UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Steven W. LaBelle v. Edward Borla, et al.

LaBelle · No. 25-cv-09808-TLT · Decided December 9, 2025

SUMMARY

The United States District Court for the Northern District of California screened Steven W. LaBelle's pro se prisoner civil rights complaint under 28 U.S.C. § 1915A. The court found that the complaint plausibly alleged an Eighth Amendment claim based on allegedly inadequate living space in a double cell and ordered service on the named defendants. The order also establishes deadlines for service, responsive pleadings, dispositive motions, discovery, and other case-management requirements.

CASE DETAILS

COURT	United States District Court for the Northern District of California
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 9, 2025
DOCKET	25-cv-09808-TLT
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se prisoner civil-rights complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must screen a prisoner complaint seeking redress from a governmental entity or officer and dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pro se pleadings are liberally construed, and dismissal is appropriate only when the claims lack an arguable basis in law or fact.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value.
PARTIES	Steven W. LaBelle v. Edward Borla, Jefferey Macomber, Connie Gipson

TOPICS

prisoners rights · section 1983 · cruel and unusual punishment · pleadings · civil procedure

PRACTICE AREAS

prisoner civil rights · constitutional law · civil procedure

QUESTIONS PRESENTED

1. Whether the prisoner's complaint stated a cognizable claim under the Eighth Amendment based on allegedly inadequate living space.
2. Whether the complaint should be screened and served under 28 U.S.C. § 1915A.
3. What procedural requirements and deadlines should govern service, responsive pleadings, dispositive motions, and discovery.

HOLDINGS

1. Liberally construed, the allegations that LaBelle was housed in a double cell with approximately 19 square feet of unencumbered space stated an Eighth Amendment claim for inadequate living space against the named defendants.
2. The complaint survived preliminary screening under 28 U.S.C. § 1915A, and service was ordered on Edward Borla, Jefferey Macomber, and Connie Gipson.
3. In the Ninth Circuit, a defendant may raise failure to exhaust under Rule 12(b)(6) when the failure to exhaust is clear on the face of the complaint; otherwise, the issue must be supported by evidence in a Rule 56 summary-judgment motion.

KEY QUOTATIONS

> *"A federal court must conduct a preliminary screening in any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity."* (at 2)

> *"Liberally construed, plaintiff has stated an Eighth Amendment claim against defendants for inadequate living space."* (at 3)

FACTUAL BACKGROUND

LaBelle is incarcerated at the Correctional Training Facility and alleged that he was housed in an unconstitutionally small double cell with another prisoner. He alleged that the cell contained only approximately 19 square feet of unencumbered space and that prisoners had been double-celled in certain North Yard buildings since 2011 even though those rooms were not constructed as double cells. He sought damages under 42 U.S.C. § 1983 from the CTF warden, the California Department of Corrections and Rehabilitation secretary, and the former director of adult institutions.

PROCEDURAL HISTORY

LaBelle, a prisoner at Correctional Training Facility, filed a complaint under 42 U.S.C. § 1983 against correctional officials. The district court screened the complaint under 28 U.S.C. § 1915A and concluded that the allegations stated a cognizable Eighth Amendment claim against the named defendants. The court ordered service of the complaint and established the schedule for service, responsive pleadings, dispositive motions, and discovery.

DISPOSITION

other

CASES CITED

- United States v. Qazi, 975 F.3d 989, 993 (9th Cir. 2020)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Leadsinger, Inc. v. BMG Music Pub., 512 F.3d 522, 532 (9th Cir. 2008)
- Rhodes v. Chapman, 452 U.S. 337, 346-47 (1981)
- Woods v. Carey, 684 F.3d 934, 935 (9th Cir. 2012)
- Albino v. Baca, 747 F.3d 1162, 1166, 1168 (9th Cir. 2014) (en banc)
- Wyatt v. Terhune, 315 F.3d 1108, 1119 (9th Cir. 2003)
- Rand, 154 F.3d at 962-63

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7 STEVEN W. LABELLE, Case No. 25-cv-09808-TLT 8 Plaintiff, ORDER OF SERVICE v. 9 10 EDWARD BORLA, et al., Defendants. 11 12 13 Plaintiff, a prisoner at Correctional Training Facility (CTF), filed a pro se civil rights 14 complaint under 42 U.S.C. § 1983.

