

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

David Bennett v. Atascadero State Hospital

Bennett v. Atascadero State Hospital · No. 2:25-cv-3738 AC P · Decided December 31, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 DAVID BENNETT, No. 2:25-cv-3738 AC P 12 Plaintiff, 13 v. ORDER
AND FINDINGS AND RECOMMENDATIONS 14 ATASCADERO STATE HOSPITAL, 15
Defendant. 16 17 Plaintiff, a county prisoner proceeding pro se, has filed a complaint for
declaratory relief 18 under the Freedom of Information Act, 5 U.S.C. § 552.

Plaintiff has not yet submitted an 19 application to proceed in forma pauperis in this case or paid
the required filing fee of \$350.00 20 plus the \$55.00 administrative fee. However, as explained
below, plaintiff will not be given the 21 opportunity to submit an application to proceed in forma
pauperis because this action will be 22 summarily dismissed for failure to state a claim.

23 I. Statutory Screening of Prisoner Complaints 24 The court is required to screen complaints
brought by prisoners seeking relief against “a 25 governmental entity or officer or employee of a
governmental entity.” 28 U.S.C. § 1915A(a). A 26 claim “is [legally] frivolous where it lacks an
arguable basis either in law or in fact.” Neitzke v. 27 Williams, 490 U.S. 319, 325 (1989).

The court may dismiss a claim as frivolous if it is based on 28 an indisputably meritless legal
theory or factual contentions that are baseless. *Id.* at 327. The 1 critical inquiry is whether a
constitutional claim, however inartfully pleaded, has an arguable 2 legal and factual basis. *Jackson*
v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989), superseded by 3 statute on other grounds as stated
in *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir.

2000). 4 In order to avoid dismissal for failure to state a claim a complaint must contain more than
5 “naked assertion[s],” “labels and conclusions,” or “a formulaic recitation of the elements of a 6
cause of action.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 557 (2007).

In other words, 7 “[t]hreadbare recitals of the elements of a cause of action, supported by mere
conclusory 8 statements, do not suffice.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A claim
upon which the 9 court can grant relief has facial plausibility. *Twombly*, 550 U.S. at 570. “A claim
has facial 10 plausibility when the plaintiff pleads factual content that allows the court to draw the
reasonable 11 inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at
678 (citation 12 omitted).

When considering whether a complaint states a claim, the court must accept the 13 allegations as true, *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam), and construe the 14 complaint in the light most favorable to the plaintiff, *Jenkins v. McKeithen*, 395 U.S. 411, 421 15 (1969) (citations omitted). 16 II. Complaint 17 The complaint seeks declaratory relief under the Freedom of Information Act against 18 Atascadero State Hospital.

ECF No. 1. However, “FOIA applies only to agencies of the 19 executive branch of the United States government.” *Moore v. United Kingdom*, 384 F.3d 1079, 20 1089 (9th Cir. 2004) (citing 5 U.S.C. §§ 551(1), 552(f)); see also *St. Michael’s Convalescent 21 Hosp. v. California*, 643 F.2d 1369, 1373 (9th Cir. 1981) (“Under [the FOIA’s] definitions, 22 ‘agency’ does not encompass state agencies or bodies”).

Atascadero State Hospital is a state 23 entity and therefore not subject to the FOIA. The allegations therefore lack any basis in law and 24 fail to state a claim for relief. 25 III. No Leave to Amend 26 Leave to amend should be granted if it appears possible that the defects in the complaint 27 could be corrected, especially if a plaintiff is pro se. *Lopez v. Smith*, 203 F.3d 1122, 1130-31 28 (9th Cir.

2000) (en banc). However, if, after careful consideration, it is clear that a complaint 1 | cannot be cured by amendment, the court may dismiss without leave to amend. *Cato v. United 2 || States*, 70 F.3d 1103, 1105-06 (9th Cir. 1995). 3 The undersigned finds that, as set forth above, both the complaint fails to state a claim 4 || upon which relief may be granted.

Given the nature of the claim, leave to amend would be futile 5 || and the complaint should be dismissed without leave to amend. 6 IV. Plain Language Summary of this Order for a Pro Se Litigant 7 It is being recommended that your complaint be dismissed without leave to amend 8 | because your allegations do not state any claims for relief and it does not appear the problems can 9 || be fixed.

10 In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court 11 | shall randomly assign a United States District Judge to this action. 12 IT IS FURTHER RECOMMENDED that the complaint be dismissed without leave to 13 || amend for failure to state a claim. 14 These findings and recommendations are submitted to the United States District Judge 15 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).

Within fourteen days 16 | after being served with these findings and recommendations, plaintiff may file written objections 17 || with the court. Such a document should be captioned “Objections to Magistrate Judges Findings 18 || and Recommendations.” Plaintiff is advised that failure to file objections within the specified 19 || time may waive the right to appeal the District Court’s order.

Martinez v. Ylst, 951 F.2d 1153 20 | (9th Cir. 1991). 21 | DATED: December 31, 2025 ~ Cttd0 Lhar—e_ 22 ALLISONCLAIRE. 23 UNITED STATES MAGISTRATE JUDGE 24 25 26 27 28

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