

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Johnson v. Nugent

Johnson · No. 1:24-cv-00949-JLT-BAM (PC) · Decided April 22, 2025

SUMMARY

The document contains Findings and Recommendations by a United States Magistrate Judge recommending dismissal with prejudice of Shawn Pierre Johnson’s 42 U.S.C. § 1983 action against prison officials. The recommendation rests on failure to state a claim, failure to obey a court order, and failure to prosecute after Johnson failed to file a required second amended complaint. The court discusses alleged restrictions on Muslim religious services, including potential First Amendment, RLUIPA, and Equal Protection theories, but finds the allegations insufficiently linked to specific defendants.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 22, 2025
DOCKET	1:24-cv-00949-JLT-BAM (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal with prejudice of a pro se prisoner’s 42 U.S.C. § 1983 action for failure to state a claim, failure to obey a court order, and failure to prosecute. The recommendation was subject to objections within fourteen days and required review by the assigned district judge.
STANDARD OF REVIEW	At screening under 28 U.S.C. § 1915A, a prisoner complaint may be dismissed if it is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. A complaint must contain sufficient factual matter to state a facially plausible claim. Dismissal for failure to prosecute or obey a court order requires consideration of the Henderson factors.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

motions to dismiss

civil procedure

section 1983

prisoners rights

free exercise clause

PRACTICE AREAS

civil procedure

prisoner civil rights

constitutional law

religious liberty

remedies

QUESTIONS PRESENTED

1. Whether the first amended complaint satisfied Federal Rule of Civil Procedure 8 and stated a plausible claim under 42 U.S.C. § 1983.
2. Whether the complaint adequately linked each named defendant to an alleged constitutional violation and could impose supervisory liability.
3. Whether the allegations plausibly stated First Amendment free-exercise and Equal Protection Clause claims based on denial of chapel access during Ramadan.
4. Whether the RLUIPA claim could proceed against individual defendants in their individual capacities or support damages.
5. Whether dismissal with prejudice was warranted for failure to obey the court's amendment order and failure to prosecute.

HOLDINGS

1. The complaint failed to comply with Federal Rule of Civil Procedure 8 because it did not provide a plain statement identifying what happened, when it happened, which defendant was involved, and the factual basis for the alleged rights violations.
2. A § 1983 plaintiff must link each defendant personally to the alleged deprivation, and supervisory liability cannot rest solely on respondeat superior.
3. The alleged denial of chapel access could potentially support a free-exercise claim, but the complaint was insufficient because it failed to identify the defendant responsible and the specific conduct constituting the violation.
4. RLUIPA does not authorize a claim against government employees in their individual capacities, and damages are unavailable against a state or state officials sued in their official capacities; any RLUIPA claim may proceed only for declaratory or injunctive relief against officials in their official capacities.
5. The alleged differential treatment of Muslim prisoners could potentially support an Equal Protection claim, but the complaint failed because it did not identify a named defendant who intentionally caused the differential treatment.
6. Dismissal with prejudice was warranted because Plaintiff failed to file the required amended complaint after being expressly warned that noncompliance could result in dismissal and ceased prosecuting the action.

KEY QUOTATIONS

“Plaintiff may not attribute liability to a group of defendants, but must “set forth specific facts as to each individual defendant’s” deprivation of his rights.” (Opinion at 5)

“A substantial burden . . . place[s] more than an inconvenience on religious exercise; it must have a tendency to coerce individuals into acting contrary to their religious beliefs or exert substantial pressure on an adherent to modify his behavior and to violate his beliefs.” (Opinion at 7)

“this factor lends little support to a party whose responsibility it is to move a case toward disposition on the merits but whose conduct impedes progress in that direction” (Opinion at 15)

FACTUAL BACKGROUND

Shawn Pierre Johnson, a state prisoner proceeding pro se and in forma pauperis, alleged that during Ramadan he was denied access to in-person chapel services while other religious groups were allowed to use the chapel. He asserted First Amendment free-exercise and equal-protection theories, and sought injunctive relief and damages. The complaint did not identify which of the named defendants—Warden Pat Horn, Community Resource Manager Tyler Phillips, or Chaplain Francisco Diaz—personally denied his requests or what specific conduct each defendant undertook.

