

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Kristin Lee Hardy v. Romero, et al.

Hardy v. Romero · No. 2:25-cv-2638 CSK P · Decided November 12, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Kristin Lee Hardy’s application to proceed in forma pauperis and assesses the statutory filing fee. The court dismisses the signed § 1983 complaint for failure to satisfy pleading requirements and grants leave to amend, while striking the earlier unsigned complaint. The order provides instructions for filing an amended complaint and identifies alleged Eighth Amendment claims concerning restraints and conditions in a holding cell.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                        |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | Chi Soo Kim                                                                                                                                                                                                                                                                            |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                                                                                                                                    |
| DECIDED               | November 12, 2025                                                                                                                                                                                                                                                                      |
| DOCKET                | 2:25-cv-2638 CSK P                                                                                                                                                                                                                                                                     |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | Prisoner civil-rights action under 42 U.S.C. § 1983; the court screened the signed complaint under 28 U.S.C. § 1915A and dismissed it with leave to amend.                                                                                                                             |
| STANDARD OF REVIEW    | Mandatory screening under 28 U.S.C. § 1915A; the court accepts well-pleaded allegations as true and construes the complaint in the light most favorable to the plaintiff, while determining whether it is frivolous, fails to state a claim, or seeks relief from an immune defendant. |
| PRECEDENTIAL VALUE    | unpublished district court order; precedential status unknown                                                                                                                                                                                                                          |
| PARTIES               | Kristin Lee Hardy v. Romero, Habrerra, Iberra                                                                                                                                                                                                                                          |

TOPICS

- section 1983
- prisoners rights
- pleadings
- civil procedure
- motions to dismiss

## PRACTICE AREAS

prisoner civil rights

constitutional law

federal civil procedure

pleading and screening

## QUESTIONS PRESENTED

1. Whether the signed prisoner complaint stated an actionable Eighth Amendment claim under 42 U.S.C. § 1983.
2. Whether the complaint sufficiently alleged each defendant's personal involvement and deliberate indifference.
3. Whether the complaint complied with Federal Rule of Civil Procedure 8(a)(2) by providing a short and plain statement with sufficient factual specificity.
4. Whether plaintiff should receive leave to amend after dismissal.

## HOLDINGS

1. The complaint failed to state an Eighth Amendment claim because it did not allege facts showing that any defendant acted with a sufficiently culpable state of mind or that the holding-cell conditions were sufficiently inhumane to create a constitutional deprivation.
2. The complaint failed to sufficiently connect each defendant's conduct to the alleged constitutional injury and could not proceed on a theory of supervisory or vicarious liability.
3. The complaint did not comply with Rule 8(a)(2) because its allegations were too vague and conclusory to give fair notice of the claims and the basis for each defendant's liability.
4. The complaint was dismissed with leave to amend within thirty days.

## KEY QUOTATIONS

*“The Eighth Amendment prohibits the imposition of cruel and unusual punishments and “embodies broad and idealistic concepts of dignity, civilized standards, humanity and decency.””* (at 4)

*“Because plaintiff failed to comply with the requirements of Fed. R. Civ. P. 8(a)(2), the complaint must be dismissed. However, the Court grants plaintiff leave to file an amended complaint.”* (at 8)

## FACTUAL BACKGROUND

Plaintiff alleged that on May 26, 2024, after reporting suicidal ideation, correctional officers Romero, Habrerra, and Iberra placed him in a holding cell for approximately five hours while he was handcuffed behind his back and placed in leg restraints. He alleged that he was denied water and restroom access despite reporting shoulder pain and needing to use the restroom, and that the restraints injured his right shoulder. Plaintiff sought money damages under 42 U.S.C. § 1983.

## PROCEDURAL HISTORY

Plaintiff filed an unsigned complaint and later submitted a signed complaint alleging that correctional officers subjected him to unconstitutional conditions and excessive restraint after he reported suicidal ideation. The court granted in forma pauperis status, struck the unsigned complaint, screened the signed complaint, dismissed it for

failure to satisfy Federal Rule of Civil Procedure 8(a)(2) and failure to allege sufficient personal involvement and deliberate indifference, and granted thirty days to amend.