The complaint is before the Court for screening pursuant to 28 15 U.S.C. § 1915A. For the reasons stated below, the complaint is ordered served on defendants 16 Borla and Macomber.1 17 DISCUSSION 18 A. Standard of Review 19 A federal court must conduct a preliminary screening in any case in which a prisoner seeks 20 redress from a governmental entity or officer or employee of a governmental entity.

See 28 U.S.C. 21 § 1915A(a). In its review, the court must identify any cognizable claims and dismiss any claims 22 that are frivolous, malicious, fail to state a claim upon which relief may be granted or seek 23 monetary relief from a defendant who is immune from such relief. See 28 U.S.C. § 1915A(b)(1), 24 (2). Pro se pleadings must, however, be liberally construed.

See United States v. Qazi, 975 F.3d 25 989, 993 (9th Cir. 2020). 26 1 Plaintiff's and at least ten other cases raising similar or identical claims have been related to the 27 earliest-filed of the group, 25-cv-02820, McKenzie v. Borla et al. After the cases have been 1 Federal Rule of Civil Procedure 8(a)(2) requires only "a short and plain statement of the 2 claim showing that the pleader is entitled to relief." Fed.

R. Civ. P. 8(a)(2). “Specific facts are not 3 necessary; the statement need only “‘give the defendant fair notice of what the... claim is and the 4 grounds upon which it rests.’” Erickson v. Pardus, 551 U.S. 89, 93 (2007) (citations omitted). 5 “[A] plaintiff’s obligation to provide the ‘grounds’ of his ‘entitle[ment] to relief’ requires more 6 than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not 7 do....

Factual allegations must be enough to raise a right to relief above the speculative level.” 8 Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007) (citations omitted). A complaint must 9 proffer “enough facts to state a claim to relief that is plausible on its face.” Id. at 570. All or part 10 of a complaint filed by a prisoner may be dismissed sua sponte if the prisoner’s claims lack an 11 arguable basis in either law or in fact.

12 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1) 13 that a right secured by the Constitution or laws of the United States was violated, and (2) that the 14 alleged violation was committed by a person acting under the color of state law. See West v. 15 Atkins, 487 U.S. 42, 48 (1988). 16 If a court dismisses a complaint for failure to state a claim, it should “freely give 17 leave” to amend “when justice so requires.” Fed.

R. Civ. P. 15(a)(2). A court has discretion to 18 deny leave to amend due to “undue delay, bad faith or dilatory motive on the part of the movant, 19 repeated failure to cure deficiencies by amendment previously allowed undue prejudice to the 20 opposing party by virtue of allowance of the amendment, [and] futility of amendment.” 21 Leadsinger, Inc. v. BMG Music Pub., 512 F.3d 522, 532 (9th Cir.

2008). 22 B. Plaintiff’s Claims 23 The complaint names the CTF Warden Edward Borla, the Secretary of the California 24 Department of Corrections and Rehabilitation (CDCR) Jefferey Macomber, and the Director of 25 Adult Institutions Connie Gipson as defendants and alleges that defendants have violated 26 plaintiff’s Eighth Amendment rights by housing him in an unconstitutionally small double cell 27 with another prisoner.

He alleges his cell has only 19 square feet of unencumbered space, or only 1 prisoners at CTF have been double-celled in certain North Yard buildings since 2011 although the 2 rooms in these buildings were not built to be double cells. 3 Plaintiff seeks damages. 4 C. Analysis 5 While the Constitution does not mandate comfortable prisons, it does require that prisoners 6 have the “minimal civilized measure of life’s necessities.” Rhodes v. Chapman, 452 U.S. 337, 347 7 (1981). “[T]he Eighth Amendment must draw its meaning from the evolving standards of decency 8 that mark the progress of a maturing society.” Id. at 346 (internal quotation marks omitted).

