

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Isaiah Washington v. J. Cavagnolo, et al.

Washington v. Cavagnolo · No. 2:25-cv-02204-EFB (PC) · Decided November 12, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Isaiah Washington leave to proceed in forma pauperis but dismisses his § 1983 complaint with leave to amend. The court concludes that the alleged violation of California Code of Regulations title 15 does not create a private right of action and that the complaint lacks supporting allegations for the asserted due process and Eighth Amendment claims. The court recommends denying Washington's motion for injunctive relief because he has not shown likely success on the merits or irreparable harm.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Edmund F. Brennan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 12, 2025
DOCKET	2:25-cv-02204-EFB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se under 42 U.S.C. § 1983 filed a complaint, an application to proceed in forma pauperis, and a motion for preliminary injunctive relief. The magistrate judge screened the complaint, dismissed it with leave to amend, and recommended denial of the motion for injunctive relief.
STANDARD OF REVIEW	Under the prisoner-screening provisions, the court must dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. For the requested injunctive relief, the court applied the preliminary-injunction standard requiring likelihood of success on the merits, likely irreparable harm, favorable balance of equities, and consistency with the public interest.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Isaiah Washington v. J. Cavagnolo, et al.

TOPICS

prisoners rights

section 1983

injunctions

pleadings

civil procedure

PRACTICE AREAS

prisoner civil rights

federal civil procedure

injunctive relief

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable claim under 42 U.S.C. § 1983 based on alleged violations of California Code of Regulations title 15, section 3312(b), due process, or the Eighth Amendment.
2. Whether the complaint satisfied the pleading requirements of Federal Rule of Civil Procedure 8(a) and the plausibility standard.
3. Whether plaintiff was entitled to preliminary injunctive relief prohibiting a prison transfer.

HOLDINGS

1. Violations of California Code of Regulations title 15 do not create a private right of action, and plaintiff's complaint alleged no additional facts supporting his due process or Eighth Amendment claims.
2. Any amended complaint must comply with Rule 8(a), plead facts rather than legal conclusions, name only defendants who personally participated in the alleged constitutional deprivation, and avoid unrelated claims against different defendants.
3. Plaintiff was not entitled to preliminary injunctive relief because he had not shown a likelihood of success on the merits, a likelihood of irreparable harm, a favorable balance of equities, or that an injunction would serve the public interest.

KEY QUOTATIONS

“Plaintiff’s complaint must be dismissed, because violations of title 15 of the California Code of Regulations do not create a private right of action.” (at 2)

“Here, plaintiff has not yet stated a cognizable federal claim for relief, thus he has not shown he is likely to succeed on the merits.” (at 5)

FACTUAL BACKGROUND

Plaintiff, a California state prisoner, alleged that he received two Rules Violation Reports on December 15, 2024. One report concerned delaying a peace officer and was issued by correctional officer Fuentes; the other concerned manufacturing alcohol and was issued by an unidentified staff member. Plaintiff alleged that correctional lieutenants Francisco and Davis found him guilty of the respective violations and that the defendants violated California Code of Regulations title 15, section 3312(b), due process, and the Eighth Amendment by stacking the reports. He also sought an order preventing prison officials from transferring him, although he acknowledged that no transfer was imminent.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 action alleging that prison officials violated California regulations and his due process and Eighth Amendment rights by stacking two Rules Violation Reports. The court granted plaintiff's in forma pauperis application, found that the complaint failed to state a cognizable federal claim, dismissed the complaint with leave to amend within thirty days, and recommended that the motion for injunctive relief be denied. The findings and recommendations were submitted to a district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Nible v. Fink, 828 Fed. Appx. 463 (9th Cir. 2020)
- Neitzke v. Williams, 490 U.S. 319, 325, 327-38 (1989)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 554, 555-57, 562-63, 570 (2007)
- Conley v. Gibson, 355 U.S. 41 (1957)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Erickson v. Pardus, 551 U.S. 89 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978)
- Forsyth v. Humana, 114 F.3d 1467, 1474 (9th Cir. 1997)
- Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967)
- Haw. County Green Party v. Clinton, 980 F. Supp. 1160, 1164 (D. Haw. 1997)
- Stuhlbarg Int'l Sales Co. v. John D. Brush & Co., 240 F.3d 832, 839 n.7 (9th Cir. 2001)
- Granny Goose Foods, Inc. v. Brotherhood of Teamsters, 415 U.S. 423, 439 (1974)
- Stormans, Inc. v. Selecky, 586 F.3d 1109, 1127 (9th Cir. 2009)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ISIAIAH WASHINGTON, No. 2:25-cv-02204-EFB (PC) 12 Plaintiff, 13 v.
ORDER AND FINDINGS AND RECOMMENDATIONS 14 J. CAVAGNOLO, et al., 15
Defendants. 16 17 Plaintiff is a state prisoner proceeding without counsel in an action brought
pursuant to 42 18 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302
pursuant to 28 19 U.S.C. § 636(b)(1).

