

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Cornel Jackson v. Pouge, et al.

Jackson v. Pouge · No. No. 1:24-cv-01027-KES-BAM (PC) · Decided September 15, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in part and dismissed Cornel Jackson’s First Amended Complaint for failure to state a cognizable claim under 42 U.S.C. § 1983. The court granted Jackson one final opportunity to file a Second Amended Complaint within 30 days and referred the matter back to the magistrate judge.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 15, 2025
DOCKET	No. 1:24-cv-01027-KES-BAM (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's findings and recommendations that his first amended complaint be dismissed for failure to state a cognizable claim under 42 U.S.C. § 1983. The district court conducted de novo review, adopted the findings and recommendations in part, dismissed the first amended complaint, and granted leave to file a second amended complaint.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge's findings and recommendations to which objections were made.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order
PARTIES	Cornel Jackson v. Pouge, et al.

TOPICS

- pleadings
- section 1983
- prisoners rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation to dismiss the first amended complaint for failure to state a cognizable claim was supported by the record and proper legal analysis.
2. Whether Jackson could rely on factual allegations from his original complaint that were omitted from his first amended complaint.
3. Whether Jackson should be granted leave to file a second amended complaint.

HOLDINGS

1. The first amended complaint was properly dismissed for failure to state a cognizable claim upon which relief may be granted.
2. Jackson could not rely on factual allegations omitted from the first amended complaint because an amended complaint supersedes the original pleading and must be complete in itself without reference to the prior or superseded pleading.
3. Jackson was permitted one final opportunity to amend by filing a second amended complaint within 30 days of the order.

KEY QUOTATIONS

“that an amended complaint supersedes the original complaint” (at 1)

“complete in itself without reference to the prior or superseded pleading.” (at 1)

FACTUAL BACKGROUND

Cornel Jackson is a pretrial detainee proceeding pro se and in forma pauperis in a civil rights action under 42 U.S.C. § 1983. The magistrate judge screened Jackson's first amended complaint and concluded that it failed to state a cognizable claim. Jackson objected, arguing primarily that the allegations in his original complaint contained additional factual detail, but those allegations were not included in the first amended complaint.

PROCEDURAL HISTORY

Jackson, a pretrial detainee proceeding pro se and in forma pauperis, filed a civil rights action under 42 U.S.C. § 1983. The assigned magistrate judge screened his first amended complaint and recommended dismissal for failure to state a cognizable claim. After Jackson filed timely objections, the district court conducted de novo review, found the recommendation supported by the record and proper analysis, dismissed the first amended complaint, and allowed one final amendment.

DISPOSITION

other

REMAND INSTRUCTIONS

Jackson may file a second amended complaint within 30 days of the order. If he fails to file it timely, the action may be dismissed without further notice. The matter is referred back to the assigned magistrate judge.

CASES CITED

- Lacey v. Maricopa Cty., 693 F.3d 896, 927 (9th Cir. 2012)

OPINION

(PC)Jackson

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 CORNEL JACKSON, No. 1:24-cv-01027-KES-BAM (PC)

12 Plaintiff, ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS IN PART

13 v. (Doc. 11) 14 POUGE, et al. 15 Defendants. 16 17 Plaintiff Cornel Jackson is a pretrial
detainee proceeding pro se and in forma pauperis in 18 this civil rights action pursuant to 42
U.S.C. § 1983. This matter was referred to a United States 19 magistrate judge pursuant to 28
U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On May 12, 2025, the assigned magistrate judge
screened the first amended complaint and 21 issued findings and recommendations that this action
be dismissed for failure to state a cognizable 22 claim upon which relief may be granted. Doc. 11.
Those findings and recommendations were 23 served on plaintiff and contained notice that any
objections thereto were to be filed withing 14 24 days after service. Id. at 9. Plaintiff's timely
objections, dated May 25, 2025, were filed on

25 June 9, 2025. Doc. 12.

26 In the objections, plaintiff primarily asserts his disagreement with the findings and 27
recommendations based on the allegations in the first amended complaint. Plaintiff's mere 28
disagreement does not provide a basis for rejecting the findings and recommendations. To the 1
extent plaintiff argues that his original complaint contained more factual detail on which a 2
cognizable claim should have been found, plaintiff was advised in the magistrate judge's

3 March 19, 2025 screening order "that an amended complaint supersedes the original complaint,"
4 Lacey v. Maricopa Cty., 693 F.3d 896, 927 (9th Cir. 2012), and the amended complaint must be
5 "complete in itself without reference to the prior or superseded pleading." Doc. 8 at 15. 6
Plaintiff's failure to include certain factual allegations from his initial complaint in his first 7
amended complaint provides no grounds to undermine the findings and recommendations. 8
However, in light of plaintiff's arguments, the Court will permit plaintiff one final opportunity to 9

amend his complaint. Plaintiff is notified that an amended complaint complaint supersedes 10 the prior complaint and his further amended complaint must state all his allegations and be 11 complete in itself, without reference to the prior pleading. 12 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de 13 novo review of this case. Having carefully reviewed the file, including plaintiff's objections, the 14 Court finds the findings and recommendations to be supported by the record and by proper 15 analysis. 16 Accordingly: 17 1. The findings and recommendations issued on May 12, 2025, Doc. 11, are adopted 18 in part; 19 2. Plaintiff's First Amended Complaint is dismissed for failure to state a cognizable 20 claim upon which relief may be granted; 21 3. Plaintiff may file a Second Amended Complaint within 30 days of the date of this 22 Order; 23 4. If plaintiff fails to timely file a Second Amended Complaint, this action may 24 be dismissed without further notice; and 25 /// 26 /// 27 /// 28 /// 1 5. This matter is referred back to the assigned magistrate judge. 2 3

4 | ISSO ORDERED. _

5 Dated: _ September 14, 2025 4h

‘ UNITED STATES DISTRICT JUDGE

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