PROCEDURAL HISTORY

Plaintiff filed a prisoner civil-rights action and an amended complaint. On February 27, 2025, the court screened the first amended complaint, found that it violated Federal Rule of Civil Procedure 8 and failed to state a cognizable claim, and granted leave to amend or voluntarily dismiss while warning that noncompliance could result in dismissal with prejudice. Plaintiff filed neither a second amended complaint nor a notice of voluntary dismissal and did not otherwise communicate with the court. The magistrate judge therefore recommended dismissal with prejudice.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555–57 (2007)
- Doe I v. Wal-Mart Stores, Inc., 572 F.3d 677, 681 (9th Cir. 2009)
- Moss v. U.S. Secret Service, 572 F.3d 962, 969 (9th Cir. 2009)
- Lam v. California Department of Corrections & Rehabilitation, 2023 WL 8701254, at *2 (E.D. Cal. Dec. 15, 2023)
- Stewart v. Nevada, 2011 WL 588485, at *2 (D. Nev. Feb. 9, 2011)
- Ewing v. City of Stockton, 588 F.3d 1218, 1235 (9th Cir. 2009)
- Jones v. Williams, 297 F.3d 930, 934 (9th Cir. 2002)
- Leer v. Murphy, 844 F.2d 628, 634 (9th Cir. 1988)

- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- Simmons v. Navajo County, Arizona, 609 F.3d 1011, 1020–21 (9th Cir. 2010)
- Redman v. County of San Diego, 942 F.2d 1435, 1446 (9th Cir. 1991)
- Farmer v. Brennan, 511 U.S. 825 (1970)
- Jones v. Williams, 791 F.3d 1023, 1031, 1033 (9th Cir. 2015)
- Shakur v. Schriro, 514 F.3d 878, 889 (9th Cir. 2008)
- McElyea v. Babbitt, 833 F.2d 196, 197 (9th Cir. 1987)
- Ward v. Walsh, 1 F.3d 873, 877–80 (9th Cir. 1993)
- O’Lone v. Estate of Shabazz, 482 U.S. 342, 348–50 (1987)
- Hartmann v. California Department of Corrections & Rehabilitation, 707 F.3d 1114, 1124–25 (9th Cir. 2013)
- Holt v. Hobbs, 135 S. Ct. 853, 862 (2015)
- Sossamon v. Texas, 563 U.S. 277, 279 (2011)
- Wood v. Yordy, 753 F.3d 899, 904 (9th Cir. 2014)
- City of Cleburne v. Cleburne Living Center, 473 U.S. 432, 439 (1985)
- Cruz v. Beto, 405 U.S. 319, 322 n.2 (1972)
- Allen v. Toombs, 827 F.2d 563, 568–69 (9th Cir. 1987)
- Thornton v. City of St. Helens, 425 F.3d 1158, 1166 (9th Cir. 2005)
- Lee v. City of Los Angeles, 250 F.3d 668, 686 (9th Cir. 2001)
- Engquist v. Oregon Department of Agriculture, 553 U.S. 591, 601–02 (2008)
- City of Los Angeles v. Lyons, 461 U.S. 95, 102 (1983)
- Valley Forge Christian College v. Americans United for Separation of Church and State, Inc., 454 U.S. 464, 471 (1982)
- Committee of Central American Refugees v. I.N.S., 795 F.2d 1434, 1441 (9th Cir. 1986)
- Martin v. International Olympic Committee, 740 F.2d 670, 675 (9th Cir. 1984)
- Thompson v. Housing Authority, 782 F.2d 829, 831 (9th Cir. 1986)
- Ghazali v. Moran, 46 F.3d 52, 53–54 (9th Cir. 1995)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260–62 (9th Cir. 1992)
- Malone v. United States Postal Service, 833 F.2d 128, 130–33 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1423–24 (9th Cir. 1986)
- Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988)
- Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976)
- Pagtalunan v. Galaza, 291 F.3d 639, 643 (9th Cir. 2002)
- In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1228 (9th Cir. 2006)
- Wilkerson v. Wheeler, 772 F.3d 834, 838–39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 SHAWN PIERRE JOHNSON, Case No. 1:24-cv-00949-JLT-BAM (PC) 12
Plaintiff, FINDINGS AND RECOMMENDATIONS TO DISMISS ACTION, WITH
PREJUDICE, FOR 13 v. FAILURE TO STATE A CLAIM, FAILURE TO OBEY COURT
ORDER, AND FAILURE 14 NUGENT, et al., TO PROSECUTE 15 Defendants. (ECF No. 12) 16
FOURTEEN (14) DAY DEADLINE 17 18 I. Background 19 Plaintiff Shawn Pierre Johnson
("Plaintiff") is a state prisoner proceeding pro se and in 20 forma pauperis in this civil rights action
under 42 U.S.C. § 1983.