Plaintiff has also filed an application to proceed in forma pauperis and a 20 motion for preliminary
injunctive relief. ECF Nos. 2, 4. 21 I. Request to Proceed In Forma Pauperis 22 Plaintiff's

application makes the showing required by 28 U.S.C. § 1915(a)(1) and (2).²³ Accordingly, by separate order, the court directs the agency having custody of plaintiff to collect²⁴ and forward the appropriate monthly payments for the filing fee as set forth in 28 U.S.C. § 1915(b)(1) and (2).

II. Screening Requirement and Standards
Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a).

The court must identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint “is frivolous, malicious, or fails to state a claim upon which relief may be granted,” or “seeks monetary relief from a defendant who is immune from such relief.” Id. § 1915A(b).⁵ This standard is echoed in 28 U.S.C. § 1915(e)(2), which requires that courts dismiss a case in which a plaintiff proceeds in forma pauperis at any time if it determines, among other things, that the action “is frivolous or malicious,” “fails to state a claim on which relief may be granted,” or “seeks monetary relief against a defendant who is immune from such relief.” “[The] term ‘frivolous,’ when applied to a complaint, embraces not only the inarguable legal conclusion, but also the fanciful factual allegation.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (discussing the predecessor to modern § 1915(e)(2), former § 1915(d)).

Thus, § 1915(e)(2)¹² allows judges to dismiss a claim based on factual allegations that are clearly baseless, such as facts describing “fantastic or delusional scenarios.” Id. at 327-38.¹⁴ A pro se plaintiff, like other litigants, must satisfy the pleading requirements of Rule 8(a)¹⁵ of the Federal Rules of Civil Procedure. Rule 8(a)(2) “requires a complaint to include a short and plain statement of the claim showing that the pleader is entitled to relief, in order to give the defendant fair notice of what the claim is and the grounds upon which it rests.” *Bell Atl.*

Corp. v. Twombly, 550 U.S. 544, 554, 562-563 (2007) (citing *Conley v. Gibson*, 355 U.S. 41 (1957)).¹⁹ While the complaint must comply with the “short and plain statement” requirements of Rule 8,²⁰ its allegations must also include the specificity required by *Twombly* and *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009).²² To avoid dismissal for failure to state a claim a complaint must contain more than “naked assertions,” “labels and conclusions” or “a formulaic recitation of the elements of a cause of action.” *Twombly*, 550 U.S. at 555-557.

In other words, “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements do not suffice.” *Iqbal*, 556 U.S. at 678.²⁷ Furthermore, a claim upon which the court can grant relief must have facial plausibility. *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678.

When considering whether a complaint states a claim upon which relief can be granted, the court must accept the allegations as true, *Erickson v. Pardus*, 551 U.S. 89 (2007), and construe the complaint in the light most favorable to the plaintiff, see *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974). III. Screening Order A. Allegations of the Complaint. Plaintiff alleges that he was issued two Rules Violation Reports (“RVRs”) on 9 December 15, 2024.

ECF No. 1 at 18-20. Defendant Fuentes, a correctional officer at California State Prison, Solano (“CSP-Solano”), issued RVR Log No. 7535385 for delaying a peace officer and an unidentified staff member issued RVR Log No. 7534877 for manufacturing alcohol. Id. Defendant Francisco, a correctional lieutenant at CSP-Solano, found plaintiff guilty of the former RVR, and defendant Davis, also a correctional lieutenant at CSP-Solano, found plaintiff guilty of the latter RVR.

Id. Plaintiff does not provide any facts concerning the circumstances underlying the RVRs, but claims that, by “stacking” the RVRs defendants violated California Code of Regulations title 15, § 3312(b), and, in turn, violated his due process and Eighth Amendment rights. Id. Analysis Plaintiff’s complaint must be dismissed, because violations of title 15 of the California Code of Regulations do not create a private right of action.

Nible v. Fink, 828 Fed. Appx. 463 21 (9th Cir. 2020). The complaint includes no allegations, beyond the asserted violation of title 15, supporting his due process and Eighth Amendment claims. Leave to Amend. The court will grant plaintiff an opportunity to file an amended complaint to attempt to cure the defects identified in this order. Any amended complaint must comply with Federal Rule of Civil Procedure 8(a)’s direction to state each claim in a short and plain manner.

The amended complaint must contain facts – not legal conclusions – supporting each element of the claims alleged. 1 Any amended complaint must not join unrelated claims. Federal Rule of Civil Procedure 18(a) allows a plaintiff to assert multiple claims when they are against a single defendant. 3 Federal Rule of Civil Procedure 20(a)(2) allows a plaintiff to join multiple defendants to a lawsuit 4 where the right to relief arises out of the same “transaction, occurrence, or series of transactions 5 or occurrences” and “any question of law or fact common to all defendants will arise in the 6 action.” Unrelated claims against different defendants must therefore be pursued in separate 7 lawsuits.

