

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jarvon D. Green v. Gomez, et al.

Green v. Gomez · No. 2:22-cv-0719 CKD P · Decided March 7, 2023

SUMMARY

The United States District Court for the Eastern District of California dismissed Jarvon D. Green’s amended § 1983 complaint for failure to state a claim. The court discussed potential claims involving failure to protect, retaliation, prison disciplinary proceedings, and parole denial, and explained the applicable pleading and habeas requirements. The court granted plaintiff thirty days to file a second amended complaint.

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	March 7, 2023
DOCKET	2:22-cv-0719 CKD P
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se filed an amended complaint under 42 U.S.C. § 1983 after his original complaint was dismissed with leave to amend. The court screened the amended complaint, dismissed it for failure to state a claim, and granted leave to file a second amended complaint.
STANDARD OF REVIEW	Mandatory screening under 28 U.S.C. § 1915A; dismissal is required when a prisoner complaint is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant.
PRECEDENTIAL VALUE	Unknown; unpublished district court order
PARTIES	Jarvon D. Green v. Gomez, et al.

TOPICS

- section 1983
- prisoners rights
- due process
- federal habeas corpus
- pleadings

PRACTICE AREAS

Prisoner civil rights

Federal habeas corpus

Pleading and complaint screening

QUESTIONS PRESENTED

1. Whether the amended prisoner complaint stated any claim warranting relief under 42 U.S.C. § 1983.
2. What allegations are required to state an Eighth Amendment failure-to-protect claim based on an assault by another inmate.
3. What allegations are required to state a First Amendment retaliation claim based on use of the inmate grievance procedure.
4. Whether challenges to disciplinary proceedings affecting good-conduct sentence credit must be brought through habeas corpus rather than § 1983, and what is required for a due-process claim when no sentence credit was revoked.
5. Whether a challenge seeking earlier or immediate release from custody, or damages implying the invalidity of a conviction or sentence, may proceed under § 1983.
6. Whether plaintiff's amended complaint complied with the requirement that an amended pleading be complete in itself.

HOLDINGS

1. The amended complaint failed to state a claim because it was partly illegible and largely vague and conclusory, and it did not identify specific actions by particular defendants connected to a discernable injury.
2. To state a failure-to-protect claim based on an assault by another inmate, a prisoner must allege an objectively sufficiently serious injury or risk and that the prison official was deliberately indifferent to the risk of harm.
3. A retaliation claim requires facts indicating a causal connection between the adverse action and the plaintiff's protected conduct; merely alleging use of the grievance process followed by an adverse event is insufficient.
4. A challenge to prison disciplinary proceedings that resulted in revocation of good-conduct sentence credit must be brought in a habeas corpus petition rather than under § 1983 unless the revoked credit has been restored.
5. To state a due-process claim concerning disciplinary proceedings that did not result in revocation of good-conduct sentence credit, a prisoner must allege facts showing deprivation of a protected liberty interest.
6. When a state prisoner challenges the legality of custody and seeks a determination of entitlement to earlier or immediate release, the sole federal remedy is habeas corpus under 28 U.S.C. § 2254.
7. A second amended complaint must be complete in itself and may not incorporate or refer to a prior pleading.

KEY QUOTATIONS

“There can be no liability under 42 U.S.C. § 1983 unless there is some affirmative link or connection between a defendant’s actions and the claimed deprivation.” (at 2)

“A prison official may be held liable for an assault suffered by one inmate at the hands of another only when the assaulted inmate can show that the injury is sufficiently serious, and that the prison official was deliberately indifferent to the risk of harm.” (at 2)

“When a state prisoner challenges the legality of his custody, and the relief he seeks is the determination of his entitlement to an earlier or immediate release, his sole federal remedy is a writ of habeas corpus which plaintiff would seek under 28 U.S.C. § 2254.” (at 2)

FACTUAL BACKGROUND

Plaintiff, a state prisoner, alleged that defendants were responsible for his assault by other inmates, retaliated against him for using the inmate grievance procedure, and improperly found him guilty in prison disciplinary proceedings. He also appeared to challenge the denial of parole. The court found the amended complaint largely illegible, vague, and conclusory, and held that it did not identify specific actions by particular defendants causing a discernable injury.

PROCEDURAL HISTORY

Plaintiff filed a prisoner civil-rights action. On August 19, 2022, the court dismissed the original complaint with leave to amend. After reviewing plaintiff's amended complaint under the prisoner-screening statute, the court found that it failed to state a claim and dismissed it with thirty days' leave to file a second amended complaint.

DISPOSITION

other

CASES CITED

- Rizzo v. Goode, 423 U.S. 362 (1976)
- Farmer v. Brennan, 511 U.S. 825 (1994)
- Watison v. Carter, 668 F.3d 1108, 1114 (9th Cir. 2012)
- Edwards v. Balisok, 520 U.S. 641, 646-47 (1997)
- Sandin v. Connor, 515 U.S. 472, 484 (1995)
- Preiser v. Rodriguez, 411 U.S. 475, 500 (1973)
- Heck v. Humphrey, 512 U.S. 477, 487 (1994)