21 On February 27, 2025, the Court screened the first amended complaint and found that it 22
failed to comply with Federal Rule of Civil Procedure 8 and failed to state a cognizable claim for
23 relief. (ECF No. 12.)

The Court issued a screening order granting Plaintiff leave to file a second 24 amended complaint
or a notice of voluntary dismissal within thirty (30) days. (Id.) The Court 25 expressly warned
Plaintiff that the failure to comply with the Court's order would result in a 26 recommendation for
dismissal of this action, with prejudice. (Id. at 10.) Plaintiff failed to file an 27 amended complaint
or otherwise communicate with the Court, and the deadline to do so has 28 expired.

1 II. Failure to State a Claim 2 A. Screening Requirement 3 The Court is required to screen
complaints brought by prisoners seeking relief against a 4 governmental entity and/or against an
officer or employee of a governmental entity. 28 U.S.C. 5 § 1915A(a). Plaintiff's complaint, or
any portion thereof, is subject to dismissal if it is frivolous 6 or malicious, if it fails to state a claim
upon which relief may be granted, or if it seeks monetary 7 relief from a defendant who is immune
from such relief.

28 U.S.C. §§ 1915A(b). 8 A complaint must contain "a short and plain statement of the claim
showing that the 9 pleader is entitled to relief...." Fed. R. Civ. P. 8(a)(2). Detailed factual
allegations are not 10 required, but "[t]hreadbare recitals of the elements of a cause of action,
supported by mere 11 conclusory statements, do not suffice." *Ashcroft v. Iqbal*, 556 U.S. 662, 678
(2009) (citing *Bell 12 Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).

While a plaintiff's allegations are taken as 13 true, courts "are not required to indulge unwarranted
inferences." *Doe I v. Wal-Mart Stores, Inc.*, 14 572 F.3d 677, 681 (9th Cir. 2009) (internal
quotation marks and citation omitted). 15 To survive screening, Plaintiff's claims must be facially
plausible, which requires 16 sufficient factual detail to allow the Court to reasonably infer that
each named defendant is liable 17 for the misconduct alleged.

Iqbal, 556 U.S. at 678 (quotation marks omitted); *Moss v. U.S. Secret 18 Serv.*, 572 F.3d 962, 969
(9th Cir. 2009). The sheer possibility that a defendant acted unlawfully 19 is not sufficient, and
mere consistency with liability falls short of satisfying the plausibility 20 standard. *Iqbal*, 556 U.S.

at 678 (quotation marks omitted); Moss, 572 F.3d at 969. 21 B. Plaintiff's Allegations 22 Plaintiff is currently housed at Kern Valley State Prison ("KVSP") in Delano, California 23 where the events in the complaint are alleged to have occurred.

