

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

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 8 to him within the prison
disciplinary appeals process.

See generally Doc. 11. Instead, 9 plaintiff's challenge of the rule violation report goes to the merits of the disciplinary finding 10 itself, which the United States Supreme Court has said need only be supported by "some 11 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 13 regulations without providing sufficient facts connecting such regulations to any constitutional 14 violation.

See generally Doc. 11. Thus, plaintiff has not stated any due process claim. 15 To the extent plaintiff asserts that defendants' actions against him were retaliatory, he 16 does not identify any constitutionally protected conduct nor explain how such conduct triggered 17 the purported retaliatory acts. Lacking such information, the magistrate judge correctly 18 concluded that plaintiff also failed to state a First Amendment retaliation claim.

19 In his objections, plaintiff appears to assert that Cal. Code Regs. tit. 15, § 3023 (2024) is 20 not reasonably related to a legitimate penological interest and that it was improperly applied to 21 him, alleging he was disciplined pursuant to this authority.³ Doc. 14 at 1–3.

The gist of 22 plaintiff's argument appears to be that the "some evidence" standard relevant to disciplinary 23 findings should not apply here and that he retains other constitutional protections even if he 24 cannot show a due process violation. Doc. 14 at 2–5. While plaintiff is correct that prisoners 25 "retain other protection from arbitrary state action" in situations where the harms they face do 26 2 Plaintiff filed other objections on July 10, 2024 (Doc.

13), but they appear to address the 27 vacated findings and recommendations at Doc. 10. 28 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 11 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

