

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rouser v. Covello

Rouser v. Covello · No. No. 2:22-CV-1749-DAD-DMC-P · Decided May 27, 2025

SUMMARY

The United States District Court for the Eastern District of California screens Plaintiff William Rouser’s first amended 42 U.S.C. § 1983 complaint. The court finds a plausible retaliation claim against Defendants Pendleton and Miller but concludes that the allegations against the remaining defendants do not establish a causal connection to a constitutional violation. The court grants Rouser 30 days to file a second amended complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 27, 2025
DOCKET	No. 2:22-CV-1749-DAD-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	The court screened a state prisoner’s first amended complaint under 28 U.S.C. § 1915A and evaluated whether the pleading stated cognizable claims under 42 U.S.C. § 1983.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915A; the court assesses whether the complaint is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant, while applying the Federal Rule of Civil Procedure 8(a)(2) fair-notice pleading standard.
PRECEDENTIAL VALUE	unpublished district court order; persuasive only
PARTIES	William Rouser v. Patrick Covello, B. Holuss, K. Rodgers, Alvis, C. Clevenger, Davis, John Doe #1, Kirby, F. Carillo, Pendleton, Miller, John Doe #2, John Doe #3, Silinowoch

TOPICS

- section 1983
- prisoners rights
- civil rights
- pleadings
- civil procedure

PRACTICE AREAS

civil rights

prisoner civil rights

federal pleading and procedure

QUESTIONS PRESENTED

1. Whether the first amended complaint plausibly stated a First Amendment retaliation claim against Defendants Pendleton and Miller.
2. Whether the complaint stated a § 1983 claim against the remaining defendants by alleging a specific causal link between each defendant's conduct and a constitutional deprivation.
3. Whether Plaintiff should be granted leave to amend the defective claims.

HOLDINGS

1. The first amended complaint states a plausible retaliation claim against Defendants Pendleton and Miller.
2. The complaint fails to state claims against the other named defendants because Plaintiff did not allege facts establishing each defendant's causal link to a constitutional violation.
3. Plaintiff is granted leave to file a second amended complaint within 30 days because the identified deficiencies may be curable by amendment.

KEY QUOTATIONS

"To state a claim under 42 U.S.C. § 1983, the plaintiff must allege an actual connection or link between the actions of the named defendants and the alleged deprivations." (at 2)

"Plaintiff must allege specific facts as to how each named defendant is involved as to each alleged wrongdoing, how the conditions complained of have resulted in a deprivation of his constitutional rights, and set forth some link or connection between each defendant and the claimed deprivation." (at 3)

FACTUAL BACKGROUND

Plaintiff, incarcerated at Mule Creek State Prison, alleged that prison officials delayed or denied his access to employment, vocational training, and GED testing after he filed grievances and advocated for himself and other prisoners. He alleged that Defendants Miller and Pendleton told him he could not obtain a job because he was an inmate-appeals representative and frequently filed grievances. Plaintiff also alleged that Pendleton and another officer threatened and verbally intimidated him after he filed or discussed staff complaints.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights action and then submitted a first amended complaint. The court determined that the amended complaint plausibly alleged retaliation claims against Defendants Pendleton and Miller but failed to state claims against the remaining defendants because it did not allege a causal link to a constitutional violation. Rather than dismissing the defective claims immediately, the court granted Plaintiff 30 days to file a second amended complaint.

DISPOSITION

other

CASES CITED

- *Olivas v. Nevada ex rel. Department of Corrections*, 856 F.3d 1281, 1282 (9th Cir. 2017)
- *McHenry v. Renne*, 84 F.3d 1172, 1177 (9th Cir. 1996)
- *Kimes v. Stone*, 84 F.3d 1121, 1129 (9th Cir. 1996)
- *Monell v. Department of Social Services*, 436 U.S. 658 (1978)
- *Rizzo v. Goode*, 423 U.S. 362 (1976)
- *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)
- *Ivey v. Board of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)
- *Leer v. Murphy*, 844 F.2d 628, 634 (9th Cir. 1988)
- *Lopez v. Smith*, 203 F.3d 1122, 1126, 1131 (9th Cir. 2000) (en banc)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992)
- *Ellis v. Cassidy*, 625 F.2d 227 (9th Cir. 1980)
- *May v. Enomoto*, 633 F.2d 164, 167 (9th Cir. 1980)