

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Webber v. Barrios

Webber · No. 1:24-cv-00461-KES-EPG (PC) · Decided May 30, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and dismissed Doyal Webber’s 42 U.S.C. § 1983 action with prejudice for failure to state a claim. The court concluded that the amended complaint failed to allege a cognizable due process or First Amendment retaliation claim concerning prison disciplinary proceedings. The Clerk was directed to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 30, 2025
DOCKET	1:24-cv-00461-KES-EPG (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner proceeding pro se and in forma pauperis brought a 42 U.S.C. § 1983 action. After screening the first amended complaint, the magistrate judge recommended dismissal with prejudice for failure to state a claim. The district court conducted de novo review, adopted the findings and recommendations, and dismissed the action with prejudice.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1). The complaint was evaluated under the plausibility standard for failure to state a claim.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Doyal Webber v. J. Barrios, et al.

TOPICS

- section 1983
- prisoners rights
- due process
- first amendment
- pleadings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the first amended complaint stated a cognizable due process claim based on plaintiff's prison disciplinary proceedings.
2. Whether the first amended complaint stated a First Amendment retaliation claim.
3. Whether plaintiff's challenge to Cal. Code Regs. tit. 15, § 3023 stated a constitutional claim independent of due process.

HOLDINGS

1. The first amended complaint failed to state a due process claim because plaintiff challenged the merits of the disciplinary finding rather than alleging that he was denied constitutionally required process, and he did not allege facts showing that the disciplinary finding lacked the required evidentiary support.
2. The first amended complaint failed to state a First Amendment retaliation claim because plaintiff did not identify constitutionally protected conduct or explain how that conduct triggered the alleged retaliatory actions.
3. Plaintiff's challenge to Cal. Code Regs. tit. 15, § 3023 did not state a constitutional claim because he failed to provide sufficient factual matter connecting the regulation or its application to a constitutional violation.

KEY QUOTATIONS

“The magistrate judge correctly found that plaintiff has not stated any cognizable claims.” (at 2)

“The FAC does not contain “sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.”” (at 3)

FACTUAL BACKGROUND

Plaintiff is a state prisoner who challenged a prison rule violation report and related disciplinary proceedings. He did not allege that defendants denied him constitutionally required process in the prison disciplinary appeals process, and he did not provide sufficient facts connecting unidentified regulations to a constitutional violation. He also alleged retaliation but failed to identify constitutionally protected conduct or explain how it triggered the alleged retaliatory actions.

PROCEDURAL HISTORY

Plaintiff initiated the action on April 18, 2024. The magistrate judge screened the complaint and found no cognizable claims, permitting plaintiff to amend. Plaintiff filed a first amended complaint, after which the magistrate judge recommended dismissal with prejudice. Plaintiff objected, and the district court reviewed the matter de novo under 28 U.S.C. § 636(b)(1), adopted the findings and recommendations in full, dismissed the action with prejudice, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Superintendent v. Hill, 472 U.S. 445, 455 (1985)
- Hines v. Gomez, 108 F.3d 265, 268-69 (9th Cir. 1997)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8
9 DOYAL WEBBER, No. 1:24-cv-00461-KES-EPG (PC) 10 Plaintiff, ORDER ADOPTING
FINDINGS AND RECOMMENDATIONS AND DISMISSING 11 v. ACTION WITH
PREJUDICE 12 J. BARRIOS, et al., Doc. 12 13 Defendants. 14 15 Plaintiff Doyal Webber is a
state prisoner proceeding pro se and in forma pauperis in this 16 civil rights action filed pursuant
to 42 U.S.C. § 1983.

This matter was referred to a United States 17 magistrate judge pursuant to 28 U.S.C. § 636(b)(1)
(B) and Local Rule 302. 18 Plaintiff initiated this action on April 18, 2024. Doc. 1. The assigned
magistrate judge 19 screened the complaint and found that plaintiff failed to state any cognizable
claims. Doc. 7. 20 The screening order directed plaintiff to either file a first amended complaint or
notify the Court 21 that he wished to proceed on the existing complaint.