## DISPOSITION

dismissed

## CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Franklin v. Murphy, 745 F.2d 1221, 1227-28 (9th Cir. 1984)
- Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989)
- Lopez v. Smith, 203 F.3d 1122, 1130-31 (9th Cir. 2000)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Davis v. Scherer, 468 U.S. 183 (1984)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Jones v. Williams, 297 F.3d 930, 934 (9th Cir. 2002)
- Hansen v. Black, 885 F.2d 642, 646 (9th Cir. 1989)
- Johnson v. Duffy, 588 F.2d 740, 743-44 (9th Cir. 1978)
- Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)
- Starr v. Baca, 652 F.3d 1202, 1208 (9th Cir. 2011)
- Estelle v. Gamble, 429 U.S. 97, 102 (1976)
- Farmer v. Brennan, 511 U.S. 825, 832, 834, 837 (1994)
- Wilson v. Seiter, 501 U.S. 294, 298, 302-03 (1991)
- Rhodes v. Chapman, 452 U.S. 337, 347, 349 (1981)
- Garcia v. Garcia, 2018 WL 11257395, at \*5 (E.D. Cal. May 30, 2018)
- Hopson v. Kings County Jail, 2025 WL 565242, at \*6 (E.D. Cal. Feb. 20, 2025)
- Cousins v. Lockyer, 568 F.3d 1063, 1070 (9th Cir. 2009)
- Jones v. Community Redevelopment Agency, 733 F.2d 646, 649 (9th Cir. 1984)
- Rizzo v. Goode, 423 U.S. 362, 371 (1976)
- May v. Enomoto, 633 F.2d 164, 167 (9th Cir. 1980)
- Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Ramirez v. County of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015)

## OPINION

Romero

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 KRISTIN LEE HARDY, No. 2:25-cv-2638 CSK P

12 Plaintiff, ORDER 13 v. 14 ROMERO, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner  
proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. 18 § 1983 and requested leave to  
proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This 19 proceeding was referred to this  
court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1). 20 Plaintiff submitted a declaration  
that makes the showing required by 28 U.S.C. § 1915(a). 21 Accordingly, the request to proceed in  
forma pauperis is granted. 22 Plaintiff is required to pay the statutory filing fee of \$350.00 for this  
action. 28 U.S.C. 23 §§ 1914(a), 1915(b)(1). By this order, plaintiff is assessed an initial partial  
filing fee in 24 accordance with the provisions of 28 U.S.C. § 1915(b)(1). By separate order, the  
court will direct 25 the appropriate agency to collect the initial partial filing fee from plaintiff's  
trust account and 26 forward it to the Clerk of the Court. Thereafter, plaintiff is obligated to make  
monthly payments 27 of twenty percent of the preceding month's income credited to plaintiff's  
trust account. These 28 payments will be forwarded by the appropriate agency to the Clerk of the  
Court each time the 1 amount in plaintiff's account exceeds \$10.00, until the filing fee is paid in  
full. 28 U.S.C. 2 § 1915(b)(2). 3 On October 1, 2025, plaintiff provided a signed complaint. (ECF  
No. 4.) Therefore, the 4 unsigned complaint (ECF No. 1) is stricken. As discussed below,  
plaintiff's signed complaint is 5 dismissed with leave to amend.

#### 6 I. SCREENING STANDARDS

7 The court is required to screen complaints brought by prisoners seeking relief against a 8  
governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The 9  
court must dismiss a complaint or portion thereof if the prisoner raised claims that are legally 10  
"frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek 11  
monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1), (2).  
12 A claim is legally frivolous when it lacks an arguable basis either in law or in fact. 13 *Neitzke*  
*v. Williams*, 490 U.S. 319, 325 (1989); *Franklin v. Murphy*, 745 F.2d 1221, 1227-28 (9th  
14 Cir. 1984). The court may, therefore, dismiss a claim as frivolous when it is based on an  
15 indisputably meritless legal theory or where the factual contentions are clearly baseless.  
*Neitzke*, 16 490 U.S. at 327. The critical inquiry is whether a constitutional claim, however  
inartfully 17 pleaded, has an arguable legal and factual basis. See *Jackson v. Arizona*, 885 F.2d  
639, 640 (9th  
18 Cir. 1989), superseded by statute as stated in *Lopez v. Smith*, 203 F.3d 1122, 1130-31 (9th Cir.  
19 2000) ("[A] judge may dismiss [in forma pauperis] claims which are based on indisputably 20

meritless legal theories or whose factual contentions are clearly baseless.”); Franklin, 745 F.2d at 21 1227.