Plaintiff names as defendants: 24 (1) Pat Horn, Warden at KVSP, (2) Tyler Phillips, Community Resource Manager, and 25 (3) Francisco Diaz, Chaplain. 26 In claim 1, Plaintiff is alleging a violation of freedom of religion in the First Amendment. 27 Plaintiff alleges during the month of Ramadan, Plaintiff was informed that in person religious 28 services were cancelled by of vendors.

(The Court notes that this word is unintelligible but 1 appears to be "vendors.") Plaintiff submitted a request for interview with facility Chaplain Rev. 2 Krants "DMin" to inquire about alternatives for in person service. Chaplain Krantz¹ said that 3 because of staffing issues at KVSP that in person services would result in safety and security 4 concerns. Islamic law requires that during the holy month of Ramadan, it is obligatory that 5 Muslims perform the "Tarawih" a prayer performed during Ramadan.

It is a complex prayer that 6 requires recitation of the entire Quran during Tarawih, for those who can't pray in the Masjid 7 (Masque) or if the congregation does not have a hafiz (one who memorizes Quran/Guardian) to 8 lead them. Explicit instructions mandated by Islamic law requires five rights to be prepared: 9 (1) using correct pronunciation, (2) memorization of Quran, (3) understanding Holy Quran, 10 (4) reflecting over meanings of Quran, (5) acting upon it after learning meanings and teachings.

11 Not fulfilling those compulsory acts will render his fast invalid. The two conditions of Ramadan 12 is to believe in Quran and [unintelligible] guardians and purpose. Plaintiff alleges that although 13 he has met the conditions set out, Plaintiff is unable to receive blessing. 14 KVSP allows other religious groups to occupy the chapel on frequent bases weekly and 15 other times and multiple times within a week.

Plaintiff is a Muslim and has been consistently 16 denied access on a regular basis while allowing other non-religious groups to occupy chapel 17 space. Plaintiff is being treated differently. Plaintiff alleges that "Prison officials have claimed 18 that because of limited Chaplain staff at Kern Valley State Prison has created a safety and security 19 issue.

In previous years no staff employed by KVSP has physically supervised regular chapel 20 services or Ramadan services in past years." 21 As remedies, Plaintiff seeks an injunction to prevent the denial of future services during 22 the month of Ramadan and seeks monetary damages. 23 C. Discussion 24 Plaintiff's complaint fails to comply with Federal Rule of Civil Procedure 8 and fails to 25 state a cognizable claim under 42 U.S.C. § 1983.

26 /// 27 /// 28 1 Chaplain “Krantz” is spelled both Krantz and Krants in the complaint. 1 1. Federal Rule of Civil Procedure 8 2 Pursuant to Federal Rule of Civil Procedure 8, a complaint must contain “a short and plain 3 statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a). 4 Detailed factual allegations are not required, but “[t]hreadbare recitals of the elements of a cause 5 of action, supported by mere conclusory statements, do not suffice.” *Iqbal*, 556 U.S. at 678 6 (citation omitted).

Plaintiff must set forth “sufficient factual matter, accepted as true, to ‘state a 7 claim to relief that is plausible on its face.’” *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. 8 at 555). While factual allegations are accepted as true, legal conclusions are not. *Id.*; see also 9 *Twombly*, 550 U.S. at 556–57. 10 Here, Plaintiff’s complaint is short, but it is not a plain statement of his claims showing 11 that he is entitled to relief.

Plaintiff’s allegations are conclusory and do not state what happened, 12 when it happened, or which defendant was involved. General assertions regarding Plaintiff’s 13 appeals are not sufficient, and Plaintiff may not merely state he was denied rights without stating 14 the factual support for denial of those right. Plaintiff must state factual allegations to support his 15 claims.

16 While “much liberality is allowed in construing pro se complaints, a pro se litigant cannot 17 simply dump a stack of exhibits on the court and expect the court to sift through them to 18 determine if some nugget is buried somewhere in that mountain of papers, waiting to be 19 unearthed and refined into a cognizable claim.” *Lam v. California Dep’t of Corr. & Rehab.*, No. 20 1:23-CV-01167 BAM PC, 2023 WL 8701254, at *2 (E.D.