9 Liberally construed, plaintiff has stated an Eighth Amendment claim against defendants for 10 inadequate living space. 11 CONCLUSION 12 1. The Court ORDERS that service on the following defendants shall proceed under 13 the California Department of Corrections and

Rehabilitation’s (“CDCR”) e-service program for 14 civil rights cases from prisoners in the CDCR’s custody: 15 a. Edward Borla, Warden of CTF 16 b. Jefferey Macomber, Secretary of CDCR 17 c. Connie Gipson, former Director of Adult Institutions 18 In accordance with the program, the Clerk is directed to serve on the CDCR via email the 19 following documents: the operative complaint (Dkt.

No. 1), this Order of Service, a CDCR Report 20 of E-Service Waiver form, and a summons. The Clerk also shall serve a copy of this order on the 21 plaintiff. 22 No later than 40 days after service of this order via email on the CDCR, the CDCR shall 23 provide the court a completed CDCR Report of E-Service Waiver advising the court which 24 defendant(s) listed in this order will be waiving service of process without the need for service by 25 the United States Marshal Service (“USMS”) and which defendant(s) decline to waive service or 26 could not be reached.

The CDCR also shall provide a copy of the CDCR Report of E-Service 27 Waiver to the California Attorney General’s Office which, within 21 days, shall file with the Court 1 Upon receipt of the CDCR Report of E-Service Waiver, the Clerk shall prepare for each 2 defendant who has not waived service according to the CDCR Report of E-Service Waiver a 3 USM-285 Form.

The Clerk shall provide to the USMS the completed USM-285 forms and copies 4 of this order, the summons, and the operative complaint for service upon each defendant who has 5 not waived service. The Clerk also shall provide to the USMS a copy of the CDCR Report of E- 6 Service Waiver. 7 2. Defendants are cautioned that Rule 4 of the Federal Rules of Civil Procedure 8 requires defendants to cooperate in saving unnecessary costs of service of the summons and 9 complaint.

If service is waived, this action will proceed as if defendants had been served on the 10 date that the waiver is filed, except that pursuant to Rule 12(a)(1)(A)(ii), defendants will not be 11 required to serve and file an answer before sixty (60) days from the date on which the CDCR 12 provides a copy of the CDCR Report of E-Service Waiver to the California Attorney General’s 13 Office.

(This allows a longer time to respond than would be required if formal service of 14 summons is necessary.) If defendants have not waived service and have instead been served by 15 the USMS, then defendants shall serve and file an answer within twenty-one (21) days after being 16 served with the summons and complaint. 17 3. Defendants shall answer the complaint in accordance with the Federal Rules of 18 Civil Procedure.

The following briefing schedule shall govern dispositive motions in this action: 19 a. No later than sixty (60) days from the date their answer is due, defendants 20 shall file a motion for summary judgment or other dispositive motion.

The motion must be 21 supported by adequate factual documentation, must conform in all respects to Federal Rule of 22 Civil Procedure 56, and must include as exhibits all records and incident reports stemming from the events at issue. A motion for summary judgment also must be accompanied by a Rand[2] notice so that plaintiff will have fair, timely, and adequate notice of what is required of him to oppose the motion.

Woods v. Carey, 684 F.3d 934, 935 (9th Cir. 2012) (notice requirement set out in Rand must be served concurrently with motion for summary judgment). A motion to dismiss for failure to exhaust available administrative remedies must be accompanied by a similar notice.

However, the Court notes that under the law of the circuit, in the rare event that a failure to exhaust is clear on the face of the complaint, defendants may move for dismissal under Rule 12(b)(6), as opposed to the previous practice of moving under an unenumerated Rule 12(b) motion. Albino v. Baca, 747 F.3d 1162, 1166 (9th Cir. 2014) (en banc) (overruling Wyatt v. Terhune, 315 F.3d 1108, 1119 (9th Cir.

2003), which held that failure to exhaust available administrative remedies under the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a) (“PLRA”), should be raised by a defendant as an unenumerated Rule 12(b) motion). Otherwise, if a failure to exhaust is not clear on the face of the complaint, defendants must produce evidence proving failure to exhaust in a motion for summary judgment under Rule 56.