22 Rule 8(a)(2) of the Federal Rules of Civil Procedure “requires only ‘a short and plain  
23 statement of the claim showing that the pleader is entitled to relief,’ in order to ‘give the 24  
defendant fair notice of what the . . . claim is and the grounds upon which it rests.’” Bell Atlantic  
25 Corp. v. Twombly, 550 U.S. 544, 555 (2007) (quoting Conley v. Gibson, 355 U.S. 41, 47  
(1957)). 26 In order to survive dismissal for failure to state a claim, a complaint must contain more  
than “a 27 formulaic recitation of the elements of a cause of action;” it must contain factual  
allegations 28 sufficient “to raise a right to relief above the speculative level.” Bell Atlantic, 550  
U.S. at 555. 1 However, “[s]pecific facts are not necessary; the statement [of facts] need only ‘give  
the 2 defendant fair notice of what the . . . claim is and the grounds upon which it rests.’” Erickson  
v. 3 Pardus, 551 U.S. 89, 93 (2007) (quoting Bell Atlantic, 550 U.S. at 555, citations and internal 4  
quotations marks omitted). In reviewing a complaint under this standard, the court must accept as  
5 true the allegations of the complaint in question, Erickson, 551 U.S. at 93, and construe the 6  
pleading in the light most favorable to the plaintiff. Scheuer v. Rhodes, 416 U.S. 232, 236 7  
(1974), overruled on other grounds, Davis v. Scherer, 468 U.S. 183 (1984).

## 8 II. THE CIVIL RIGHTS ACT

9 To state a claim under § 1983, a plaintiff must demonstrate: (1) the violation of a federal 10  
constitutional or statutory right; and (2) that the violation was committed by a person acting under  
11 the color of state law. See West v. Atkins, 487 U.S. 42, 48 (1988); Jones v. Williams, 297 F.3d  
12 930, 934 (9th Cir. 2002). An individual defendant is not liable on a civil rights claim unless the  
13 facts establish the defendant’s personal involvement in the constitutional deprivation or a  
causal 14 connection between the defendant’s wrongful conduct and the alleged constitutional  
deprivation. 15 See Hansen v. Black, 885 F.2d 642, 646 (9th Cir. 1989); Johnson v. Duffy, 588  
F.2d 740, 743-44 16 (9th Cir. 1978). That is, plaintiff may not sue any official on the theory that  
the official is liable 17 for the unconstitutional conduct of his or her subordinates. Ashcroft v.  
Iqbal, 556 U.S. 662, 679 18 (2009). The requisite causal connection between a supervisor’s  
wrongful conduct and the 19 violation of the prisoner’s constitutional rights can be established in a  
number of ways, including 20 by demonstrating that a supervisor’s own culpable action or inaction  
in the training, supervision, 21 or control of his subordinates was a cause of plaintiff’s injury. Starr  
v. Baca, 652 F.3d 1202, 22 1208 (9th Cir. 2011).

## 23 III. PLAINTIFF’S COMPLAINT

24 Plaintiff alleges that on May 26, 2024, after he reported suicidal ideation, defendants 25  
Romero, Habrerra, and Iberra, correctional officers at “Folsom/Sacramento, California,” 26  
subjected plaintiff to cruel and unusual punishment by placing plaintiff, handcuffed behind his 27  
back and in leg restraints, in a holding cell for five hours without water or restroom breaks, 28  
despite plaintiff’s complaints of shoulder pain and need to use the restroom. (ECF No. 4 at 8-10.)  
1 As a result of the prolonged handcuffing, plaintiff sustained injury to his right shoulder, which 2

prevents him from doing push-ups without pain. Plaintiff seeks money damages. (Id. at 9.)

