

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Ronnie Stringfellow v. Silva, et al.

Stringfellow v. Silva · No. 1:24-cv-01461-BAM (PC) · Decided December 2, 2025

SUMMARY

The United States District Court for the Eastern District of California screens Ronnie Stringfellow’s 42 U.S.C. § 1983 complaint alleging excessive force by correctional officers. The court finds cognizable Eighth Amendment excessive-force claims against E. Prieto and S. Silva arising from specified uses of force, but recommends dismissal of the remaining claims and defendants. The magistrate judge directs random assignment of a district judge and allows fourteen days for objections.

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	December 2, 2025
DOCKET	1:24-cv-01461-BAM (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Pro se state prisoner brought a 42 U.S.C. § 1983 action in forma pauperis. On screening under 28 U.S.C. § 1915A, the magistrate judge recommended allowing limited Eighth Amendment excessive-force claims against correctional officers E. Prieto and S. Silva to proceed and dismissing all other claims and defendants.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915A; the court assessed whether the complaint was frivolous or malicious, failed to state a claim upon which relief may be granted, or sought monetary relief from an immune defendant. The pleading was evaluated under Federal Rule of Civil Procedure 8 and the facial-plausibility standard from <i>Ashcroft v. Iqbal</i> and <i>Bell Atlantic Corp. v. Twombly</i> , with factual allegations accepted as true but conclusory allegations and unwarranted inferences disregarded.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

section 1983

prisoners rights

cruel and unusual punishment

civil rights

pleadings

PRACTICE AREAS

civil rights litigation

prisoner civil rights

constitutional torts

federal pleading and screening

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim under 42 U.S.C. § 1983 for Eighth Amendment excessive force against Prieto and Silva.
2. Whether the allegations concerning the initial earring removal, hood, alleged smothering, initial triangle restraint, and tight handcuffing stated cognizable excessive-force claims.
3. Whether the complaint stated claims against Diaz and the Doe warden when it did not link either defendant to specific constitutional misconduct.
4. Whether supervisory-liability and respondeat-superior theories supported claims against the warden or other supervisory personnel.
5. Whether the unidentified Doe defendant could remain in the action without being identified and served.

HOLDINGS

1. The complaint plausibly stated excessive-force claims against Prieto and Silva for the force used from slamming Plaintiff to the ground until his facial implant was dislodged, for the later face-first slam and body-weight restraint that restricted his breathing, and for using the triangle restraint to pull him backward from a prone position, allegedly dislocating his shoulder or arm and cutting his wrist.
2. The complaint did not state cognizable excessive-force claims based on the earring removal, placement of the hood, alleged smothering, or initial placement of the triangle restraint.
3. The complaint did not state a cognizable excessive-force claim based solely on tight handcuffing.
4. The complaint failed to state claims against Diaz and the Doe warden because Plaintiff did not link either defendant to a constitutional deprivation, and supervisory liability could not rest solely on respondeat superior.

KEY QUOTATIONS

“whenever prison officials stand accused of using excessive physical force in violation of the [Eighth Amendment], the core judicial inquiry is . . . whether force was applied in a good-faith effort to maintain or restore discipline, or maliciously and sadistically to cause harm.” (at 5)

“A supervisor may be liable only if (1) he or she is personally involved in the constitutional deprivation, or (2) there is a sufficient causal connection between the supervisor's wrongful conduct and the constitutional violation.” (at 4)

FACTUAL BACKGROUND

Plaintiff, a transgender state prisoner, alleged that correctional officers Prieto and Silva used force while escorting him at Kern Valley State Prison after instructing him to remove an earring. He alleged that officers slammed him to the ground, applied force to his back and neck, restricted his breathing, dislodged a facial implant, and later used a mechanical restraint to pull him from a prone position, causing shoulder and wrist injuries. He also alleged excessive force involving the earring, a hood, smothering, and tight handcuffs, and named an additional correctional officer and a Doe warden without linking them to specific misconduct.