Cal. Dec. 15, 2023), report and 21 recommendation adopted, No. 1:23-CV-1167 JLT BAM PC, 2024 WL 201269 (E.D. Cal. Jan. 18, 22 2024). “The Court will not comb through attached exhibits seeking to determine whether a claim 23 possibly could have been stated where the pleading itself does not state a claim.

In short, 24 [Plaintiff] must state a claim, not merely attach exhibits.” *Stewart v. Nevada*, No. 2:09-CV- 25 01063-PMP-GWF, 2011 WL 588485, at *2 (D. Nev. Feb. 9, 2011). Here, the Court has reviewed 26 the exhibits, but did not evaluate whether their contents state a claim on Plaintiff’s behalf. 27 /// 28 /// 1 2. Linkage Requirement and Supervisor Liability 2 Plaintiff’s allegations fail to assert the requisite causal link between the challenged 3 conduct, a specific defendant, and a clearly identified constitutional violation.

Under § 1983, 4 Plaintiff must demonstrate that each named defendant personally participated in the deprivation 5 of his rights. *Iqbal*, 556 U.S. at 676–77; *Ewing v. City of Stockton*, 588 F.3d 1218, 1235 (9th Cir. 6 2009); *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002). Plaintiff may not attribute liability 7 to a group of defendants, but must “set forth specific facts as to each individual defendant’s” 8 deprivation of his rights.

Leer v. Murphy, 844 F.2d 628, 634 (9th Cir. 1988); see also Taylor v. 9 List, 880 F.2d 1040, 1045 (9th Cir. 1989). 10 Plaintiff fails to link each of the defendants to the alleged wrongful conduct. Plaintiff fails 11 to allege what each defendant did or did not do which violated Plaintiff's constitutional rights.

As 12 Plaintiff was previously informed, Plaintiff may not simply assert that a deprivation occurred and 13 then accuse a group of defendants of being "responsible" for that deprivation. Plaintiff does not 14 identify which defendant denied his requests for access to chapel and religious practices and what 15 specifically that person did to deny his rights.

16 Insofar as Plaintiff is attempting to sue Defendant Warden, or any other defendant, based 17 on his supervisory role, he may not do so. Liability may not be imposed on supervisory personnel 18 for the actions or omissions of their subordinates under the theory of respondeat superior. Iqbal, 19 556 U.S. at 676–77; Simmons v. Navajo Cty., Ariz., 609 F.3d 1011, 1020–21 (9th Cir.

2010); 20 Ewing v. City of Stockton, 588 F.3d 1218, 1235 (9th Cir. 2009); Jones v. Williams, 297 F.3d 930, 21 934 (9th Cir. 2002). 22 Supervisors may be held liable only if they "participated in or directed the violations, or 23 knew of the violations and failed to act to prevent them." Taylor v. List, 880 F.2d 1040, 1045 24 (9th Cir. 1989); accord Starr v. Baca, 652 F.3d 1202, 1205–06 (9th Cir.

2011); Corales v. 25 Bennett, 567 F.3d 554, 570 (9th Cir. 2009). Supervisory liability may also exist without any 26 personal participation if the official implemented "a policy so deficient that the policy itself is a 27 repudiation of the constitutional rights and is the moving force of the constitutional violation." 28 Redman v. Ct.y of San Diego, 942 F.2d 1435, 1446 (9th Cir.

1991) (citations and quotations 1 marks omitted), abrogated on other grounds by Farmer v. Brennan, 511 U.S. 825 (1970). 2 Here, Plaintiff has failed to establish that Defendant Warden or other supervisor 3 participated in or directed any constitutional violation or that he implemented a policy so 4 deficient that it was the moving force of any constitutional violation.

