

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Michael Alan Dean Hill v. Dennis Cemo

Hill v. Cemo · No. 2:25-cv-0789-JDP (P) · Decided December 1, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed Michael Alan Dean Hill’s amended complaint against Sergeant Dennis Cemo for failure to state a claim. The court concluded that the allegations concerning early-morning awakenings did not sufficiently establish unconstitutional sleep deprivation or First Amendment retaliation. The dismissal was with leave to amend, and the court ordered plaintiff to file an amended complaint or notice of voluntary dismissal within thirty days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 1, 2025
DOCKET	2:25-cv-0789-JDP (P)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening order dismissing plaintiff's amended complaint for failure to state a claim, with leave to amend.
STANDARD OF REVIEW	The complaint was screened under 28 U.S.C. § 1915(e); dismissal was appropriate if the pleading was frivolous, malicious, failed to state a claim, or sought monetary relief from an immune defendant. The court applied the Rule 8 plausibility standard and liberally construed the pro se pleading.
PRECEDENTIAL VALUE	Nonprecedential district court screening order
PARTIES	Michael Alan Dean Hill v. Dennis Cemo

TOPICS

- motions to dismiss
- pleadings
- civil rights
- first amendment
- cruel and unusual punishment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the alleged early-morning awakenings and brief exposure to light during medication passes stated a Fourteenth Amendment claim based on sleep deprivation or cruel and unusual punishment.
2. Whether the complaint stated a First Amendment retaliation claim.
3. Whether the complaint should be dismissed for failure to state a claim and, if so, whether leave to amend should be granted.

HOLDINGS

1. The allegations that plaintiff was awakened early and exposed to light for a few hours during medication passes over a period of several weeks did not sufficiently allege a Fourteenth Amendment claim based on sleep deprivation or cruel and unusual punishment.
2. The complaint did not state a colorable First Amendment retaliation claim because plaintiff alleged only conclusorily that Cemo was retaliating against him and did not provide facts establishing the basis for the alleged retaliation.
3. The amended complaint was dismissed for failure to state a claim, but plaintiff was granted leave to file a further amended complaint that is complete on its face and alleges specific facts concerning each defendant's involvement.

KEY QUOTATIONS

“what plaintiff has alleged here, a few hours of light exposure during the early morning, is a far cry from the facts of Keenan.” (Opinion at 2)

“Plaintiff alleges in a conclusory fashion that Cemo is retaliating against him, but plaintiff has not explained the factual basis for that allegation.” (Opinion at 2)

FACTUAL BACKGROUND

Over approximately two weeks in February 2025, correctional officers allegedly woke Hill at about 4:30 a.m. to move him to a booking cell or the law library while officers distributed medication. The practice also occurred during evening medication passes, although for several cycles Hill received medication in his cell without being removed. When Cemo returned to duty, Hill was again awakened and moved during a medication pass, which Hill characterized as intentional harassment.

PROCEDURAL HISTORY

Plaintiff brought a civil-rights action against Sergeant Dennis Cemo, alleging that Cemo directed correctional officers to wake him during medication passes and move him from his cell. On screening under 28 U.S.C. § 1915(e), the court found that the allegations did not state claims for sleep deprivation, retaliation, harassment, or cruel and unusual punishment. The court dismissed the amended complaint with leave to file another amended complaint within thirty days or voluntarily dismiss the action.

DISPOSITION

dismissed

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Kobold v. Good Samaritan Regional Medical Center, 832 F.3d 1024, 1038 (9th Cir. 2016)
- Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hayes v. Idaho Correctional Center, 849 F.3d 1204, 1208 (9th Cir. 2017)
- Bruns v. National Credit Union Administration, 122 F.3d 1251, 1257 (9th Cir. 1997)
- Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Keenan v. Hall, 83 F.3d 1083, 1088, 1090-91 (9th Cir. 1996)
- Rhodes v. Robinson, 408 F.3d 559, 567-68 (9th Cir. 2005)
- Lacey v. Maricopa County, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc)

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