PROCEDURAL HISTORY

Plaintiff filed his complaint on November 22, 2024. The court screened the complaint on October 30, 2025, found a cognizable excessive-force claim against Prieto and Silva, and granted Plaintiff an opportunity to amend or elect to proceed on those claims. Plaintiff elected to proceed only against Prieto and Silva. The magistrate judge then issued findings and recommendations, subject to objection and review by an assigned district judge.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 676-78 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57 (2007)
- Doe I v. Wal-Mart Stores, Inc., 572 F.3d 677, 681 (9th Cir. 2009)
- Moss v. U.S. Secret Service, 572 F.3d 962, 969 (9th Cir. 2009)
- Monell v. Department of Social Services, 436 U.S. 658 (1978)
- Rizzo v. Goode, 423 U.S. 362 (1976)
- Simmons v. Navajo County, Arizona, 609 F.3d 1011, 1020-21 (9th Cir. 2010)
- Ewing v. City of Stockton, 588 F.3d 1218, 1235 (9th Cir. 2009)
- Jones v. Williams, 297 F.3d 930, 934 (9th Cir. 2002)
- Crowley v. Bannister, 734 F.3d 967, 977 (9th Cir. 2013)
- Lemire v. California Department of Corrections & Rehabilitation, 726 F.3d 1062, 1074-75 (9th Cir. 2013)
- Lacey v. Maricopa County, 693 F.3d 896, 915-16 (9th Cir. 2012) (en banc)
- Hansen v. Black, 885 F.2d 642, 646 (9th Cir. 1989)
- Morgan v. Morgensen, 465 F.3d 1041, 1045 (9th Cir. 2006)
- Hudson v. McMillian, 503 U.S. 1, 5-9 (1992)
- Farmer v. Brennan, 511 U.S. 825, 832-33 (1994)
- Whitley v. Albers, 475 U.S. 312, 321-22, 327 (1986)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Wall v. County of Orange, 364 F.3d 1107, 1112 (9th Cir. 2004)
- Reviere v. Phillips, No. 1:11-CV-0483 AWI DLB PC, 2014 WL 711002, at *6 (E.D. Cal. Feb. 21, 2014)
- Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980)

- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

OPINION

Silva

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 RONNIE STRINGFELLOW, Case No. 1:24-cv-01461-BAM (PC) 12 Plaintiff, ORDER
DIRECTING CLERK OF COURT TO

RANDOMLY ASSIGN DISTRICT JUDGE TO

13 v. ACTION

14 SILVA, et al., FINDINGS AND RECOMMENDATIONS

REGARDING DISMISSAL OF CERTAIN

15 Defendants. CLAIMS AND DEFENDANTS 16 (ECF Nos. 1, 12)

17 FOURTEEN (14) DAY DEADLINE

18 19 I. Background 20 Plaintiff Ronnie Stringfellow (“Plaintiff”) is a state prisoner proceeding
pro se and in 21 forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. 22 On
October 30, 2025, the Court screened the complaint and found that Plaintiff stated a 23 cognizable
claim against Defendants E. Prieto and S. Silva for excessive force in violation of the 24 Eighth
Amendment, for the acts noted in the screening order, but failed to state any other 25 cognizable
claims for relief against any other defendant. (ECF No. 11.) The Court ordered 26 Plaintiff to
either file an amended complaint or notify the Court of his willingness to proceed only 27 on the
cognizable claim identified by the Court. (Id.) On December 1, 2025, Plaintiff notified the 28
Court that he was willing to proceed only on the claims against Defendants Prieto and Silva as 1
noted in the Court’s order. (ECF No. 12.) 2 II. Screening Requirement and Standard 3 The Court is
required to screen complaints brought by prisoners seeking relief against a 4 governmental entity
and/or against an officer or employee of a governmental entity. 28 U.S.C. 5 § 1915A(a). Plaintiff’s
complaint, or any portion thereof, is subject to dismissal if it is frivolous 6 or malicious, if it fails
to state a claim upon which relief may be granted, or if it seeks monetary 7 relief from a defendant
who is immune from such relief. 28 U.S.C. § 1915A(b)(1), (2). 8 A complaint must contain “a
short and plain statement of the claim showing that the 9 pleader is entitled to relief. . . .” Fed. R.
Civ. P. 8(a)(2). Detailed factual allegations are not 10 required, but “[t]hreadbare recitals of the
elements of a cause of action, supported by mere 11 conclusory statements, do not suffice.”
Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (citing Bell 12 Atl. Corp. v. Twombly, 550 U.S. 544,
555 (2007)). While a plaintiff’s allegations are taken as 13 true, courts “are not required to indulge
unwarranted inferences.” Doe I v. Wal-Mart Stores, Inc., 14 572 F.3d 677, 681 (9th Cir. 2009)

