

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Mitchell v. St. Andre

Mitchell · No. 2:24-cv-1506 CKD P · Decided February 25, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing Corey Mitchell’s third amended 42 U.S.C. § 1983 complaint alleging a Fourteenth Amendment due process violation arising from a prison disciplinary proceeding. The court concludes that Mitchell failed to identify an actionable injury because his allegations did not show that the disciplinary proceeding, rather than his admitted conduct, caused the denial of parole. The court also recommends closing the case and denies leave to amend further.

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	February 25, 2025
DOCKET	2:24-cv-1506 CKD P
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on screening a state prisoner’s third amended complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner complaint or claim that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. Findings and recommendations are subject to de novo review of timely objections under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Corey Mitchell v. R. St. Andre, et al.

TOPICS

- section 1983
- prisoners rights
- procedural due process
- civil rights
- civil procedure

PRACTICE AREAS

civil rights litigation

prisoner litigation

constitutional law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the third amended complaint stated a Fourteenth Amendment due process claim under 42 U.S.C. § 1983 based on prison disciplinary proceedings and the resulting denial of parole.
2. Whether the alleged parole denial constituted an actionable injury where the California Board of Parole Hearings considered plaintiff's conduct but the complaint did not show that the disciplinary proceeding itself caused the denial.

HOLDINGS

1. A prisoner complaint must be dismissed if it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant.
2. The third amended complaint failed to state a claim because it did not reasonably suggest that plaintiff was denied parole because of the disciplinary proceedings or that the California Board of Parole Hearings violated California law by failing to consider all relevant information.

KEY QUOTATIONS

"Here, nothing reasonably suggests that plaintiff was denied parole because of the result of the prisoner disciplinary proceedings at issue." (at 2)

"Because plaintiff fails to identify any actionable injury, plaintiff's third amended complaint must be dismissed." (at 2)

FACTUAL BACKGROUND

Plaintiff was found guilty in prison disciplinary proceedings of misusing food after taking milk from the dining hall to his cell, a fact he does not deny. He alleged that the disciplinary finding caused him to be denied parole for three years at his April 26, 2024 parole hearing. The parole commissioners instead cited plaintiff's admitted act of taking the milk as evidence that he continued to have work to do on impulse control, while also acknowledging his rehabilitative efforts.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se, brought a 42 U.S.C. § 1983 action against employees of the California Department of Corrections and Rehabilitation. The court previously dismissed the original, amended, and second amended complaints with leave to amend. After plaintiff filed a third amended complaint, the magistrate judge recommended dismissal for failure to state a claim and closure of the case, subject to review by an assigned district judge and plaintiff's right to object.

DISPOSITION

other

CASES CITED

- Nettles v. Grounds, 830 F.3d 922, 935 (9th Cir. 2016)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Mitchell v. St. Andre

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 COREY MITCHELL, No. 2:24-cv-1506 CKD P

12 Plaintiff, 13 v. ORDER and FINDINGS &

RECOMMENDATIONS

14 R. ST. ANDRE, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 18 1983 against employees of the California Department of Corrections and Rehabilitation. On

19 October 1, 2024, plaintiff's complaint, amended complaint, and second amended complaint were

20 dismissed with leave to file a third amended complaint. Plaintiff has filed a third amended 21 complaint. 22 The court is required to screen complaints brought by prisoners seeking relief against a 23 governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The 24 court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally 25 "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek 26 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2). 27 Plaintiff asserts that his right to due process under the Fourteenth Amendment was 28 violated during prisoner disciplinary proceedings which resulted in plaintiff being found guilty of 1 "misuse of food" by taking milk from the dining hall to his cell. Plaintiff does not deny that he 2 took milk from the dining hall. 3 The only injury plaintiff claims as a result of this finding is that it caused him to be denied 4 parole for three years at his first parole hearing held April 26, 2024. Plaintiff alleges as follows: 5 The [parole] commissioners lauded my rehabilitative efforts and expressed how close I was to earning a parole. They however noted 6 that when they asked me about character defects, I named 'impulse control' as one of my past issues. The commissioners felt that I still 7 had work to do on this issue as evidenced by walking out [of] the dining hall with the milk. 8 9 ECF No. 12 at 6. 10 Here, nothing reasonably suggests that plaintiff was denied parole because of the result of 11 the prisoner disciplinary proceedings at issue. In California, parole decisions "shall" be based on 12 "all relevant, reliable information" available to the California Board of Parole Hearings (BPH). 13 Cal. Code Regs. tit. 15, § 2281(b).

See *id.* (specifying multiple factors panel may consider). See also *Nettles v. Grounds*, 830 F.3d 922, 935 (9th Cir. 2016) (noting that under California parole regulations, “the presence of a disciplinary infraction does not compel the denial of parole, nor does an absence of an infraction compel the grant of parole”). There is nothing before the court, including plaintiff’s own allegations, which reasonably suggests that the BPH violated California law by not considering all information available to it. It is also worth noting that plaintiff asserts that the BPH cited the fact that he walked out of the dining hall with milk which plaintiff admits doing, and not the fact that plaintiff was subjected to prisoner disciplinary proceedings because of that. Because plaintiff fails to identify any actionable injury, plaintiff’s third amended complaint must be dismissed. The court does not grant leave to file a fourth amended complaint as it does not appear that plaintiff can, in good faith, state a claim upon which relief can be granted. In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court assign a district court judge to this case. IT IS HEREBY RECOMMENDED that: 1. Plaintiff’s third amended complaint be dismissed for failure to state a claim upon which relief can be granted; and 2. This case be closed. These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time waives the right to appeal the District Court’s order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

12 | Dated: February 24, 2025 / ae / a Ly a

13 CAROLYN K DELANEY

14 UNITED STATES MAGISTRATE JUDGE

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