5 3. First Amendment Free Exercise of Religion 6 A plaintiff asserting a free exercise claim must show that the defendant's actions 7 substantially burden his practice of religion. See Jones v. Williams, 791 F.3d 1023, 1031 (9th Cir. 8 2015). "A substantial burden... place[s] more than an inconvenience on religious exercise; it 9 must have a tendency to coerce individuals into acting contrary to their religious beliefs or exert 10 substantial pressure on an adherent to modify his behavior and to violate his beliefs." Id. (internal 11 quotation marks and citations omitted). "[A] prison policy that intentionally puts significant 12 pressure on inmates... to abandon their religious beliefs... imposes a substantial burden on [the 13 inmate's] religious practice." Shakur v. Schriro, 514 F.3d 878, 889 (9th Cir.

2008) (internal 14 quotation marks and citation omitted). However, the court has also recognized that limitations on 15 a prisoner's free exercise rights arise from both the fact of incarceration and valid penological 16 objectives. See *McElyea v. Babbit*, 833 F.2d 196, 197 (9th Cir. 1987).

For instance, under the 17 First Amendment, the penological interest in a simplified food service has been held sufficient to 18 allow a prison to provide orthodox Jewish inmates with a pork-free diet instead of a completely 19 kosher diet. See *Ward v. Walsh*, 1 F.3d 873, 877–79 (9th Cir. 1993). 20 To state a claim under the Free Exercise Clause, an inmate must plausibly allege that a 21 prison official's actions (a) “substantially burden[ed]” the inmate's exercise of a sincerely-held 22 religious belief; and (b) did so in an unreasonable manner—i.e., the official's actions were not 23 “rationally related to legitimate penological interests.” See *O'Lone v. Estate of Shabazz*, 482 U.S. 24 342, 348–50 (1987); *Jones v. Williams*, 791 F.3d 1023, 1031, 1033 (9th Cir.

2015); see *Haynes v. 25 Orel*, No. 2:19-CV-1988 AC, 2021 WL 4355431, at *2 (E.D. Cal. Sept. 24, 2021). 26 Plaintiff may be able to allege a free exercise of religion claim. Plaintiff contends that his 27 requests for access to chapel were denied and that chapel access is necessary for a “sincerely 28 held” belief that is “rooted in religious belief” among the five tenets of his religion and denial 1 substantially burdened the practice of his religion by not having his fast blessed.

While Plaintiff 2 indicates the denial to go to chapel was related to legitimate penological interests, he also alleges 3 other religions were permitted to attend the chapel. But, as noted above, Plaintiff has not 4 identified which defendant denied his requests for access to chapel and religious practices and 5 specifically, what that person did to deny his rights.

6 4. RLUIPA 7 A prisoner's ability to freely exercise his religion is also protected by the Religious Land 8 Use and Institutionalized Persons Act (“RLUIPA”). The RLUIPA provides that “[n]o 9 government shall impose a substantial burden on the religious exercise of a person residing in or 10 confined to an institution,... unless the government demonstrates that imposition of the burden 11 on that person... is in furtherance of a compelling governmental interest... and is the least 12 restrictive means of furthering that... interest.” 42 U.S.C.A. § 2000cc-1(a). “RLUIPA defines 13 ‘religious exercise’ to include ‘any exercise of religion, whether or not compelled by, or central 14 to, a system of religious belief.’” *Hartmann v. Cal. Dep't of Corr. & Rehab.*, 707 F.3d 1114, 15 1124 (9th Cir.

2013); 42 U.S.C. § 2000cc-5(7). 16 As with the First Amendment, under the RLUIPA, the government imposes a “substantial 17 burden” on a prisoner when it puts “substantial pressure on [him] to modify his behavior and to 18 violate his beliefs.” *Hartmann*, 707 F.3d at 1125 (citation omitted). RLUIPA is more protective 19 than the First Amendment, in that the availability of alternative means of practicing religion is 20 irrelevant to whether the Act has been violated.

