

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Thomas H. Goss v. County of Fresno

Goss v. County of Fresno · No. 1:24-cv-00698-KES-BAM (PC) · Decided September 16, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered Fresno County to file a response to Thomas H. Goss's civil rights complaint within 21 days. The action proceeds under 42 U.S.C. § 1983 based on an alleged Fourteenth Amendment violation after the court denied the County's motion to dismiss.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 16, 2025
DOCKET	1:24-cv-00698-KES-BAM (PC)
DISPOSITION	other
PROCEDURAL POSTURE	After the district judge adopted findings and recommendations and denied the County of Fresno's motion to dismiss, the magistrate judge ordered the defendant to respond to the complaint within twenty-one days after service of the order.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order

TOPICS

- [motions to dismiss](#) [section 1983](#) [civil procedure](#) [fourteenth amendment](#)

PRACTICE AREAS

- [civil procedure](#) [civil rights](#)

QUESTIONS PRESENTED

1. Whether the County of Fresno was required to file a response to the complaint after its motion to dismiss was denied.

2. Whether individuals detained under California Welfare and Institutions Code § 6600 et seq. are prisoners within the meaning of the Prison Litigation Reform Act.

HOLDINGS

1. Because the County of Fresno's motion to dismiss was denied, the action proceeds on the complaint against the County for the alleged Fourteenth Amendment violation, and the County must file a response within twenty-one days from service of the order.
2. Individuals detained pursuant to California Welfare and Institutions Code § 6600 et seq. are civil detainees and are not prisoners within the meaning of the Prison Litigation Reform Act.

KEY QUOTATIONS

“Individuals detained pursuant to California Welfare and Institutions Code § 6600 et seq. are civil detainees and are not prisoners within the meaning of the Prison Litigation Reform Act.” (at 1)

“Accordingly, Defendant is HEREBY ORDERED to file a response to the complaint within twenty-one (21) days from the date of service of this order.” (at 1)

FACTUAL BACKGROUND

Thomas H. Goss is a civil detainee proceeding pro se and in forma pauperis. He brought a civil-rights action against the County of Fresno under 42 U.S.C. § 1983, alleging a violation of the Fourteenth Amendment. The County's motion to dismiss was denied, so the action proceeded on the complaint.

PROCEDURAL HISTORY

Plaintiff filed a pro se, in forma pauperis civil-rights action under 42 U.S.C. § 1983. The district judge adopted findings and recommendations and denied the County of Fresno's motion to dismiss, leaving a Fourteenth Amendment claim pending; this order directed the County to file a response to the complaint.

DISPOSITION

other

CASES CITED

- Page v. Torrey, 201 F.3d 1136, 1140 (9th Cir. 2000)

OPINION

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 EASTERN DISTRICT OF CALIFORNIA 7 8
THOMAS H. GOSS, Case No. 1:24-cv-00698-KES-BAM (PC) 9 Plaintiff, ORDER FOR
DEFENDANT TO FILE RESPONSE TO THE COMPLAINT WITHIN 10 v. TWENTY-ONE
(21) DAYS 11 COUNTY OF FRESNO, 12 Defendants. 13 14 Plaintiff Thoms H. Goss is a civil
detainee proceeding pro se and in forma pauperis in this 15 civil rights action pursuant to 42
U.S.C. § 1983.

Individuals detained pursuant to California 16 Welfare and Institutions Code § 6600 et seq. are civil detainees and are not prisoners within the 17 meaning of the Prison Litigation Reform Act. Page v. Torrey, 201 F.3d 1136, 1140 (9th Cir. 18 2000). 19 Following the District Judge's order adopting the findings and recommendations and 20 denying Defendant County of Fresno's ("Defendant") motion to dismiss, this action proceeds on 21 Plaintiff's complaint against Defendant for violation of the Fourteenth Amendment.

(ECF No. 7.) 22 Accordingly, Defendant is HEREBY ORDERED to file a response to the complaint 23 within twenty-one (21) days from the date of service of this order. 24 IT IS SO ORDERED. 25 26 Dated: September 16, 2025 /s/ Barbara A. McAuliffe _ UNITED STATES MAGISTRATE JUDGE 27 28