

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Harris v. City of Madera

No. 1:22-cv-00660 JLT GSA (PC) · No. No. 1:22-cv-00660 JLT GSA (PC) · Decided August 15, 2025

OPINION

(PC) Harris v. City of Madera

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 DANIEL JAFAIN HARRIS, No. 1:22-cv-00660 JLT GSA (PC)

12 Plaintiff, ORDER DIRECTING PLAINTIFF TO SHOW

CAUSE WHY THIS MATTER SHOULD NOT

13 v. BE DISMISSED AS BARRED BY HECK v.

HUMPHREY, 512 U.S. 477 (1994) AND AS

14 CITY OF MADERA, et al., SUBSTANTIVELY DUPLICATIVE OF

HARRIS v. MOORE, No. 1:22-cv-00601 ADA 15 Defendants. CDB

16 PLAINTIFF'S SHOWING OF CAUSE DUE

IN FOURTEEN DAYS

17 18 Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil 19
rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States 20
Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 21 Before this Court
is Plaintiff's first amended complaint ("FAC") and his showing of 22 cause. ECF Nos. 20, 22. For
the reasons stated below, Plaintiff will be ordered to show cause 23 why this matter should not be
dismissed as barred by Heck v. Humphrey, 512 U.S. 477 (1994) 24 and as substantively
duplicative of Harris v. Moore, No. 1:22-cv-00601 ADA CDB. Plaintiff will 25 be given fourteen
days to file objections to this order. 26 27 28

1 I. RELEVANT BACKGROUND

2 A. Plaintiff's Complaint 3 On May 20, 2025, Plaintiff's complaint was screened. ECF No. 17.
The complaint 4 named the City of Madera; the Madera Sheriff Department, and the Madera
County Department 5 of Corrections as Defendants, and it raised general violations of right
stemming from Defendants' 6 alleged violations of government policies related to the California
Law Enforcement 7 Telecommunications System ("CLETS"), and acts of negligence related to his
federal rights. See 8 ECF No. 1 at 1-3. It alleged that the violations of right occurred from

September 29, 2016, 9 through October 23, 2017, and that the alleged violations were ongoing. See *id.* at 6. He sought 10 compensatory and punitive damages from Defendants. *Id.* at 7. 11 B. Screening Order 12 In the screening order, the Court found that the pleading failed to state a claim upon which 13 relief could be granted because it contained no specific facts and because it failed to identify the 14 governmental policy and/or procedure that Defendants were alleged to have violated. See ECF

15 No. 17 at 5. In addition, the Court found that Plaintiff's allegations against entities like the 16 sheriff's department were not actionable under Section 1983 for the actions of an employee, and 17 that absent a showing of a clear policy or custom, a municipality could not be held liable under

18 Section 1983, either. *Id.* at 5-6.

19 Based on these findings, the undersigned found that the complaint failed to state any claim 20 upon which relief could be granted, and Plaintiff was given the opportunity to file an amended 21 complaint. ECF No. 17 at 8-9. He was given thirty days to do so. 22 C. Plaintiff's First Amended Complaint 23 1. Facts Alleged 24 On July 28, 2025, Plaintiff's FAC was docketed. ECF No. 20. In it, Plaintiff named the 25 City of Madera again as a Defendant. See *id.* at 1. Plaintiff also named two completely different 26 Defendants who were not mentioned in the original complaint: Luz Romero, the Administration 27 Supervisor for the Madera Department of Correction, and Christine Najiir of the Madera County 28 District Attorney's Office. *Id.* at 2-3. 1 In Plaintiff's two claims in the FAC, he essentially alleges that Defendants Romero and 2 Najiri violated his due process rights and engaged in negligence, illegal misconduct, and the 3 deprivation of his liberty, civil and constitutional rights when, on September 29, 2016, they 4 conspired to and arranged unauthorized visitation between himself and one Klara Bess, for the 5 purpose of entrapment and the gathering of incriminating information against him related to a 6 criminal conviction. See ECF No. 20 at 3-4. Plaintiff's FAC also clearly states that there was an 7 inmate appeal process available to him at the Madera County Jail, but that he did not file an 8 appeal or a grievance related to his two claims because "remedies for complaint are unavailable at 9 institution, facility or prison." *Id.* at 2 (errors in original). 10 2. Harm Caused and Remedy Sought 11 Plaintiff ultimately claims that he has been deprived of due process and that he has been a 12 victim of negligence; of illegal misconduct; of the deprivation of liberty, and the like. ECF No. 13 20 at 3-4. He asks for compensatory and punitive damages as well as a jury trial. *Id.* at 5. 14 D. Order Directing Plaintiff to Show Cause 15 On July 29, 2025, consistent with Plaintiff's clear statement that he had not exhausted his 16 administrative remedies and, in retrospect, because it was not clear in the FAC that Plaintiff was 17 attempting to challenge his conviction and/or sentence, the Court ordered Plaintiff to show cause 18 why this matter should not be dismissed as untimely as well as for failure to exhaust 19 administrative remedies. See ECF No. 21. On August 11, 2025, Plaintiff's showing of cause was 20 docketed. ECF No. 22. 21 E. Plaintiff's Showing of Cause 22 In Plaintiff's showing of cause, he states that this matter should not be dismissed as 23 untimely

