

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Christian Lopez v. CDCR

Lopez v. CDCR · No. 1:24-cv-00734-BAM (PC) · Decided December 5, 2025

SUMMARY

The document is a magistrate judge’s findings and recommendations in a prisoner civil-rights action brought by Christian Lopez against the California Department of Corrections and Rehabilitation and unidentified correctional officers. It recommends dismissal with prejudice for failure to state a claim, failure to obey a court order, and failure to prosecute, and directs the Clerk to randomly assign a district judge. The document gives the parties fourteen days to file objections.

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	December 5, 2025
DOCKET	1:24-cv-00734-BAM (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se and in forma pauperis brought a 42 U.S.C. § 1983 action. After screening the complaint, the court found that it failed to state a cognizable claim and granted leave to amend. Plaintiff failed to amend or otherwise respond, and the magistrate judge issued findings and recommendations recommending dismissal with prejudice.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915A; plausibility review under Federal Rule of Civil Procedure 8(a)(2) and Ashcroft v. Iqbal. Dismissal for failure to prosecute or obey a court order is evaluated under the Ninth Circuit’s five-factor test concerning expeditious resolution, docket management, prejudice, disposition on the merits, and availability of less drastic sanctions.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Christian Lopez v. CDCR

TOPICS

section 1983

prisoners rights

motions to dismiss

eleventh amendment immunity

due process

PRACTICE AREAS

prisoner civil rights

federal civil procedure

constitutional privacy

sovereign immunity

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim under 42 U.S.C. § 1983 based on an alleged Fourteenth Amendment right to informational or autonomy privacy.
2. Whether CDCR was immune from suit under the Eleventh Amendment.
3. Whether dismissal with prejudice was warranted for Plaintiff's failure to obey the order requiring amendment and failure to prosecute.
4. Whether the unidentified Doe defendants could be maintained without factual allegations identifying each defendant's conduct.

HOLDINGS

1. CDCR, as a California state agency, is entitled to Eleventh Amendment immunity from suit in federal court.
2. The complaint did not state a cognizable Fourteenth Amendment privacy claim because the alleged disclosure or access involving Plaintiff's girlfriend's information was not sufficiently alleged to involve highly sensitive information protected by the constitutional right to informational privacy, and the complaint did not provide sufficient facts showing a constitutional violation.
3. The complaint failed to state a plausible claim because it did not provide sufficient factual matter permitting a reasonable inference that each named defendant was liable for misconduct.
4. Dismissal with prejudice was recommended because Plaintiff failed to comply with the order requiring an amended complaint and ceased litigating the action after receiving an express warning that dismissal could result.

KEY QUOTATIONS

“To survive screening, Plaintiff’s claims must be facially plausible, which requires sufficient factual detail to allow the Court to reasonably infer that each named defendant is liable for the misconduct alleged.” (at 1)

“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.” (at 5)

FACTUAL BACKGROUND

Plaintiff, a California state prisoner housed at the California Substance Abuse Treatment Facility, alleged that correctional-officer Doe defendants accessed information from his GTL tablet or an inmate database and texted his girlfriend. He characterized the conduct as a Fourteenth Amendment privacy or “Badge of Authority” violation and sought compensatory and punitive damages. After being given leave to amend, Plaintiff allowed the deadline to expire without filing an amended complaint or communicating with the court.

PROCEDURAL HISTORY

The court screened Plaintiff’s complaint on October 23, 2025, found it deficient, and ordered him to file a first amended complaint or notice of voluntary dismissal within thirty days. Plaintiff did neither despite an express warning that noncompliance could result in dismissal. The magistrate judge ordered random assignment of a district judge and recommended dismissal with prejudice for failure to state a claim, failure to obey a court order, and failure to prosecute, subject to fourteen days for objections.

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)
- Lapidus v. Board of Regents, 535 U.S. 613, 616 (2002)
- Wolfson v. Brammer, 616 F.3d 1045, 1065-66 (9th Cir. 2010)
- Pennhurst State School & Hospital v. Halderman, 465 U.S. 89, 100 (1984)
- Buckwalter v. Nevada Board of Medical Examiners, 678 F.3d 737, 740 n. 1 (9th Cir. 2012)
- Lake Country Estates, Inc. v. Tahoe Regional Planning Agency, 440 U.S. 391, 401 (1979)
- Seaton v. Mayberg, 610 F.3d 530, 534 (9th Cir. 2010)
- Whalen v. Roe, 429 U.S. 589, 598-99 (1977)
- Planned Parenthood of Southern Arizona v. Lawall, 307 F.3d 783, 789-90 (9th Cir. 2002)
- Huling v. City of Los Baños, 869 F. Supp. 2d 1139, 1153 (E.D. Cal. 2012)
- Allen v. Clendenin, 2023 WL 6213634, at *8 (E.D. Cal. Sept. 25, 2023)
- Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980)
- 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. U.S. 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)
- *Stewart v. Nevada*, 2011 WL 588485, at *2 (D. Nev. Feb. 9, 2011)