

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lawrence v. Newsom

Lawrence · No. 2:22-CV-1975-WBS-DMC-P · Decided March 5, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends granting Defendant Gavin Newsom’s unopposed motion to dismiss the first amended complaint in Lawrence v. Newsom. The court concludes that the complaint fails to establish Newsom’s liability under 42 U.S.C. § 1983 or state-law claims for negligent and intentional infliction of emotional distress, and recommends dismissal with prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 5, 2025
DOCKET	2:22-CV-1975-WBS-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on Defendant's unopposed Rule 12(b)(6) motion to dismiss the first amended complaint.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts material factual allegations as true, construes alleged facts in the plaintiff's favor, resolves ambiguities in the plaintiff's favor, and disregards legal conclusions unsupported by factual allegations. A complaint must contain sufficient factual matter to state a facially plausible claim for relief.
PRECEDENTIAL VALUE	Unknown; findings and recommendations of a magistrate judge are not a final merits disposition unless adopted by the District Judge.
PARTIES	Rishardo Lawrence v. Gavin Newsom

TOPICS

- motions to dismiss
- section 1983
- prisoners rights
- civil rights
- due process

PRACTICE AREAS

civil procedure

civil rights

constitutional law

prisoner civil rights

torts

QUESTIONS PRESENTED

1. Whether the amended complaint stated an official-capacity claim under 42 U.S.C. § 1983 for damages or prospective injunctive relief against Governor Newsom.
2. Whether the amended complaint sufficiently alleged supervisory liability against Newsom in his individual capacity under § 1983.
3. Whether the amended complaint stated claims for negligent infliction of emotional distress and intentional infliction of emotional distress under California law.
4. Whether further leave to amend was warranted after Plaintiff failed to cure defects previously identified by the court.

HOLDINGS

1. An official-capacity claim for damages against Newsom is barred by Eleventh Amendment immunity.
2. Although prospective injunctive relief may proceed under the exception to Eleventh Amendment immunity, the claim fails because Newsom lacks authority to order a medical parole hearing.
3. The amended complaint fails to state an individual-capacity § 1983 claim against Newsom because it does not allege that he personally participated in, directed, knew of, or caused the alleged constitutional violation.
4. The amended complaint fails to state a California negligent-infliction-of-emotional-distress claim because it does not adequately allege a duty, breach, causation, or damages.
5. The amended complaint fails to state a California intentional-infliction-of-emotional-distress claim because it alleges only conclusory elements and does not plead extreme or outrageous conduct, the required intent or recklessness, causation, or severe emotional distress.
6. Further leave to amend is unwarranted because Plaintiff had already been advised of the pleading deficiencies and failed to cure them in the amended complaint.

KEY QUOTATIONS

“In deciding a Rule 12(b)(6) motion, the Court generally may not consider materials outside the complaint and pleadings.” (at 2)

“Supervisory officials, such as Defendant Newsom, who is the Governor of California, are generally not liable under § 1983 for the actions of subordinates.” (at 5)

“A plaintiff must plead that each Government-official defendant, through the official’s own individual actions, has violated the constitution.” (at 6)

“Based on the foregoing, the undersigned recommends that Defendant’s unopposed motion to dismiss, ECF No. 39, be GRANTED and that this action be DISMISSED with prejudice.” (at 9)

FACTUAL BACKGROUND

Plaintiff, a state prisoner confined to a wheelchair and suffering serious medical conditions, alleged that prison warden Jennifer Benavidez failed to respond to his request for a medical parole review. Although Gavin Newsom was the sole defendant in the amended complaint's caption, the body primarily referred to Benavidez and did not allege specific conduct by Newsom. Plaintiff asserted due-process and state-law emotional-distress theories and sought damages and an order requiring a medical parole hearing.

PROCEDURAL HISTORY

Plaintiff filed the action in the Northern District of California, naming Gavin Newsom and Jennifer Benavidez, and the action was transferred to the Eastern District of California. The court previously recommended dismissal of the equal protection claim and Benavidez with prejudice, while dismissing the state-law and due-process claims with leave to amend; the District Judge adopted those recommendations. After Plaintiff filed a first amended complaint, Newsom moved unopposed to dismiss, and the magistrate judge recommended granting the motion and dismissing the action with prejudice.

DISPOSITION

other

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 93-94 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Hospital Building Co. v. Rex Hospital Trustees, 425 U.S. 738, 740 (1976)
- Barnett v. Centoni, 31 F.3d 813, 816 (9th Cir. 1994) (per curiam)
- Jenkins v. McKeithen, 395 U.S. 411, 421 (1969)
- Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949-50 (2009)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-56, 570 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Cooper v. Pickett, 137 F.3d 616, 622 (9th Cir. 1998)
- Branch v. Tunnell, 14 F.3d 449, 453-54 (9th Cir. 1994)
- Lee v. City of Los Angeles, 250 F.3d 668, 688 (9th Cir. 2001)
- Barron v. Reich, 13 F.3d 1370, 1377 (9th Cir. 1994)
- Lucas v. Department of Corrections, 66 F.3d 245, 248 (9th Cir. 1995) (per curiam)
- Lopez v. Smith, 203 F.3d 1122, 1126 (9th Cir. 2000) (en banc)
- Eaglesmith v. Ward, 73 F.3d 857, 859 (9th Cir. 1996)
- Pena v. Gardner, 976 F.2d 469, 472 (9th Cir. 1992) (per curiam)
- Armstrong v. Wilson, 124 F.3d 1019, 1025 (9th Cir. 1997)
- Roberts v. California Department of Corrections, 2007 WL 951289, at *2 (N.D. Cal. Mar. 27, 2007)

- Kentucky v. Graham, 472 U.S. 159, 167 n.14 (1985)
- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- Redman v. County of San Diego, 942 F.2d 1435, 1446 (9th Cir. 1991) (en banc)
- Starr v. Baca, 633 F.3d 1191, 1209 (9th Cir. 2011)
- Fayle v. Stapley, 607 F.2d 858, 862 (9th Cir. 1979)
- Mosher v. Saalfeld, 589 F.2d 438, 441 (9th Cir. 1978)
- Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Ashcroft v. Iqbal, 556 U.S. 662, 676 (2009)
- Burgess v. Superior Court, 2 Cal. 4th 1064, 1072 (1992)
- Hughes v. Pair, 46 Cal. 4th 1035, 1051 (2009)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)