### 3 IV. DISCUSSION

4 The Eighth Amendment prohibits the imposition of cruel and unusual punishments and 5  
“embodies broad and idealistic concepts of dignity, civilized standards, humanity and decency.” 6  
Estelle v. Gamble, 429 U.S. 97, 102 (1976) (internal quotation marks and citation omitted). A 7  
prison official violates the Eighth Amendment only when two requirements are met: (1) the 8  
objective requirement that the deprivation is “sufficiently serious,” and (2) the subjective 9  
requirement that the prison official has a “sufficiently culpable state of mind.” Farmer v. 10  
Brennan, 511 U.S. 825, 834 (1994) (quoting Wilson v. Seiter, 501 U.S. 294, 298 (1991)). 11 The  
objective requirement that the deprivation be “sufficiently serious” is met where the 12 prison  
official’s act or omission results in the denial of “the minimal civilized measure of life’s 13  
necessities.” Id. (quoting Rhodes v. Chapman, 452 U.S. 337, 347 (1981)). The subjective 14  
requirement that the prison official has a “sufficiently culpable state of mind” is met where the 15  
prison official acts with “deliberate indifference” to inmate health or safety. Id. (quoting Wilson,  
16 501 U.S. at 302-03). A prison official acts with deliberate indifference when he or she “knows  
of 17 and disregards an excessive risk to inmate health or safety.” Id. at 837. “[T]he official must  
both 18 be aware of facts from which the inference could be drawn that a substantial risk of  
serious harm 19 exists, and he must also draw the inference.” Id. 20 Plaintiff alleges that he  
notified all three defendants that plaintiff was suffering shoulder 21 pain and needed to use the  
restroom, but defendants “responded that they could not allow plaintiff 22 to use the restroom, and  
that [plaintiff] would have to wait to be seen by a clinician.” (ECF No. 4 23 at 8-9.) Plaintiff was  
placed in the holding cell to await being seen by a mental health clinician 24 due to his report of  
suicidal ideation. Plaintiff sets forth no facts demonstrating any defendant 25 was acting with a  
sufficiently culpable state of mind. It is unclear whether any of the defendants 26 applied the  
handcuffs, or whether the handcuffs were applied in a manner to cause pain in 27 plaintiff’s  
shoulder area. 28 To the extent that plaintiff contends the conditions of his housing in the holding  
cell for 1 five hours without water or restroom breaks violated his Eighth Amendment rights,  
plaintiff also 2 failed to set forth facts that defendants acted with a sufficiently culpable state of  
mind. “The 3 Constitution ‘does not mandate comfortable prisons.’” Farmer, 511 U.S. at 832  
(quoting Rhodes 4 v. Chapman, 452 U.S. at 349). Plaintiff fails to allege facts to demonstrate that  
the conditions in 5 the holding cell were so inhumane that they violated the Eighth Amendment. In  
this district, a 6 court has found that being restricted to a holding cell for eight and a half hours  
without bathroom 7 access was insufficient to state a claim. Garcia v. Garcia, 2018 WL 11257395,  
at \*5 (E.D. Cal.

8 May 30, 2018) (“Plaintiff’s suggestion that he was in the holding cell for approximately 8 1/2  
9 hours without restroom access or food is insufficient to state a claim.”); see also Hopson v.  
Kings 10 Cnty. Jail, 2025 WL 565242, at \*6 (Feb. 20, 2025) (“Here, Plaintiff’s allegations that he  
was 11 denied the use of the toilet in his cell because it was overflowing on a single occasion for

about 12 five hours are insufficient to state a claim upon which relief may granted.”). Further, plaintiff 13 alleges no facts suggesting any defendant was aware that the conditions in the holding cell were 14 so inhumane that they constituted a substantial risk of serious harm 15 Plaintiff cites a prison policy that requires that an inmate put in restraints must be 16 provided fluids and nourishment every two hours, and must be restrained to avoid discomfort. 17 (ECF No. 4 at 9.) “[S]tate departmental regulations do not establish a federal constitutional 18 violation.” Cousins v. Lockyer, 568 F.3d 1063, 1070 (9th Cir. 2009). Rather, plaintiff must set 19 forth facts demonstrating that each defendant violated plaintiff’s constitutional rights. 20 Finally, plaintiff failed to clearly identify in which prison this incident took place. 21 Plaintiff states the three defendants were “assigned to the prison at Folsom/Sacramento.” (ECF 22 No. 4 at 8.) But two prisons are located in the Folsom/Sacramento area: Folsom State Prison, 23 Represa, California, and California State Prison, Sacramento, also located in Represa, California. 24 In any amended complaint, plaintiff must clearly identify where the incident took place, as well as 25 the specific prison in which each defendant was working so that the Court may accomplish 26 service on the defendant.