(internal quotation marks and citation omitted). 15 To survive screening, Plaintiff's claims must be facially plausible, which requires 16 sufficient factual detail to allow the Court to reasonably infer that each named defendant is liable 17 for the misconduct alleged. *Iqbal*, 556 U.S. at 678 (quotation marks omitted); *Moss v. U.S. Secret 18 Serv.*, 572 F.3d 962, 969 (9th Cir. 2009). The sheer possibility that a defendant acted unlawfully 19 is not sufficient, and mere consistency with liability falls short of satisfying the plausibility 20 standard. *Iqbal*, 556 U.S. at 678 (quotation marks omitted); *Moss*, 572 F.3d at 969. 21 A. Allegations in Complaint 22 Plaintiff is currently housed in Mule Creek State Prison in Ione, California. Plaintiff 23 alleges the events in the complaint occurred while he was housed in Kern Valley State Prison in 24 Delano, California. Plaintiff names as defendants: (1) S. Silva, correctional officer, (2) E. Prieto, 25 correctional officer, (3) E. Diaz, correctional officer, (4) John/Jane Doe, Warden. 26 In claim 1, Plaintiff alleges excessive force. Plaintiff alleges that July 11, 2023, at about 27 12:05 hours, Plaintiff was being escorted by correctional officers Defendants Prieto and Silva 28 when Plaintiff was instructed to remove an earring. The earring was legally purchased as a 1 transgender inmate from a package vendor. While attempting to explain that the earring was not 2 contraband, Officer Silva began aggressively grabbing Plaintiff's left earlobe causing Plaintiff to 3 experience extreme pain. Plaintiff cried out moving his head in the opposite direction. Plaintiff 4 was still attempting to explain this item was not contraband as well as bring to the officers 5 attention that this item should be removed only by a nurse or other medical official. The situation 6 quickly escalated by Officer Silva proceeding to further remove the earring in an aggressive and 7 painful manner. Once again Plaintiff felt pain and moved his head away. Plaintiff was unable to 8 move due to being restrained in waist restraints and having both Silva and Prieto holding Plaintiff 9 biceps in hand. Plaintiff felt that this was an assault on his person as a transgender inmate. To 10 avoid the assault, Plaintiff stooped to his feet. Plaintiff was viciously slammed to the ground with 11 no way to break Plaintiff's fall. Plaintiff landed on his back, Plaintiff was in physical mechanical 12 restraints in waist chains causing both hands to be by his side and Plaintiff had no way of 13 breaking his fall. The fall caused the air to be knocked out of Plaintiff's lungs. Both Defendants 14 were kneeing Plaintiff in the back, while jumping onto Plaintiff's stomach, causing Plaintiff to 15 attempt to fold over in pain. Defendants yelled "stop resisting" to cover up their assault. Plaintiff 16 was rolled onto Plaintiff's stomach. Plaintiff was moving Plaintiff's upper body in attempt to 17 gain his breath. Defendant Silva then slammed Plaintiff's head into the ground. As Plaintiff lay 18 on the ground, Plaintiff felt a leg or knee being pressed into Plaintiff's neck area pinning 19 Plaintiff's face to the ground and dislodging a face implant "Dermal" from Plaintiff's facial area, 20 causing severe pain and bleeding. 21 Defendant Silva attempted to remove the item from Plaintiff's ear, causing Plaintiff' pain. 22 Plaintiff felt in danger of further injury or death and attempted to breathe and defend himself by 23 moving his upper body and neck while moving his head and gulping breath. Plaintiff felt 24 someone place their arm by his nose and mouth and immediately Plaintiff' mouth was filled by an 25 arm. Plaintiff felt as if the person was trying to