See *Holt v. Hobbs*, 135 S. Ct. at 862. With 21 RLUIPA, the “‘substantial burden’ inquiry asks whether the government has substantially 22 burdened religious exercise..., not whether the RLUIPA claimant is able to engage in other 23 forms of religious exercise.” *Id.* 24 Money damages are not available under RLUIPA against the state or state officials sued in 25 their official capacities, *Sossamon v. Texas*, 563 U.S. 277, 279 (2011), and RLUIPA does not 26 contemplate liability of government employees in their individual capacity.

Wood v. Yordy, 753 F.3d 899, 904 (9th Cir. 2014). Thus, a RLUIPA claim may proceed only for declaratory or 28 injunctive relief against defendants acting within their official capacities. 1 It appears that Plaintiff sues each of the individual defendants in their individual capacity 2 for violation of RLUIPA. RLUIPA, however, does not authorize Plaintiff’s claim against the 3 individual defendants in their individual capacities.

See *Wood*, 753 F.3d at 904. 4 5. Equal Protection 5 The Equal Protection Clause requires the State to treat all similarly situated people 6 equally. See *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985). This does not 7 mean, however, that all prisoners must receive identical treatment and resources. See *Cruz v. 8 Beto*, 405 U.S. 319, 322 n.2 (1972); *Ward v. Walsh*, 1 F.3d 873, 880 (9th Cir.

1993); *Allen v. 9 Toombs*, 827 F.2d 563, 568–69 (9th Cir. 1987). 10 “To prevail on an Equal Protection claim brought under § 1983, Plaintiff must allege facts 11 plausibly showing that “‘the defendants acted with an intent or purpose to discriminate against 12 [them] based upon membership in a protected class,’” (citing *Thornton v. City of St. Helens*, 425 13 F.3d 1158, 1166 (9th Cir.

2005)) (quoting *Lee v. City of Los Angeles*, 250 F.3d 668, 686 (9th Cir. 14 2001)), or that similarly situated individuals were intentionally treated differently without a 15 rational relationship to a legitimate state purpose, *Engquist v. Oregon Department of Agr.*, 553 16 U.S. 591, 601–02 (2008). 17 Plaintiff may be able to state a cognizable claim but Plaintiff fails to link any defendant to 18 the alleged wrongful conduct.

Plaintiff alleges a colorable claim that he, as a Muslim, was denied 19 access, to the Chapel when other religions were permitted to do so. However, Plaintiff fails to 20 link any named defendant who intentionally violated his rights. Plaintiff does not clearly identify 21 which defendant denied his requests for access to the chapel and religious practices and what 22 specifically that person did to deny his rights.

23 6. Injunctive Relief 24 Plaintiff is seeking injunctive relief in this action. Federal courts are courts of limited 25 jurisdiction and in considering a request for injunctive relief, the Court is bound by the 26 requirement that as a preliminary matter, it have before it an actual case or

controversy. *City of Los Angeles v. Lyons*, 461 U.S. 95, 102 (1983); *Valley Forge Christian Coll. v. Ams.*

United for Separation of Church and State, Inc., 454 U.S. 464, 471 (1982). If the Court does not have an actual case or controversy before it, it has no power to hear the matter in question. *Id.* Further, requests for prospective relief are further limited by 18 U.S.C. § 3626(a)(1)(A) of the Prison Litigation Reform Act [“PLRA”], which requires that the Court find the “relief [sought] is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right.” In cases brought by prisoners involving conditions of confinement, any injunction “must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct the harm.” 18 U.S.C. § 3626(a)(2).

Moreover, where, as here, “a plaintiff seeks a mandatory preliminary injunction that goes beyond maintaining the status quo pendente lite, ‘courts should be extremely cautious’ about issuing a preliminary injunction and should not grant such relief unless the facts and law clearly favor the plaintiff.” *Comm. of Cent. Amer. Refugees v. I.N.S.*, 795 F.2d 1434, 1441 (9th Cir. 1986), quoting *Martin v. Int’l Olympic Comm.*, 740 F.2d 670, 675 (9th Cir. 1984).