and/or for failure to exhaust, because when he told his public defender about the 24 September 29, 2016, incident, his public defender notified the trial court of the issue. See ECF 25 No. 22 at 1. Thereafter, the trial court instructed his public defender to take the issues up on 26 appeal. See *id.* Plaintiff further states that on October 23, 2017, when he learned that a visitation 27 video would be a key piece of material at trial, and he told the trial court again that the actions in 28 question were a violation of his rights, once again, the trial court instructed him to appeal any 1 issues that he had in his case. *Id.* Plaintiff states that both his state trial and appellate attorneys 2 notified the courts of the violations. ECF No. 22 at 2. 3 Plaintiff goes on to state that afterwards, he raised the same issues via a civil rights 4 complaint in this Court. ECF No. 22 at 2. However, when he did, he was told that Section 1983 5 was not to be used as an appeal process. *Id.* He states that the Court also told him that he had to 6 exhaust state remedies before he could bring a claim under Section 1983. *Id.* 7 The remainder of Plaintiff's showing of cause indicates that Plaintiff was never informed 8 by his state appellate attorney that his state appeal had concluded in the California Supreme Court 9 in 2020. ECF No. 22 at 2. He states that he only learned of this fact in 2022. *Id.* 10 In sum, Plaintiff's showing of cause argues that this matter should not be dismissed as 11 untimely because he "took all steps to notify and inform the court and his attorney of all issues 12 and actions." ECF No. 22 at 3. Plaintiff further argues that because his state appellate attorney 13 abandoned him on appeal, this "set his time back." *Id.* Consequently, he asks the Court to permit 14 him to continue with his claim, given that he tried to pursue his case alone; that he is not an 15 attorney; that he does not fully understand the law, and that he needs help. *Id.*

16 II. DISCUSSION

17 A. Court Takes Judicial Notice of Plaintiff's Related, Previously Filed Cases 18 At the outset, the contents of Plaintiff's showing of cause, specifically, where Plaintiff 19 states that he has presented these claims to this Court before (see ECF No. 22 at 1) has prompted 20 the Court to search its case database to find the matter that Plaintiff states he previously brought 21 before it. Having done so, the Court takes judicial notice¹ of the fact that there appear to be two 22 related Section 1983 civil rights cases that Plaintiff filed in this Court before he filed the instant 23 matter: *Harris v. Madera County Department of Corrections*, No. 1:18-cv-00942 LJO GSA 24 ("Harris I"), and *Harris v. Madera County*, No.1:18-cv-01210 LJO JDP ("Harris II"). 25 1 It is well-established that a court may take judicial notice of its own records. See *United States v. Howard*, 381 F.3d 873, 876 n.1 (9th Cir. 2004); see *United States v. Author Servs., Inc.*, 804 26 F.2d 1520, 1523 (9th Cir. 1986) overruled on other grounds, *United States v. Jose*, 131 F.3d 1325, 27 1328-29 (9th Cir. 1997); see also *Fed. R. Evid.* 201 (stating court may take judicial notice of facts that are capable of accurate determination by sources whose accuracy cannot be reasonably 28 questioned). 1 In *Harris I*, Plaintiff's complaint raises claims of violations of his Fourth Amendment 2 rights stemming from Defendant Madera County Department of Corrections ("MCDC") setting 3 up an unauthorized visitation with him and another individual on September

29, 2016, for the sole 4 purpose of providing the prosecution with evidence that was to be used against Plaintiff in a 5 criminal case. See Harris I, ECF No. 1 at 3-4. In Harris II, Plaintiff's complaint alleges 6 violations of his Fifth Amendment and due process rights stemming from the fact that between

