

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hickman v. CDCR

No. 2:25-cv-1249 CSK P (E.D. Cal. July 22, 2025) · No. No. 2:25-cv-1249 CSK P · Decided July 22, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing Kevin Duane Hickman’s amended 42 U.S.C. § 1983 action against the California Department of Corrections and Rehabilitation. The court concludes that the Eighth Amendment claims seeking damages and injunctive relief are barred by the Eleventh Amendment, declines supplemental jurisdiction over the negligence claim, and recommends dismissal without further leave to amend.

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	July 22, 2025
DOCKET	No. 2:25-cv-1249 CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983; after the original complaint was dismissed with leave to amend, the magistrate judge screened the amended complaint and issued findings and recommendations recommending dismissal.
STANDARD OF REVIEW	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, but dismisses claims that are frivolous, fail to state a claim, or seek monetary relief from an immune defendant.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Kevin Duane Hickman v. California Department of Corrections and Rehabilitation (CDCR), et al.

TOPICS

- eleventh amendment immunity
- section 1983
- prisoners rights
- negligence
- civil procedure

PRACTICE AREAS

prisoner civil rights

federal jurisdiction

constitutional law

state tort law

QUESTIONS PRESENTED

1. Whether Hickman's Eighth Amendment claims for damages and injunctive relief against CDCR are barred by the Eleventh Amendment.
2. Whether the court should exercise supplemental jurisdiction over Hickman's state-law negligence claim after dismissal of the federal claims.
3. Whether Hickman should receive further leave to amend his Eighth Amendment claims against CDCR.

HOLDINGS

1. The Eighth Amendment claims against CDCR, a state agency, are barred by the Eleventh Amendment because Hickman seeks damages and injunctive relief and California has not waived its immunity from § 1983 suits in federal court.
2. The court should decline to exercise supplemental jurisdiction over Hickman's negligence claim after dismissal of the federal claims at the early stage of the action.
3. Further leave to amend should be denied because Hickman could not cure the defect in his Eighth Amendment claims against CDCR, and he disregarded the prior instruction to name the individual officials allegedly responsible.

KEY QUOTATIONS

“The Eleventh Amendment bars suits which seek either damages or injunctive relief against a state, ‘an arm of the state,’ its instrumentalities, or its agencies.” (at 2)

“Because this Court recommends dismissal of plaintiff’s Eighth Amendment claims as barred by the Eleventh Amendment at this early stage of this action, this Court recommends that the court decline to exercise supplemental jurisdiction over plaintiff’s negligence claim.” (at 3)

“This Court recommends dismissal of this action without further leave to amend because plaintiff cannot cure the pleading defects as to his Eighth Amendment claim against defendant CDCR.” (at 3)

FACTUAL BACKGROUND

Hickman, a state prisoner, alleged that on March 2, 2025, his right middle finger was crushed when his cell door unexpectedly slammed. He attributed the injury to CDCR's failure to secure the door, failure to follow prison operating procedures, and failure to train or supervise staff. He asserted Eighth Amendment, negligence, and failure-to-train/Monell claims and sought damages, equitable and injunctive relief, costs, and other relief.

PROCEDURAL HISTORY

Hickman filed an action against CDCR concerning an injury to his finger caused by a cell door. The court dismissed the original complaint with leave to amend, finding the § 1983 claim barred by the Eleventh Amendment and the negligence claim inadequately pleaded for failure to allege compliance with the California

Government Claims Act. Hickman filed an amended complaint naming CDCR alone, and the magistrate judge recommended dismissal without further leave to amend, while ordering assignment of a district judge.

DISPOSITION

other

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)
- Aholehei v. Department of Public Safety, 488 F.3d 1144, 1147 (9th Cir. 2007)
- Dittman v. California, 191 F.3d 1020, 1025-26 (9th Cir. 1999)
- Fireman's Fund Insurance Co. v. City of Lodi, California, 302 F.3d 928, 957 n.28 (9th Cir. 2002)
- Atascadero State Hospital v. Scanlon, 473 U.S. 234, 241 (1985)
- Monell v. Department of Social Services of City of New York, 436 U.S. 658, 691 (1978)
- Tennyson v. County of Sacramento, 2020 WL 4059568, at *7 (E.D. Cal. July 20, 2020)
- Persinger v. County of Placer, 2025 WL 1993222, at *4 (E.D. Cal. July 17, 2025)
- United Mine Workers of America v. Gibbs, 383 U.S. 715, 726 (1966)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 (1988)
- Rosati v. Igbinoso, 791 F.3d 1037, 1039 (9th Cir. 2015)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)