

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Andy LaShawn Fortner v. Lake County Jail, et al.

Fortner · No. 25-cv-02506-HSG · Decided May 6, 2025

SUMMARY

The United States District Court for the Northern District of California dismisses Andy LaShawn Fortner’s pro se 42 U.S.C. § 1983 complaint following screening under 28 U.S.C. § 1915A. The court identifies deficiencies including failure to allege a federal constitutional or statutory violation, improper joinder, conclusory allegations, and inadequate pleading of municipal liability. The dismissal is without prejudice, and Plaintiff is granted 28 days to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 6, 2025
DOCKET	25-cv-02506-HSG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983 screened under 28 U.S.C. § 1915A; complaint dismissed with leave to amend.
STANDARD OF REVIEW	Preliminary screening under 28 U.S.C. §§ 1915A and 1915(e); the court must dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pro se pleadings are liberally construed, but must satisfy Federal Rule of Civil Procedure 8(a)(2) and state a plausible claim.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Andy LaShawn Fortner v. Lake County Jail, et al.

TOPICS

- section 1983
- prisoners rights
- civil procedure
- joinder
- subject matter jurisdiction

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable claim under 42 U.S.C. § 1983 by alleging violation of a federal constitutional or statutory right by a person acting under color of state law.
2. Whether the complaint improperly joined unrelated claims and defendants under Federal Rule of Civil Procedure 20.
3. Whether the complaint's conclusory allegations of harassment, intercom nonresponse, mail interference, and denial of care sufficiently stated constitutional claims.
4. Whether Lake County Jail or its personnel could be held liable under § 1983 absent a proper municipal-liability theory and factual allegations connecting the alleged violations to a county policy, custom, or final policymaker.
5. Whether the complaint should be dismissed with leave to amend.

HOLDINGS

1. The complaint failed to state a claim under 42 U.S.C. § 1983 because it did not adequately allege a violation of federal law or the federal Constitution.
2. The complaint violated Federal Rule of Civil Procedure 20 because it combined claims concerning separate occurrences and defendants without allegations showing that the claims arose from the same transaction or occurrence and shared a common question of law or fact.
3. The complaint failed to state a claim because its allegations were conclusory and did not explain how the alleged mimicking, intercom nonresponse, or other conduct violated Plaintiff's constitutional rights.
4. Lake County Jail or an agency of Lake County is not the proper defendant for a municipal-liability claim, and Plaintiff must allege facts showing that any constitutional violation resulted from an expressly adopted county policy, a longstanding practice or custom, or a final policymaker's decision.

KEY QUOTATIONS

“multiple claims against a single party are fine, but Claim A against Defendant 1 should not be joined with unrelated Claim B against Defendant 2.” (at 2)

“not every unpleasant interaction with jail officials gives rise to a constitutional violation.” (at 3)

“The County is a proper defendant in a § 1983 claim, an agency of the County is not” (at 3)

FACTUAL BACKGROUND

Plaintiff, a pretrial detainee at Lake County Jail, alleged retaliation after filing grievances, denial of medical and mental-health-related care, verbal ridicule and harassment by deputies and medical staff, interference with outgoing and legal mail, and failure by an aid technician to respond to his intercom requests. He named Lake County Jail, jail staff, an aid technician, and other officials as defendants. The complaint presented multiple

incidents involving different defendants without clearly alleging the federal constitutional or statutory rights violated or facts establishing the required elements of a § 1983 claim.

PROCEDURAL HISTORY

Plaintiff, a pretrial detainee proceeding in forma pauperis, filed a § 1983 complaint against Lake County Jail and individual jail and medical personnel. The district court conducted preliminary screening and dismissed the complaint for failure to identify a federal constitutional or statutory violation, improper joinder, conclusory allegations, and improper or insufficient municipal-liability allegations. The court granted 28 days to file an amended complaint and warned that failure to do so would result in dismissal without further notice.

DISPOSITION

dismissed

CASES CITED

- Jackson v. Arizona, 885 F.2d 639, 641 (9th Cir. 1989)
- United States v. Qazi, 975 F.3d 989, 993 (9th Cir. 2020)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 677-78 (2009)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Freeman v. Arpaio, 125 F.3d 732, 738 (9th Cir. 1997)
- Shakur v. Schriro, 514 F.3d 878, 884-85 (9th Cir. 2008)
- Rutledge v. Arizona Board of Regents, 660 F.2d 1345, 1353 (9th Cir. 1981)
- Kush v. Rutledge, 460 U.S. 719 (1983)
- Mortimer v. Baca, 594 F.3d 714, 721 (9th Cir. 2010)
- Vance v. County of Santa Clara, 928 F. Supp. 993, 996 (N.D. Cal. 1996)
- Stump v. Gates, 777 F. Supp. 808, 816 (D. Colo. 1991)
- Ellins v. City of Sierra Madre, 710 F.3d 1049, 1066 (9th Cir. 2013)
- Monell v. Department of Social Services, 436 U.S. 658 (1978)
- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 1
- Bailey v. Johnson, 846 F.2d 1019, 1021 (5th Cir. 1988)
- Cato v. United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995)
- Van Meter v. Morgan, 518 F.2d 366, 368 (8th Cir. 1975)
- Lacey v. Maricopa County, 693 F.3d 896, 925 (9th Cir. 2012)