See *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). This rule is intended “not only 8 to prevent the sort of morass [a multiple claim, multiple defendant] suit produce[s], but also to 9 ensure that prisoners pay the required filing fees— for the Prison Litigation Reform Act limits to 10 3 the number of frivolous suits or appeals that any prisoner may file without prepayment of the 11 required fees.

28 U.S.C. § 1915(g).” Id. 12 Any amended complaint must identify as a defendant only persons who personally 13 participated in a substantial way in depriving him of a federal constitutional right. Johnson v. 14 Duffy, 588 F.2d 740, 743 (9th Cir. 1978) (a person subjects another to the deprivation of a 15 constitutional right if he does an act, participates in another’s act or omits to perform an act he is 16 legally required to do that causes the alleged deprivation).

17 It must also contain a caption including the names of all defendants. Fed. R. Civ. P. 10(a). 18 Plaintiff may not change the nature of this suit by alleging new, unrelated claims in the 19 amended complaint. George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007). 20 Any amended complaint must be written or typed so that it so that it is complete in itself 21 without reference to any earlier filed complaint.

E.D. Cal. L.R. 220. This is because an amended 22 complaint supersedes any earlier filed complaint, and once an amended complaint is filed, the 23 earlier filed complaint no longer serves any function in the case. See Forsyth v. Humana, 114 24 F.3d 1467, 1474 (9th Cir. 1997) (the “amended complaint supersedes the original, the latter 25 being treated thereafter as non-existent.”) (quoting Loux v. Rhay, 375 F.2d 55, 57 (9th Cir.

26 1967)). 27 The court cautions plaintiff that failure to comply with the Federal Rules of Civil 28 Procedure, this court’s Local Rules, or any court order may result in this action being dismissed. 1 See Local Rule 110. 2 IV. Motion for Injunctive Relief 3 Plaintiff has filed a motion seeking an order prohibiting prison officials from transferring 4 him from his current housing.

ECF No. 4. Plaintiff notes that no transfer is currently imminent, 5 but that other prisoners have been transferred after filing civil actions. Id. 6 Such an order may be issued upon a showing “that immediate and irreparable injury, loss, 7 or damage will result to the movant before the adverse party can be heard in opposition.” Fed. R. 8 Civ. P. 65(b)(1)(A); Haw.

County Green Party v. Clinton, 980 F. Supp. 1160, 1164 (D. Haw. 9 1997) (“The standards for granting a temporary restraining order and a preliminary injunction are 10 identical.”); cf. Stuhlberg Int’l Sales Co. v. John D. Brush & Co., 240 F.3d 832, 839 n.7 (9th Cir. 11 2001) (observing that an analysis of a preliminary injunction is “substantially identical” to an 12 analysis of a temporary restraining order).

The purpose of the order is to preserve the status quo 13 and to prevent irreparable harm “just so long as is necessary to hold a hearing, and no longer.” 14 Granny Goose Foods, Inc. v. Brotherhood of Teamsters, 415 U.S. 423, 439 (1974). 15 To be entitled to preliminary injunctive relief, a party must demonstrate “that he is likely 16 to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary 17 relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” 18 Stormans, Inc. v. Selecky, 586 F.3d 1109, 1127 (9th Cir.

2009) (citing *Winter v. Natural Res. Def. 19 Council, Inc.*, 555 U.S. 7 (2008)). 20 Here, plaintiff has not yet stated a cognizable federal claim for relief, thus he has not 21 shown he is likely to succeed on the merits. Nor has he shown a likelihood of irreparable harm, 22 as he concedes that no transfer is imminent and merely speculates that a transfer would disrupt his 23 litigation efforts.

Plaintiff has additionally made no showings regarding the balance of equities or 24 the public interest. 25 V. Summary of Order 26 Accordingly, it is ORDERED that: 27 1. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is granted. 28 2. Plaintiff shall pay the statutory filing fee of \$350. All payments shall be collected] in accordance with the notice to the California Department of Corrections and 2 Rehabilitation filed concurrently herewith.

3 3. The complaint is dismissed with leave to file an amended complaint within 30 4 days of service of this order. The amended complaint must bear the docket 5 number assigned to this case and be titled "Amended Complaint." Failure to 6 comply with this order may result in a recommendation that this action be 7 dismissed for failure to state a claim and/or failure to prosecute.

8 4. The Clerk of Court randomly assign a district judge to this action. 9 It is further RECOMMENDED that plaintiff's motion for injunctive relief (ECF No. 4) be 10 | DENIED. 11 These findings and recommendations are submitted to the United States District Judge 12 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 13 || after being served with these findings and recommendations, any party may file written 14 || objections with the court and serve a copy on all parties.

Such a document should be captioned 15 || "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections 16 || within the specified time may waive the right to appeal the District Court's order. *Turner v. 17 || Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991). 19 | Dated: November 10, 2025 Zn tT tiga, - LHAC_ "*4 EDMUND F. BRENNAN 20 UNITED STATES MAGISTRATE JUDGE 21 22 23 24 25 26 27 28