smother Plaintiff. Plaintiff closed his mouth and 26 caught the arm in his mouth. 27 The arm retreated and Plaintiff was accused of biting the arm which Plaintiff adamantly 28 denied. A hood, designed to restrict spittle, was placed over Plaintiff's head and face. Plaintiff 1 could not breathe and was not able to see because of the mask. Plaintiff swung his head to the side 2 and accidentally struck one of the Defendants. Plaintiff was once again viciously slammed face 3 first to the ground with one of the Defendants placing their whole body weight on Plaintiff's back, 4 and again restricting Plaintiff's breathing. A security triangle was attached to Plaintiff's 5 handcuffs behind Plaintiff's back with Plaintiff's hands behind his back. The handcuffs were 6 placed tight enough to restrict Plaintiff's blood flow and cut into his skin. 7 Plaintiff was placed onto a medical gurney with his hands behind his back where Plaintiff 8 was strapped in. Plaintiff's shoulders and arms were in immense pain. 9 Plaintiff was escorted to his assigned cell #188. Once in Plaintiff's cell, he was 10 unstrapped and lifted into Plaintiff into his cell placed face down into the prone position. His 11 hands were cuffed behind his back and a metal triangle attached to his cuffs. The leg restraints 12 were removed and Defendants exited Plaintiff's cell holding the triangle. Once the cell door was 13 closed, Plaintiff was still in the prone position, not being able to get up on Plaintiff's knees or feet 14 due to being handcuffed and being attached to the triangle. Defendants Prieto and an unknown 15 officer used their strength maliciously and violently used the triangle/mechanical restraint as a 16 weapon by pulling with combined strength backwards forcing Plaintiff from a prone position into 17 a half kneeling position. This nearly dislocated Plaintiff's shoulders and the cuffs were cutting 18 into Plaintiff's wrist. The cuffs and triangle were removed and the tray slot was closed. 19 Plaintiff alleges the force used dislocated his shoulder/arm and cut his wrist, dislodged a 20 facial implant and cause bleeding. 21 Plaintiff seeks compensatory and punitive damages. 22 B. Discussion 23 Plaintiff's complaint fails to comply with Federal Rules of Civil Procedure 8 and fails to 24 state a cognizable claim for relief, except as noted below. 25 1. Federal Rule of Civil Procedure 8 and Linkage 26 Pursuant to Rule 8, a complaint must contain "a short and plain statement of the claim 27 showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a). Detailed factual allegations 28 are not required, but "[t]hreadbare recitals of the elements of a cause of action, supported by mere 1 conclusory statements, do not suffice." *Iqbal*, 556 U.S. at 678 (citation omitted). Plaintiff must 2 set forth "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on 3 its face.'" *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 555). While factual allegations 4 are accepted as true, legal conclusions are not. *Id.*; see also *Twombly*, 550 U.S. at 556–57; *Moss*, 572 F.3d at 969. 6 In addition, Section 1983 plainly requires that there be an actual connection or link 7 between the actions of the defendants and the deprivation alleged to have been suffered by 8 Plaintiff. See *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978); *Rizzo v. Goode*, 423 U.S. 362 9 (1976). Plaintiff must link each defendant to purported constitutional violations. Plaintiff fails to 10 link Defendant Diaz and Defendant Doe Warden to any wrongful conduct. 11 2. Supervisory Liability 12 Insofar as Plaintiff is attempting to hold the warden, or any other defendant, liable based 13 on his supervisory role,

