

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Andre Michael Leteve v. Ryan Thornell, et al.

Leteve v. Thornell · No. CV-25-00622-TUC-JGZ · Decided April 14, 2026

SUMMARY

The United States District Court for the District of Arizona grants Andre Michael Leteve leave to file a First Amended Complaint and conducts statutory screening under 28 U.S.C. § 1915A. The court dismisses certain individual-capacity claims, permits an official-capacity policy-or-custom claim against Sergeant Tuccino to proceed, and directs specified defendants to answer surviving claims. The order also addresses service of process and related procedural requirements.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the District of Arizona                                                                                                                                                                                                                                                                                                                                                           |
| JURISDICTION       | United States District Court for the District of Arizona                                                                                                                                                                                                                                                                                                                                                           |
| DECIDED            | April 14, 2026                                                                                                                                                                                                                                                                                                                                                                                                     |
| DOCKET             | CV-25-00622-TUC-JGZ                                                                                                                                                                                                                                                                                                                                                                                                |
| DISPOSITION        | other                                                                                                                                                                                                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE | The court considered Plaintiff's motion for leave to file a first amended complaint and conducted statutory screening of the amended prisoner complaint under 28 U.S.C. § 1915A.                                                                                                                                                                                                                                   |
| STANDARD OF REVIEW | Under 28 U.S.C. § 1915A, the court must dismiss a prisoner complaint or portion thereof that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Under Rule 8 and the plausibility standard, the complaint must contain sufficient factual matter to state a claim that is plausible on its face, while self-represented prisoner filings are construed liberally. |
| PRECEDENTIAL VALUE | Nonprecedential district court order; precedential status is unknown in the provided metadata.                                                                                                                                                                                                                                                                                                                     |
| PARTIES            | Andre Michael Leteve v. Ryan Thornell, Jorge Martinez, Danny Mendoza, Mario Tuccino, Arizona Department of Corrections, Rehabilitation & Reentry                                                                                                                                                                                                                                                                   |

TOPICS

- prisoners rights
- section 1983
- motion to amend
- pleadings
- due process

## PRACTICE AREAS

Civil rights

Prisoner litigation

Federal civil procedure

Constitutional law

## QUESTIONS PRESENTED

1. Whether Plaintiff should be granted leave to file the first amended complaint.
2. Whether Count One stated individual-capacity Fourth Amendment, due process, access-to-the-courts, or First Amendment claims concerning the seizure or non-delivery of a prisoner's legal-materials update.
3. Whether Plaintiff stated an individual-capacity § 1983 claim against supervisory defendant Ryan Thornell.
4. Whether Plaintiff stated an official-capacity policy-or-custom claim against Mario Tuccino sufficient to require an answer.
5. Whether the court's prior screening conclusions remained applicable to unchanged Counts Two and Three of the amended complaint.

## HOLDINGS

1. Leave to file the first amended complaint was granted because Plaintiff was entitled to amend as a matter of course or, alternatively, because the court's prior order contemplated amendment.
2. Plaintiff failed to state Fourth Amendment or procedural due process claims based on the seizure, destruction, or loss of the legal-materials update; those individual-capacity claims were dismissed with prejudice.
3. Plaintiff failed to state an access-to-the-courts claim because he did not allege an actual injury or the loss of a nonfrivolous or arguable underlying legal claim.
4. Plaintiff failed to state an individual-capacity First Amendment claim based on the alleged mishandling of the legal-materials update; the claim was dismissed without prejudice.
5. Plaintiff failed to state an individual-capacity § 1983 claim against Thornell because the claim was based solely on respondeat superior.
6. Liberally construed, the amended complaint stated an official-capacity policy-or-custom claim against Tuccino concerning an alleged ASPC-Tucson custom of not following ADCRR prison-mail policy, so Tuccino was required to answer Count One in his official capacity only.