III. Failure to Prosecute and Failure to Obey a Court Order A. Legal Standard Local Rule 110 provides that “[f]ailure... of a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions... within the inherent power of the Court.” District courts have the inherent power to control their dockets and “[i]n the exercise of that power they may impose sanctions including, where appropriate,... dismissal.” *Thompson v. Hous.*

Auth., 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. See, e.g., *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 24 F.2d 1258, 1260–61 (9th Cir.

1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130–33 (9th Cir. 1987) (dismissal for failure to comply with court order). In determining whether to dismiss an action, the Court must consider several factors: (1) the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.

Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986); *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988). B. Discussion Here, Plaintiff’s second amended complaint is overdue, and he

has failed to comply with 6 the Court's order.

The Court cannot effectively manage its docket if Plaintiff ceases litigating his 7 case. Thus, the Court finds that both the first and second factors weigh in favor of dismissal. 8 The third factor, risk of prejudice to defendant, also weighs in favor of dismissal, since a 9 presumption of injury arises from the occurrence of unreasonable delay in prosecuting an action.

10 *Anderson v. Air W.*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor usually weighs against 11 dismissal because public policy favors disposition on the merits. *Pagtalunan v. Galaza*, 291 F.3d 12 639, 643 (9th Cir. 2002).

However, "this factor lends little support to a party whose 13 responsibility it is to move a case toward disposition on the merits but whose conduct impedes 14 progress in that direction," which is the case here. In *re Phenylpropanolamine (PPA) Products* 15 *Liability Litigation*, 460 F.3d 1217, 1228 (9th Cir. 2006) (citation omitted). 16 Finally, the Court's warning to a party that failure to obey the court's order will result in 17 dismissal satisfies the "considerations of the alternatives" requirement.

Ferdik, 963 F.2d at 1262; 18 *Malone*, 833 at 132–33; *Henderson*, 779 F.2d at 1424. The Court's February 27, 2025 screening 19 order expressly warned Plaintiff that his failure to file an amended complaint would result in a 20 recommendation of dismissal of this action, with prejudice, for failure to obey a court order and 21 for failure to state a claim. (ECF No. 12, p. 10.)

Thus, Plaintiff had adequate warning that 22 dismissal could result from his noncompliance. 23 Additionally, at this stage in the proceedings there is little available to the Court that 24 would constitute a satisfactory lesser sanction while protecting the Court from further 25 unnecessary expenditure of its scarce resources.

As Plaintiff is proceeding in forma pauperis in 26 this action, it appears that monetary sanctions will be of little use and the preclusion of evidence 27 or witnesses is likely to have no effect given that Plaintiff has ceased litigating his case. 28 /// 1 IV. Conclusion and Recommendation 2 Accordingly, the Court finds that dismissal is the appropriate sanction and HEREBY 3 RECOMMENDS that this action be dismissed, with prejudice, for failure to state a claim, for 4 failure to obey a court order, and for Plaintiff's failure to prosecute this action.

5 These Findings and Recommendations will be submitted to the United States District 6 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within 7 fourteen (14) days after being served with these Findings and Recommendations, the parties may 8 file written objections with the court.

The document should be captioned "Objections to 9 Magistrate Judge's Findings and Recommendations." Objections, if any, shall not exceed 10 fifteen (15) pages or include exhibits.

Exhibits may be referenced by document and page 11 number if already in the record before the Court. Any pages filed in excess of the 15-page 12 limit may not be considered.

The parties are advised that failure to file objections within the 13 specified time may result in the waiver of the “right to challenge the magistrate’s factual 14 findings” on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838–39 (9th Cir. 2014) (citing *Baxter 15 v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)). 16 IT IS SO ORDERED. 17 18 Dated: April 21, 2025 /s/ Barbara A. McAuliffe _
UNITED STATES MAGISTRATE JUDGE 19 20 21 22 23 24 25 26 27 28