

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Clinton v. Allen

No. 3:23-cv-01471-CAB-SBC (S.D. Cal. May 20, 2025) · No. 3:23-cv-01471-CAB-SBC · Decided May 20, 2025

SUMMARY

The United States District Court for the Southern District of California granted Defendants’ motion to dismiss Plaintiff’s Second Amended Complaint in part with prejudice. The court dismissed previously rejected claims, Doe defendants, and other claims for failure to state a claim or because further amendment would be futile. The court allowed an Eighth Amendment failure-to-protect claim against Colon and Bingham and conspiracy allegations against Colon, Allen, and Bingham to proceed.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cathy Ann Bencivengo
JURISDICTION	United States District Court for the Southern District of California
DECIDED	May 20, 2025
DOCKET	3:23-cv-01471-CAB-SBC
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff's Second Amended Complaint in a prisoner civil-rights action.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 12(b)(6), a complaint must contain sufficient factual matter to state a claim for relief that is plausible on its face; vague and conclusory allegations are insufficient.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Markeith Clinton v. C. Allen, Colon, Bingham, John Does 1-3, Jane Doe 4

TOPICS

- motions to dismiss
- section 1983
- prisoners rights
- civil rights
- constitutional law

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the Second Amended Complaint plausibly stated claims under Federal Rule of Civil Procedure 12(b)(6).
2. Whether Plaintiff's previously dismissed claims should again be dismissed with prejudice because further amendment would be futile.
3. Whether the remaining Doe defendants should be dismissed because Plaintiff did not include them in the Second Amended Complaint or specifically identify their individual conduct.

HOLDINGS

1. A complaint must contain sufficient factual matter to state a claim for relief that is plausible on its face, and vague and conclusory allegations of government involvement in civil-rights violations are insufficient. Applying that standard, the court granted Defendants' motion to dismiss in part.
2. The claims based on Fourteenth Amendment failure to protect, the Americans with Disabilities Act, Fourteenth Amendment equal protection, First Amendment retaliation, Eighth Amendment inadequate medical care, and criminal and administrative law were dismissed with prejudice because further amendment would be futile.
3. The remaining Doe defendants were dismissed because Plaintiff did not include them in the Second Amended Complaint and did not specifically identify individual conduct connecting them to an alleged constitutional violation.

KEY QUOTATIONS

“To survive a motion to dismiss, a complaint must contain sufficient factual matter . . . to ‘state a claim for relief that is plausible on its face.’” (at 1)

“Vague and conclusory allegations” concerning government involvement in civil rights violations are insufficient to withstand a motion to dismiss.” (at 1)

“[A]n amended pleading supersedes the original pleading.” (at 2)

FACTUAL BACKGROUND

Plaintiff, proceeding pro se, alleged that correctional officers failed to protect him from known and substantial risks of harm and conspired to deprive him of that protection. He also asserted claims based on the Fourteenth Amendment, the Americans with Disabilities Act, equal protection, First Amendment retaliation, inadequate medical care, and criminal and administrative law. In the Second Amended Complaint, Plaintiff identified Colon and Bingham but did not include the remaining Doe defendants.

PROCEDURAL HISTORY

The court previously dismissed Plaintiff's amended complaint but granted leave to amend. After screening the First Amended Complaint, the court allowed an Eighth Amendment failure-to-protect claim against John Does 1 and 2 and a conspiracy claim involving Allen, Colon, John Does 1-3, and Jane Doe 4 to proceed. Plaintiff amended to identify Colon and Bingham, filed a Second Amended Complaint, and Defendants moved to dismiss. The court granted the motion in part, dismissed several claims with prejudice, dismissed the remaining Doe defendants, and allowed the identified Eighth Amendment claims against Colon, Allen, and Bingham to proceed.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ivey v. Bd. of Regents of Univ. of Alaska, 673 F.2d 266, 268 (9th Cir. 1982)
- Fifty Associates v. Prudential Ins. Co., 446 F.2d 1187, 1191 (9th Cir. 1970)
- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992)