#### 27 V. LEAVE TO AMEND

28 The Court finds the allegations in plaintiff’s complaint so vague and conclusory that it is 1 unable to determine whether the current action is frivolous or fails to state a claim for relief. The 2 Court determines that the complaint does not contain a short and plain statement as required by 3 Fed. R. Civ. P. 8(a)(2). Although the Federal Rules adopt a flexible pleading policy, a complaint 4 must give fair notice and state the elements of the claim plainly and succinctly. Jones v. Cmty. 5 Redev. Agency, 733 F.2d 646, 649 (9th Cir. 1984). Plaintiff must allege with at least some 6 degree of particularity overt acts which defendants engaged in that support plaintiff’s claim. Id. 7 Because plaintiff failed to comply with the requirements of Fed. R. Civ. P. 8(a)(2), the complaint 8 must be dismissed. However, the Court grants plaintiff leave to file an amended complaint. 9 If plaintiff chooses to amend the complaint, plaintiff must demonstrate how the conditions 10 about which he complains resulted in a deprivation of plaintiff’s constitutional rights. See e.g., 11 West, 487 U.S. at 48. Also, the complaint must allege in specific terms how each named 12 defendant is involved. Rizzo v. Goode, 423 U.S. 362, 371 (1976). There can be no liability 13 under 42 U.S.C. § 1983 unless there is some affirmative link or connection between a defendant’s 14 actions and the claimed deprivation. Rizzo, 423 U.S. at 371; May v. Enomoto, 633 F.2d 164, 167 15 (9th Cir. 1980). Furthermore, vague and conclusory allegations of official participation in civil 16 rights violations are not sufficient. Ivey v. Bd. of Regents, 673 F.2d 266, 268 (9th Cir. 1982). 17 In addition, plaintiff is informed that the court cannot refer to a prior pleading in order to 18 make plaintiff’s amended complaint complete. Local Rule 220 requires that an amended 19 complaint be complete in itself without reference to any prior pleading. This requirement exists 20 because, as a general rule, an amended complaint supersedes the original complaint. See Ramirez 21 v. Cnty. of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015) (“an ‘amended complaint 22 supersedes the

original, the latter being treated thereafter as non-existent.” (internal citation 23 omitted)). Once plaintiff files an amended complaint, the original pleading no longer serves any 24 function in the case. Therefore, in an amended complaint, as in an original complaint, each claim 25 and the involvement of each defendant must be sufficiently alleged.

## 26 VI. CONCLUSION

27 In accordance with the above, IT IS HEREBY ORDERED that: 28 1. Plaintiff’s request for leave to proceed in forma pauperis (ECF No. 5) is granted. ] 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. Plaintiff 2 || is assessed an initial partial filing fee in accordance with the provisions of 28 U.S.C. 3 || § 1915(b)(1). All fees shall be collected and paid in accordance with this court’s order to the 4 | Director of the California Department of Corrections and Rehabilitation filed concurrently 5 || herewith. 6 3. Plaintiff's complaint is dismissed. 7 4. Within thirty days from the date of this order, plaintiff shall complete the attached 8 | Notice of Amendment and submit the following documents to the court: 9 a. The completed Notice of Amendment; and 10 b. An original of the Amended Complaint. 11 | Plaintiff's amended complaint shall comply with the requirements of the Civil Rights Act, the 12 || Federal Rules of Civil Procedure, and the Local Rules of Practice. The amended complaint must 13 || also bear the docket number assigned to this case and must be labeled “Amended Complaint.” 14 | Failure to file an amended complaint in accordance with this order may result in the dismissal of 15 || this action. 16 5. The Clerk of the Court is directed to strike plaintiff's original, unsigned complaint. 17 | (ECF No. 1.) 18 19 | Dated: November 12, 2025 A aA Aan Spe |

CHI SOO KIM

71 UNITED STATES MAGISTRATE JUDGE

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

KRISTIN LEE HARDY, No. 2:25-cv-2638 CSK P

11 Plaintiff,

12 NOTICE OF AMENDMENT

v. 13 ROMERO, et al., 14 Defendants. 15 16 Plaintiff submits the following document in compliance with the court’s order 17 filed on \_\_\_\_\_ (date). 18 19 Amended Complaint

20 (Check this box if submitting an Amended Complaint) 21 DATED:

\_\_\_\_\_ 22 Plaintiff 23 24 25 26 27 28