

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Jamel Burt v. Nicolai Ramos, in his individual capacity; County of
San Diego; Michael Alcarion, in his individual capacity; and Does 1–5

Burt v. Ramos, No. 3:24-cv-00662-CAB-VET (S.D. Cal. Nov. 14, 2025) · No. 3:24-cv-00662-CAB-VET ·
Decided November 14, 2025

SUMMARY

The United States District Court for the Southern District of California partially granted the County of San Diego's motion to dismiss and granted Michael Alcarion's motion to dismiss in Jamel Burt's civil rights action. The court allowed Burt's Monell claim against the County to proceed but dismissed his failure-to-train, failure-to-supervise, and failure-to-discipline claims against the County, as well as the claims against Alcarion and the Doe defendants. The dismissals against Alcarion and the Doe defendants were without leave to amend.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cathy Ann Bencivengo
JURISDICTION	United States District Court for the Southern District of California
DECIDED	November 14, 2025
DOCKET	3:24-cv-00662-CAB-VET
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action and related state-law claims. The County and Alcarion moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss portions or all of the first amended complaint.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court determines whether the complaint plausibly states a claim for relief, accepting material factual allegations as true and construing them in the plaintiff's favor. Vague and conclusory allegations are insufficient.
PRECEDENTIAL VALUE	Nonprecedential federal district court order; precedential status listed as unknown in the source metadata.

PARTIES

Jamel Burt v. Nicolai Ramos, County of San Diego, Michael Alcarion,
Does 1–5

TOPICS

motions to dismiss

section 1983

municipal liability

statute of limitations

civil procedure

PRACTICE AREAS

Civil procedure

Civil rights

Municipal liability

Constitutional law

QUESTIONS PRESENTED

1. Whether Burt's Monell claim against the County was barred by the statute of limitations because it was added in the first amended complaint after the limitations period.
2. Whether the Monell claim should be dismissed for failure to comply with the court's scheduling-order amendment deadline.
3. Whether the County could be held liable under Section 1983 on respondeat superior theories for failure to train, supervise, or discipline.
4. Whether Burt plausibly alleged a municipal policy or custom, deliberate indifference, and causation sufficient to state a Monell claim.
5. Whether the Section 1983 supervisory-liability claims against Alcarion and the Doe Defendants were timely and sufficiently individualized.

HOLDINGS

1. The Monell claim related back to the original complaint and was not barred by the statute of limitations because both pleadings involved the same general set of facts, injury, and instrumentality, and the original pleading provided adequate notice of the claim.
2. The County could not obtain dismissal based on the scheduling-order amendment deadline because the court had already found good cause and excusable neglect and granted Burt leave to file the first amended complaint.
3. The County could not be held liable under Section 1983 solely because it employed Ramos. The court dismissed the fourth, fifth, and sixth causes of action to the extent they asserted County liability for failure to train, supervise, or discipline on an impermissible respondeat superior theory.
4. Burt plausibly alleged that the County maintained a custom or practice of allowing unnecessary force against restrained individuals, knew of the custom, and that the custom was the moving force behind the alleged constitutional injury.
5. Burt sufficiently identified an allegedly unconstitutional County policy by alleging a policy of using significant force against individuals who were restrained.
6. Burt plausibly stated a Monell failure-to-train theory because he alleged repeated incidents putting the County on notice that its training concerning force against restrained individuals was inadequate.

7. The Section 1983 claims against Alcarion were insufficient because Burt did not allege individualized facts showing Alcarion's personal involvement, deliberate indifference, and causal connection to the constitutional injury.
8. The claims against the Doe Defendants were insufficient because Burt alleged no individualized facts establishing what any Doe Defendant did in connection with the constitutional violations.