## KEY QUOTATIONS

*“A pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief.”” (at 2)*

*“The “Due Process Clause is simply not implicated by a negligent act of an official causing unintended loss of or injury to life, liberty, or property.”” (at 8)*

*“Plaintiff does not allege he suffered an actual injury or he was prevented from asserting a nonfrivolous or arguable claim.” (at 9)*

## FACTUAL BACKGROUND

Plaintiff, a death-sentenced prisoner pursuing post-conviction proceedings, alleged that a 2025 update to a two-volume legal resource was received and signed for by prison employee Mario Tuccino but was not delivered to him. He alleged that the update was treated as contraband, destroyed or returned without adequate notice or an opportunity to appeal, and that the conduct interfered with his access to legal materials and the courts. He also alleged that the Tucson prison complex followed a custom of disregarding ADCRR policies concerning inmate mail and that supervisory defendant Ryan Thornell was responsible by extension.

## PROCEDURAL HISTORY

Plaintiff filed an original complaint asserting three counts against ADCRR and several officials. In a prior screening order, the court permitted Counts Two and Three to proceed against Martinez and Thornell in their official capacities, dismissed the remaining claims and Mendoza and Tuccino without prejudice, and contemplated amendment. Plaintiff then filed a first amended complaint adding allegations to Count One; the court granted leave to amend, dismissed portions of Count One, and ordered Tuccino, Martinez, and Thornell to respond to specified official-capacity claims.

## DISPOSITION

other

## CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678-81 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam)
- Ramirez v. County of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015)
- Antonetti v. McDaniels, No. 16-CV-00396, 2018 WL 11362954, at \*2 n.3 (D. Nev. May 25, 2018)
- Kentucky v. Graham, 473 U.S. 159, 165-66 (1985)
- Barren v. Harrington, 152 F.3d 1193, 1194 (9th Cir. 1998)
- Rizzo v. Goode, 423 U.S. 362, 371-72, 377 (1976)
- Monell v. Department of Social Services, 436 U.S. 658, 690 n.55 (1978)
- Hamilton v. Endell, 981 F.2d 1062, 1067 (9th Cir. 1992)
- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- Hudson v. Palmer, 468 U.S. 517, 528 n.8, 533-35 (1984)
- Taylor v. Knapp, 871 F.2d 803, 806 (9th Cir. 1989)
- Daniels v. Williams, 474 U.S. 327, 328 (1986)
- Dennison v. Ryan, 522 F. App'x 414, 417-18 (9th Cir. 2013)
- Aldrete v. Arizona Department of Corrections, 2011 WL 30959, at \*7 (D. Ariz. Jan. 3, 2011)
- Wright v. Riveland, 219 F.3d 905, 918 (9th Cir. 2000)

- Lewis v. Casey, 518 U.S. 343, 348, 353 n.3 (1996)
- Davis v. Goord, 320 F.3d 346, 352 (2d Cir. 2003)
- Silva v. DiVittorio, 658 F.3d 1090, 1104 (9th Cir. 2011)
- Phillips v. Hust, 477 F.3d 1070, 1076 (9th Cir. 2007), vacated on other grounds, 555 U.S. 1150 (2009)
- Witherow v. Paff, 52 F.3d 264, 265 (9th Cir. 1995)
- Smith v. Maschner, 899 F.2d 940, 944 (10th Cir. 1990)
- Will v. Michigan Department of State Police, 491 U.S. 58, 71 (1989)
- Hafer v. Melo, 502 U.S. 21, 27 (1991)
- Gilbreath v. Cutter Biological, Inc., 931 F.2d 1320, 1327 (9th Cir. 1991)
- Coalition to Defend Affirmative Action v. Brown, 674 F.3d 1128, 1134 (9th Cir. 2012)
- P.R. Aqueduct & Sewer Authority v. Metcalf & Eddy, Inc., 506 U.S. 139, 146 (1993)
- Hindes v. FDIC, 137 F.3d 148, 166 (3d Cir. 1998)
- Los Angeles County v. Humphries, 562 U.S. 29, 39 (2010)
- Sadoski v. Mosley, 435 F.3d 1076, 1080 (9th Cir. 2006)

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