

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Benjamin Robert Gallegos v. California Department of Corrections
and Rehabilitation, et al.

No. 2:22-cv-01790-DAD-EFB (PC) (E.D. Cal. Mar. 10, 2023) · No. 2:22-cv-01790-DAD-EFB (PC) · Decided
March 10, 2023

SUMMARY

The court screened plaintiff Benjamin Robert Gallegos's amended 42 U.S.C. § 1983 complaint concerning alleged interference with his right to marry while incarcerated. It found a potentially cognizable Fourteenth Amendment right-to-marry claim against defendant Ebert, dismissed the remaining claims with leave to amend, and gave plaintiff the option to proceed against Ebert or file an amended complaint. The order was issued by the United States District Court for the Eastern District of California.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Edmund F. Brennan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 10, 2023
DOCKET	2:22-cv-01790-DAD-EFB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se under 42 U.S.C. § 1983 filed an amended complaint after dismissal of his original complaint under 28 U.S.C. § 1915A. The court screened the amended complaint and permitted a potentially cognizable Fourteenth Amendment right-to-marry claim against defendant Ebert to proceed, while dismissing all other claims with leave to amend.
STANDARD OF REVIEW	The court applied the preliminary screening standard under 28 U.S.C. § 1915A, accepting allegations for screening purposes but dismissing claims that were frivolous, malicious, failed to state a claim, or sought relief from immune defendants.
PRECEDENTIAL VALUE	unpublished and nonprecedential screening order

TOPICS

prisoners rights

section 1983

fourteenth amendment

first amendment

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the amended complaint stated a potentially cognizable Fourteenth Amendment claim that Ebert unlawfully interfered with plaintiff's right to marry.
2. Whether allegations that Rojas improperly processed or responded to plaintiff's administrative appeals stated a due process claim.
3. Whether the allegations of retaliation based on plaintiff's fiancée's whistleblowing activity stated a First Amendment retaliation claim.
4. Whether the remaining allegations adequately alleged personal participation by the named defendants in a violation of federal law or the Constitution.

HOLDINGS

1. The amended complaint stated, for screening purposes, a potentially cognizable Fourteenth Amendment right-to-marry claim against Ebert based on the allegation that Ebert deliberately prevented plaintiff's marriage by refusing to sign required paperwork.
2. Allegations that Rojas improperly processed or responded to plaintiff's administrative appeals did not state a due process claim because there are no constitutional requirements governing the operation of a prison grievance system.
3. The allegations did not adequately state a First Amendment retaliation claim because the protected conduct identified was that of plaintiff's fiancée rather than plaintiff himself, and the allegations were otherwise insufficient to establish the elements of retaliation.
4. A § 1983 complaint must identify defendants who personally participated in a substantial way in depriving the plaintiff of a federal constitutional right, and an amended complaint must be complete in itself and may not introduce unrelated claims.

KEY QUOTATIONS

“Liberally construed, plaintiff alleges a potential violation of his Fourteenth Amendment right to marry.” (at 1)

“Within the prison context, a viable claim of First Amendment retaliation entails five basic elements: (1) An assertion that a state actor took some adverse action against an inmate (2) because of (3) that prisoner’s protected conduct, and that such action (4) chilled the inmate’s exercise of his First Amendment rights, and (5) the action did not reasonably advance a legitimate correctional goal.” (at 2)

FACTUAL BACKGROUND

Plaintiff, a state prisoner, alleged that a judge issued an order allowing him a day pass to marry his fiancée, but the couple was turned away at the Solano County courthouse because paperwork had not been signed by Ebert, a correctional counselor. Plaintiff alleged that Ebert deliberately failed to sign the paperwork to prevent the marriage. He also alleged that Rojas mishandled administrative appeals and that unidentified defendants interfered with his marriage in retaliation for conduct by his fiancée.

PROCEDURAL HISTORY

The original complaint was dismissed during mandatory prisoner screening under 28 U.S.C. § 1915A. Plaintiff then filed an amended complaint alleging interference with his efforts to marry, improper handling of administrative appeals, and retaliation. The court found only the right-to-marry claim against Ebert potentially cognizable and gave plaintiff thirty days either to proceed on that claim or file another amended complaint.

DISPOSITION

other

CASES CITED

- Turner v. Safley, 482 U.S. 78, 95 (1987)
- Ramirez v. Galaza, 334 F.3d 850, 860 (9th Cir. 2003)
- Rhodes v. Robinson, 408 F.3d 559, 567-68 (9th Cir. 2005)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978)
- Forsyth v. Humana, 114 F.3d 1467, 1474 (9th Cir. 1997)