7 October 2, 2017, and October 24, 2017, the state trial judge who was assigned to Plaintiff's 8 criminal case permitted the evidence that MCDC had obtained to be used against him. See Harris 9 II, ECF No. 1 at 3-5. 10 B. Plaintiff's FAC Challenges the Propriety of His Criminal Conviction 11 A comparison of Plaintiff's FAC with the complaints in Harris I and Harris II, as well as 12 with the statements in Plaintiff's showing of cause, which – like Harris I and Harris II – reference 13 the September 29, 2016, date and an October 23, 2017, date, leads the Court to find that the 14 instant FAC is ultimately attempting to challenge the validity of Plaintiff's conviction. It is not 15 attempting to challenge specific policies, practices, or procedures of MCDC that led to Plaintiff 16 having an "unauthorized" visit with a "restricted party," in violation of any particular 17 constitutional right of his. As a result, the questions of timeliness and exhaustion that the Court 18 directed Plaintiff to address in its order to show cause are irrelevant, because prior to addressing 19 questions of timeliness and exhaustion, the first threshold task is to determine whether a matter 20 has been properly filed under the correct statute. As discussed below, this matter has not been. 21 C. Plaintiff's FAC Is Barred by Heck v. Humphrey 22 1. Applicable Law 23 The favorable-termination rule laid out in Heck v. Humphrey, 512 U.S. 477 (1994) 24 provides that claims which, if successful, would necessarily imply the invalidity of a conviction 25 or sentence, must be brought by way of a petition for writ of habeas corpus, after exhausting 26 appropriate avenues for relief. Id. at 486-87; see Muhammad v. Close, 540 U.S. 749, 750-51 27 (2004). Specifically, the Supreme Court held: 28 1 [I]n order to recover damages for harm caused by actions whose unlawfulness would render a conviction or sentence invalid, a § 1983 plaintiff must prove that 2 the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such 3 determination, or called into question by a federal court's issuance of a writ of 4 habeas corpus, 28 U.S.C. § 2254. 5 6 Heck, 512 U.S. at 486-87 (brackets added). "A claim for damages bearing that relationship to a 7 conviction or sentence that has not been so invalidated is not cognizable under § 1983." Id. at 8 488. 9 2. Analysis 10 i) Section 2254 Governs Instant Pleading 11 Plaintiff's FAC is ultimately challenging the validity of his conviction, and it requests 12 monetary damages. In addition, Plaintiff has not provided any information to the Court which 13 indicates that his conviction or sentence was reversed, declared invalid at the state level, or called 14 into question via a federal court issuing him a writ of habeas corpus (see generally ECF No. 20) 15 (Plaintiff's FAC). For these reasons, Plaintiff's complaint is barred by Heck, and the Court 16 cannot consider it under the Section 1983 civil rights statute. Instead, the matter must be 17 considered – if at all – under the Section 2254 habeas statute. 18 ii) Claims In Instant Pleading Have Previously Been Considered by Court 19 However, further review of Plaintiff's showing of cause indicates that his

appeal in state 20 court related to his unauthorized visitation claims was denied as having been untimely filed. See 21 generally ECF No. 22 at 2 (Plaintiff stating same). In addition, the Court's case database 22 indicates that in May of 2022, Plaintiff filed a federal habeas petition in Harris v. Moore, No. 23 1:22-cv-00601 ADA CDB ("Harris Petition"). That petition raised Plaintiff's same unauthorized 24 visit claims, and it, too, protested the use at trial of the evidence that came from that visit. See 25 Harris Petition, ECF No. 7 at 4-5 (petition, Claims One and Two). 26 iii) Claims In Instant Pleading Were Dismissed by This Court as Untimely 27 Ultimately, the federal habeas matter was dismissed by this Court as having been 28 untimely filed. See Harris Petition, ECF No. 20 at 4 (findings and recommendations); see also 1 Harris Petition, ECF Nos. 22, 23 (order adopting same and judgment). Therefore, any effort on 2 Plaintiff's part to try to refile this case as a habeas matter will likely end in that matter's dismissal 3 on the grounds that it is untimely and/or that it is duplicative of the Harris Petition.

4 III. CONCLUSION

5 For the reasons stated above, the Court finds that Plaintiff's FAC is barred by Heck v. 6 Humphrey, 512 U.S. 477 (1994) and that its substantive content is duplicative of Harris v. Moore, 7 No. 1:22-cv-00601 ADA CDB. As a result, it must be dismissed. However, prior to making this 8 recommendation, Plaintiff will be ordered to show cause why this matter should not be dismissed 9 for these two reasons. He will be given fourteen days to do so. 10 11 IT IS SO ORDERED. 12 13 Dated: August 15, 2025 /s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE

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