

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PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown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)