KEY QUOTATIONS

“a municipality cannot be held liable solely because it employs a tortfeasor—or, in other words, a municipality cannot be held liable under § 1983 on a respondeat superior theory.” (at 7)

“The plaintiff must also demonstrate that, through its deliberate conduct, the municipality was the ‘moving force’ behind the injury alleged.” (at 8)

“Under ‘limited circumstances,’ the failure to train municipal employees can sustain a Monell claim.” (at 12)

FACTUAL BACKGROUND

Burt alleged that on December 18, 2022, Deputy Nicolai Ramos handcuffed him during an investigative traffic stop and slammed him face-first onto a concrete sidewalk while his hands were restrained behind his back. Burt alleged injuries including broken teeth, shoulder and wrist sprains, and contusions. He further alleged that the County maintained a custom or de facto policy permitting deputies to use force against restrained individuals, knew of numerous similar incidents, and failed to train, supervise, or discipline its deputies. Burt alleged that Michael Alcarion was Ramos's supervisor and was aware of prior incidents but did not adequately plead Alcarion's individualized personal involvement.

PROCEDURAL HISTORY

Burt filed the original federal action on April 10, 2024. He filed and withdrew an unauthorized amended complaint, filed a related action known as Burt II, and then obtained leave in this action to file a first amended complaint. Ramos answered, while the County and Alcarion moved to dismiss. The court denied dismissal of the County's seventh cause of action, dismissed the County's fourth through sixth causes of action, and dismissed the Section 1983 claims against Alcarion and the Doe Defendants without leave to amend.

DISPOSITION

other

CASES CITED

- *Stoner v. Santa Clara County Office of Education*, 502 F.3d 1116, 1120 (9th Cir. 2007)
- *Eclectic Properties East, LLC v. Marcus & Millichap Co.*, 751 F.3d 990, 995 (9th Cir. 2014)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Ivey v. Board of Regents of University of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982)

- Palmer v. Arizona, No. 2:09-CV-01791-JWS, 2011 WL 3290602, at *3 (D. Ariz. Aug. 1, 2011)
- Ortiz v. City of Imperial, 884 F.2d 1312, 1314 (9th Cir. 1989)
- Hutcheson v. Superior Court, 74 Cal. App. 5th 932, 940 (2022)
- Norgart v. Upjohn Co., 21 Cal. 4th 383, 409 (1999)
- Coleman v. Quaker Oats Co., 232 F.3d 1271, 1294 (9th Cir. 2000)
- Nangle v. Penske Logistics, LLC, No. 3:11-CV-00807-CAB-BLM, 2016 WL 9503736, at *1–2 (S.D. Cal. July 20, 2016)
- Monell v. Department of Social Services of City of New York, 436 U.S. 658, 691, 694 (1978)
- Van Ort v. Estate of Stanewich, 92 F.3d 831, 835 (9th Cir. 1996)
- City of Canton, Ohio v. Harris, 489 U.S. 378, 379, 388–92 (1989)
- Board of County Commissioners v. Brown, 520 U.S. 397, 404, 407, 415 (1997)
- Duvall v. County of Kitsap, 260 F.3d 1124, 1141 (9th Cir. 2001)
- Federation of African American Contractors v. City of Oakland, 96 F.3d 1204, 1216 (9th Cir. 1996)
- Castro v. County of Los Angeles, 833 F.3d 1060, 1075 (9th Cir. 2016) (en banc)
- Davis v. City of Ellensburg, 869 F.2d 1230, 1233–34 (9th Cir. 1989)
- Johnson v. City of Shelby, Mississippi, 574 U.S. 10, 12 (2014)
- Davis v. City of Las Vegas, 478 F.3d 1048, 1057 (9th Cir. 2007)
- Drummond ex rel. Drummond v. City of Anaheim, 343 F.3d 1052, 1059 (9th Cir. 2003)
- Flores v. County of Los Angeles, 758 F.3d 1154, 1158–59 (9th Cir. 2014)
- Price v. Sery, 513 F.3d 962, 973 (9th Cir. 2008)
- Connick v. Thompson, 563 U.S. 51, 61, 64 (2011)
- Manlove v. County of San Diego, 759 F. Supp. 3d 1057, 1068 (S.D. Cal. 2024)
- Keates v. Koile, 883 F.3d 1228, 1242–43 (9th Cir. 2018)
- Leer v. Murphy, 844 F.2d 628, 633 (9th Cir. 1988)
- Barren v. Harrington, 152 F.3d 1193, 1194 (9th Cir. 1998)
- Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980)