 16 criminal statutes contained in Title 18 of the United States Code." *Del Elmer*; *Zachay v. Metzger*, 17 967 F. Supp. 398, 403 (S.D. Cal. 1997); see also *Abcarian v. Levine*, 972 F.3d 1019, 1026 (9th

18 Cir. 2020) (no private cause of action for extortion under the Hobbs Act). This court lacks 19 jurisdiction to entertain an extortion claim brought by a private individual rather than a 20 government agency. See *McKeague v. Matsuura*, No. CIV 08-00571 ACK KSC, 2009 WL 21 89112, at *1 (D. Haw. Jan. 12, 2009) ("To the extent that Plaintiff alleges that any of Defendants' 22 actions are criminal and violate federal criminal statutes involving fraud, extortion, grand theft, 23 conspiracy, and conversion, the Court lacks jurisdiction to hear allegations of criminal conduct 24 that are brought by private individuals rather than a governmental agency.") (citing *United States 25 v. Nixon*, 418 U.S. 683, 693 (1974)). 26 27 1 To any extent the United States District Court for the Northern District of California did authorize the payments at issue, then plaintiff's remedy, if any, is to seek a refund of any 28 overpayment of funds from the Northern District of California. 1 Leave to amend should be granted if it appears possible that the defects in the complaint 2 could be corrected, especially if a plaintiff is pro se. *Lopez v. Smith*, 203 F.3d 1122, 1130-31 (9th

3 Cir. 2000) (en banc). If, however, it is clear that a complaint cannot be cured by amendment, the 4 court may dismiss without leave to amend. *Cato v. United States*, 70 F.3d 1103, 1105-06 (9th Cir. 5 1995). In this instance, amendment would be futile because plaintiff cannot state a due process 6 claim based on the unauthorized deprivations alleged. Accordingly, plaintiff's complaint should 7 be dismissed without leave to amend. See *Klamath-Lake Pharm. Ass'n v. Klamath Med. Serv. 8 Bureau*, 701 F.2d 1276, 1293 (9th Cir. 1983) (holding that while leave to amend shall be freely 9 given, the court does not have to allow futile amendments). 10 IV. Plain Language Summary for Pro Se Party 11 The following information is meant to explain this order in plain English. It is not 12 intended as legal advice. 13 Your allegations do not state a due process claim because California provides an adequate 14 postdeprivation remedy through the Government Claims Act for any unauthorized deductions 15 from your trust account. Thus, it is being recommended that your case be dismissed without leave 16 to amend. If you disagree, you have 14 days to inform the court. Label your explanation 17 "Objections to the Magistrate Judge's Findings and Recommendations" and state the specific 18 facts you could allege to state a claim. 19 V. Order and Recommendation 20 For the reasons set forth above, IT IS HEREBY ORDERED that the Clerk of the Court 21 shall assign a district judge to this case. 22 In addition, IT IS

HEREBY RECOMMENDED as follows: 23 1. Plaintiff's complaint be dismissed without leave to
amend for failure to state a claim. 24 2. The Clerk of the Court be directed to close this case. 25
These findings and recommendations are submitted to the United States District Judge 26 assigned
to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days after 27 being
served with these findings and recommendations, plaintiff may file written objections with 28 the
court and serve a copy on all parties. Such a document should be captioned "Objections to 1 |
Magistrate Judge's Findings and Recommendations." Failure to file objections within the 2 ||
specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d
3 |} 1153 (9th Cir. 1991). 4 | Dated: May 23, 2025 Card ke yy a

5 CAROLYN K DELANEY?

6 UNITED STATES MAGISTRATE JUDGE

7 8, ches2376.sern.fr 8 9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28