he may not do so. Liability may not be imposed on supervisory personnel 14 for the actions or omissions of their subordinates under the theory of respondeat superior. *Iqbal*, 15 556 U.S. at 676–77; *Simmons v. Navajo Cty., Ariz.*, 609 F.3d 1011, 1020–21 (9th Cir. 2010); 16 *Ewing v. City of Stockton*, 588 F.3d 1218, 1235 (9th Cir. 2009); *Jones v. Williams*, 297 F.3d 930, 17 934 (9th Cir. 2002). “A supervisor may be liable only if (1) he or she is personally involved in 18 the constitutional deprivation, or (2) there is a sufficient causal connection between the 19 supervisor’s wrongful conduct and the constitutional violation.” *Crowley v. Bannister*, 734 F.3d 20 967, 977 (9th Cir. 2013) (citation and quotation marks omitted); accord *Lemire v. Cal. Dep’t of 21 Corrs. & Rehab.*, 726 F.3d 1062, 1074–75 (9th Cir. 2013); *Lacey v. Maricopa Cty.*, 693 F.3d 896, 22 915–16 (9th Cir. 2012) (en banc). “Under the latter theory, supervisory liability exists even 23 without overt personal participation in the offensive act if supervisory officials implement a 24 policy so deficient that the policy itself is a repudiation of constitutional rights and is the moving 25 force of a constitutional violation.” *Crowley*, 734 F.3d at 977 (citing *Hansen v. Black*, 885 F.2d 26 642, 646 (9th Cir. 1989)) (internal quotation marks omitted). 27 /// 28 /// 1 3. Eighth Amendment – Excessive Force 2 The Eighth Amendment protects prisoners from inhumane methods of punishment and 3 from inhumane conditions of confinement. *Morgan v. Morgensen*, 465 F.3d 1041, 1045 (9th Cir. 4 2006). The unnecessary and wanton infliction of pain violates the Cruel and Unusual 5 Punishments Clause of the Eighth Amendment. *Hudson v. McMillian*, 503 U.S. 1, 5 (1992) 6 (citations omitted). Although prison conditions may be restrictive and harsh, prison officials must 7 provide prisoners with food, clothing, shelter, sanitation, medical care, and personal safety. 8 *Farmer v. Brennan*, 511 U.S. 825, 832–33 (1994) (quotations omitted). 9 “[W]henever prison officials stand accused of using excessive physical force in violation 10 of the [Eighth Amendment], the core judicial inquiry is . . . whether force was applied in a good- 11 faith effort to maintain or restore discipline, or maliciously and sadistically to cause harm.” 12 *Hudson*, 503 U.S. at 6–7. Relevant factors for this consideration include “the extent of 13 injury . . . [,] the need for application of force, the relationship between that need and the amount 14 of force used, the threat ‘reasonably perceived by the responsible officials,’ and ‘any efforts made 15 to temper the severity of a forceful response.’” *Id.* (quoting *Whitley v. Albers*, 475 U.S. 1078, 16 1085 (1986)). Finally, because the use of force relates to the prison’s legitimate penological 17 interest in maintaining security and order, the court must be deferential to the conduct of prison 18 officials. See *Whitley*, 475 U.S. at 321–22. Not “every malevolent touch by a prison guard gives 19 rise to a federal cause of action.” *Id.* at 9. De minimis uses of physical force do not violate the 20 constitution provided that the use of force is not of a sort “repugnant to the conscience of 21 mankind.” *Whitley v. Albers*, 475 U.S. 312, 327 (1986) (quoting *Estelle v. Gamble*, 429 U.S. 97, 22 106 (1976)). 23 Plaintiff fails to state a cognizable claim for excessive force in attempting to remove the 24 earring, as the allegations show that the officers believed it was contraband and Plaintiff was 25 resisting their efforts. Plaintiff also fails to state a claim for being placed in a hood or for the 26 initial placement of the triangle because the allegations show that Plaintiff had put his

mouth on 27 (bit) a Defendant's arm and his other actions could be reasonably construed as resisting, e.g., 28 swinging his head. Plaintiff fails to state a claim for "smothering" because the allegations show 1 this was part of the attempt to remove the earring and Plaintiff was resisting. 2 Liberally construing the allegations, as the Court must at this juncture, Plaintiff states a 3 cognizable excessive force claim for: (1) the events from slamming Plaintiff to the ground and 4 until the point where Plaintiff's implant was dislodged, (2) when Plaintiff was "once again" 5 viciously slammed face first to the ground with one of the Defendants placing their whole body 6 weight on Plaintiff's back, and again restricting Plaintiff's breathing, and (3) using the triangle to 7 pull Plaintiff backwards in his cell from a prone position to kneeling, dislocating Plaintiff's 8 shoulder/arm and cutting his wrist. 9 Plaintiff fails to state a claim for tight handcuffs. It is well-established that overly tight 10 handcuffing can constitute excessive force. *Wall v. Cnty. of Orange*, 364 F.3d 1107, 1112 (9th