Id. at 1. Plaintiff filed a first amended 22 complaint (“FAC”) on June 24, 2024. Doc. 11.1 On June
27, 2024, the magistrate judge issued 23 findings and recommendations recommending that
plaintiff’s case be dismissed with prejudice 24 for failure to state any cognizable claims. Doc. 12.

The findings and recommendations were 25 1 Prior to plaintiff’s filing of the FAC, the assigned
magistrate judge issued an earlier set of 26 findings and recommendations on June 18, 2024,
recommending dismissal of the action for 27 failure to prosecute, failure to state a claim, and
failure to comply with a court order. Doc. 10.

The magistrate judge subsequently vacated those recommendations upon plaintiff’s filing of the 28
FAC. See Doc. 12. 1 served on plaintiff and contained notice that objections were to be filed
within thirty days of 2 service. Id. at 9. Plaintiff filed objections dated July 24, 2024.2 Doc. 14. 3
In accordance with 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of 4 this
case.

After carefully reviewing the file, including plaintiff’s objections, the Court finds the 5 findings
and recommendations are supported by the record and proper analysis. 6 The magistrate judge
correctly found that plaintiff has not stated any cognizable claims. 7 In his FAC, plaintiff does not

allege that defendants failed to provide him with the process due to him within the prison disciplinary appeals process.

See generally Doc. 11. Instead, plaintiff's challenge of the rule violation report goes to the merits of the disciplinary finding itself, which the United States Supreme Court has said need only be supported by "some evidence." *Superintendent v. Hill*, 472 U.S. 445, 455 (1985); *Hines v. Gomez*, 108 F.3d 265, 12 268 (9th Cir. 1997) (applying *Hill*). Plaintiff also contests the validity of certain, unidentified regulations without providing sufficient facts connecting such regulations to any constitutional violation.

See generally Doc. 11. Thus, plaintiff has not stated any due process claim. To the extent plaintiff asserts that defendants' actions against him were retaliatory, he does not identify any constitutionally protected conduct nor explain how such conduct triggered the purported retaliatory acts. Lacking such information, the magistrate judge correctly concluded that plaintiff also failed to state a First Amendment retaliation claim.

In his objections, plaintiff appears to assert that Cal. Code Regs. tit. 15, § 3023 (2024) is not reasonably related to a legitimate penological interest and that it was improperly applied to him, alleging he was disciplined pursuant to this authority.³ Doc. 14 at 1–3.

The gist of plaintiff's argument appears to be that the "some evidence" standard relevant to disciplinary findings should not apply here and that he retains other constitutional protections even if he cannot show a due process violation. Doc. 14 at 2–5. While plaintiff is correct that prisoners "retain other protection from arbitrary state action" in situations where the harms they face do 2 Plaintiff filed other objections on July 10, 2024 (Doc.

13), but they appear to address the vacated findings and recommendations at Doc. 10. 3 Cal. Code Regs., tit. 15, § 3023 addresses "Security Threat Group Behavior." 1 | not establish due process concerns, *Hines*, 108 F.3d at 269, this objection does not undermine 2 | the magistrate judge's conclusions and recommendation. While a prisoner may invoke the First 3 | or Eighth Amendments, or the Equal Protection Clause of the Fourteenth Amendment, in 4 | situations that do not involve a due process violation, *id.*, plaintiffs FAC fails to allege any 5 | such claim.

As the magistrate judge noted, plaintiff does not state a First Amendment claim or 6 | any other claim. The FAC does not contain "sufficient factual matter, accepted as true, to state 7 | a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). 8 Dismissal of plaintiff's first amended complaint is therefore warranted. 9 Accordingly, it is **HEREBY ORDERED**: 10 1.

The findings and recommendations issued on June 27, 2024, Doc. 12, are **ADOPTED IN FULL**; 12 2. This action is **DISMISSED** with prejudice for failure to state a claim; and 13 3. The

Clerk of Court is directed to close this case. 14 15 16 | IT IS SO ORDERED. _ 17 Dated: _ May
29, 2025 4A. ig UNITED STATES DISTRICT JUDGE 19 20 21 22 23 24 25 26 27 28

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