Id. If undisputed evidence viewed in the light most favorable to plaintiff shows a failure to exhaust, defendants are entitled to summary judgment under Rule 56. Id. But if material facts are disputed, summary judgment should be denied and the district judge, rather than a jury, should determine the facts in a preliminary proceeding. Id. at 1168. If defendants are of the opinion that this case cannot be resolved by summary judgment, they shall so inform the Court prior to the date the summary judgment motion is due.

All papers filed with the Court shall be promptly served on plaintiff. b. Plaintiff’s opposition to the dispositive motion shall be filed with the Court and served on defendants no later than twenty-eight (28) days after the date on which defendants’ motion is filed. c. Plaintiff is advised that a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end your case.

Rule 56 tells you what you must do to oppose a motion for summary judgment. Generally, summary judgment must be granted when there is no genuine issue of material fact—that is, if there is no real dispute about any fact that would affect the result of your case, the party who asked for summary judgment is entitled to judgment as a matter of law, which will end your case.

When a party you are suing makes a motion for summary judgment that is supported properly by declarations (or other sworn testimony), you cannot simply rely on what your complaint says. Instead, you must set out as provided in Rule 56(e), that contradict the facts shown in the defendant's declarations and 2 documents and show that there is a genuine issue of material fact for trial.

If you do not submit 3 your own evidence in opposition, summary judgment, if appropriate, may be entered against you. 4 If summary judgment is granted, your case will be dismissed and there will be no trial. Rand, 154 5 F.3d at 962-63. 6 Plaintiff also is advised that—in the rare event that defendants argue that the failure to 7 exhaust is clear on the face of the complaint—a motion to dismiss for failure to exhaust available 8 administrative remedies under 42 U.S.C. § 1997e(a) will, if granted, end your case, albeit without 9 prejudice.

To avoid dismissal, you have the right to present any evidence to show that you did 10 exhaust your available administrative remedies before coming to federal court. Such evidence 11 may include: (1) declarations, which are statements signed under penalty of perjury by you or 12 others who have personal knowledge of relevant matters; (2) authenticated documents— 13 documents accompanied by a declaration showing where they came from and why they are 14 authentic, or other sworn papers such as answers to interrogatories or depositions; (3) statements 15 in your complaint insofar as they were made under penalty of perjury and they show that you have 16 personal knowledge of the matters state therein.

As mentioned above, in considering a motion to 17 dismiss for failure to exhaust under Rule 12(b)(6) or failure to exhaust in a summary judgment 18 motion under Rule 56, the district judge may hold a preliminary proceeding and decide disputed 19 issues of fact with regard to this portion of the case. Albino, 747 F.3d at 1168. 20 (The notices above do not excuse defendants' obligation to serve similar notices again 21 concurrently with motions to dismiss for failure to exhaust available administrative remedies and 22 motions for summary judgment.

Woods, 684 F.3d at 935.) 23 d. Defendants shall file a reply brief no later than fourteen (14) days after the 24 date plaintiff's opposition is filed. 25 e. The motion shall be deemed submitted as of the date the reply brief is due. 26 No hearing will be held on the motion unless the Court so orders at a later date. 27 4. Discovery may be taken in this action in accordance with the Federal Rules of Civil 1 plaintiff and any other necessary witnesses confined in prison.

2 5. All communications by plaintiff with the Court must be served on defendants or 3 their counsel, once counsel has been designated, by mailing a true copy of the document to them. 4 6. It is plaintiffs responsibility to prosecute this case. Plaintiff must keep the Court 5 informed of any change of address and must comply with the Court's orders in a timely fashion.

6 || Pursuant to Northern District Local Rule 3-11, a party proceeding pro se whose address changes 7 while an action is pending must promptly file a notice of change of address specifying the new 8 address. See L.R. 3-11(a).

The Court may dismiss without prejudice a complaint when: (1) mail directed to the pro se party by the Court has been returned to the Court as not deliverable, and (2) || the Court fails to receive within sixty days of this return a written communication from the pro se party indicating a current address. See L.R. 3-11(b). 7. Upon a showing of good cause, requests for a reasonable extension of time will be granted provided they are filed on or before the deadline they seek to extend.

IT IS SO ORDERED. 3 Dated: December 9, 2025 TR Lt PSON Z United States District Judge