11 Cir. 2004). However, here, even accepting as true plaintiff's assertion that the handcuffing 12 caused cuts, there are insufficient facts to show that any use of force was malicious or sadistic. 13 "In general, in cases where tight handcuffing was found to constitute excessive force, the plaintiff 14 was in visible pain, repeatedly asked the defendant to remove or loosen the handcuffs, had pre- 15 existing injuries known to the defendant, or alleged other forms of abusive conduct by the 16 defendant." *Reviere v. Phillips*, No. 1:11-CV-0483 AWI DLB PC, 2014 WL 711002, at *6 (E.D. 17 Cal. Feb. 21, 2014) (collecting cases). Because there are no facts from which to infer the 18 Defendants' malicious or sadistic intent regarding the handcuffs, Plaintiff's complaint fails to 19 state an excessive force claim for tight handcuffs. 20 4. Doe Defendants 21 Plaintiff alleges an unknown officer was involved. "As a general rule, the use of 'John 22 Doe' to identify a defendant is not favored." *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 23 1980). Plaintiff is advised that John Doe or Jane Doe defendants (i.e., unknown defendants) 24 cannot be served by the United States Marshal until Plaintiff has identified them as actual 25 individuals and amended his complaint to substitute names for John Doe or Jane Doe. 26 III. Conclusion and Recommendation

27 Based on the above, the Court finds that Plaintiff's complaint states a cognizable claim 28 against Defendants E. Prieto and S. Silva for excessive force in violation of the Eighth 1 Amendment, for: (1) the events from slamming Plaintiff to the ground and until the point where 2 Plaintiff's implant was dislodged, (2) when Plaintiff was "once again" viciously slammed face 3 first to the ground with one of the Defendants placing their whole body weight on Plaintiff's 4 back, and again restricting Plaintiff's breathing, and (3) using the triangle to pull Plaintiff 5 backwards in his cell from a prone position to kneeling, dislocating Plaintiff's shoulder/arm and 6 cutting his wrist. However, Plaintiff's complaint fails to state any other cognizable claims for 7 relief against any other defendants. 8 Accordingly, the Clerk of the Court is HEREBY DIRECTED to randomly assign a 9 District Judge to this action. 10 Furthermore, it is HEREBY RECOMMENDED that: 11 1. This action proceed on Plaintiff's complaint, filed November 22, 2024, (ECF No. 1), 12 against Defendants E. Prieto and S. Silva for excessive force in violation of

the Eighth 13 Amendment, for: (1) the events from slamming Plaintiff to the ground and until the point 14 where Plaintiff's implant was dislodged, (2) when Plaintiff was "once again" viciously 15 slammed face first to the ground with one of the Defendants placing their whole body 16 weight on Plaintiff's back, and again restricting Plaintiff's breathing, and (3) using the 17 triangle to pull Plaintiff backwards in his cell from a prone position to kneeling, 18 dislocating Plaintiff's shoulder/arm and cutting his wrist; and 19 2. All other claims and defendants be dismissed based on Plaintiff's failure to state claims 20 upon which relief may be granted. 21 * * * 22 These Findings and Recommendations will be submitted to the United States District 23 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within 24 fourteen (14) days after being served with these Findings and Recommendations, the parties may 25 file written objections with the court. The document should be captioned "Objections to 26 Magistrate Judge's Findings and Recommendations." Objections, if any, shall not exceed 27 fifteen (15) pages or include exhibits. Exhibits may be referenced by document and page 28 number if already in the record before the Court. Any pages filed in excess of the 15-page 1 limit may not be considered. The parties are advised that failure to file objections within the 2 specified time may result in the waiver of the "right to challenge the magistrate's factual 3 findings" on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838–39 (9th Cir. 2014) (citing Baxter 4 v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)). 5 IT IS SO ORDERED. 6 7 Dated: December 2, 2025 /s/ Barbara A. McAuliffe _ UNITED STATES MAGISTRATE JUDGE

8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28