

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Albert John Hamilton v. Department of Corrections

Hamilton v. Department of Corrections · No. 2:23-cv-00347 KJN P · Decided March 14, 2023

SUMMARY

The United States District Court for the Eastern District of California dismissed Albert John Hamilton’s § 1983 complaint with leave to amend. The court held that claims for damages against the California Department of Corrections and Rehabilitation were barred by the Eleventh Amendment and that a parole-board officer would likely have absolute quasi-judicial immunity. The court directed plaintiff to file a complete amended complaint within thirty days and to address the statute of limitations.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Kendall J. Newman
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 14, 2023
DOCKET	2:23-cv-00347 KJN P
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff brought a civil rights action under 42 U.S.C. § 1983. After removal from California state court and transfer from the Central District of California, the court screened the prisoner complaint under 28 U.S.C. § 1915A and dismissed it with leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner complaint that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. In evaluating failure to state a claim, the court accepts the complaint's allegations as true and construes the pleading in the light most favorable to the plaintiff, while requiring factual allegations sufficient to raise the right to relief above the speculative level.
PRECEDENTIAL VALUE	unpublished or nonprecedential district court order
PARTIES	Albert John Hamilton v. Department of Corrections

TOPICS

eleventh amendment immunity

section 1983

prisoners rights

pleadings

civil procedure

PRACTICE AREAS

civil rights

prisoner civil rights

constitutional litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether the claims challenging the 2003 parole revocation were barred by Heck v. Humphrey's favorable-termination rule.
2. Whether damages claims under 42 U.S.C. § 1983 against CDCR were barred by Eleventh Amendment immunity.
3. Whether a parole-board official would be entitled to absolute quasi-judicial immunity for revoking parole.
4. Whether the complaint stated a constitutionally sufficient claim and complied with federal pleading requirements.

HOLDINGS

1. The claims were not barred by Heck because habeas relief concerning the 2003 parole revocation was no longer available, bringing the claims within the limited Nonnette v. Small exception.
2. The claims for damages against CDCR were barred by the Eleventh Amendment because CDCR is a state agency and no waiver or valid congressional abrogation was shown.
3. To the extent plaintiff intended to sue parole-board officer J. Bock for revoking parole, Bock appeared entitled to absolute quasi-judicial immunity because parole revocation is a quasi-judicial function.
4. Any amended complaint must allege how each defendant's conduct caused a constitutional deprivation and must contain specific, nonconclusory allegations; the amended complaint must also be complete in itself.

KEY QUOTATIONS

"The court must dismiss a complaint or portion thereof if the prisoner raised claims that are legally 'frivolous or malicious,' that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief." (at 1)

"Because habeas relief regarding plaintiff's 2003 parole revocation hearing is no longer available, plaintiff's claims fall within the narrow exception to the favorable termination rule of Heck set forth in Nonnette v. Small." (at 4)

"Claims for damages pursuant to Section 1983 against the state, its agencies, or its officers for actions performed in their official capacities are barred under the Eleventh Amendment, unless the state waives its immunity." (at 4-5)

FACTUAL BACKGROUND

Hamilton, formerly a California state prisoner, alleged that the California Board of Prison Terms revoked his parole in 2003 based on a false finding that he had been charged with kidnapping. He was reincarcerated at California State Prison-Tehachapi for approximately one year and released in 2004. He sought damages under the Eighth and Fourteenth Amendments from CDCR and potentially from parole-board officer J. Bock.

PROCEDURAL HISTORY

Hamilton filed the complaint in Los Angeles County Superior Court on June 22, 2020, naming the California Department of Corrections and Rehabilitation as a defendant. CDCR removed the action to the Central District of California on February 10, 2023, and that court transferred it to the Eastern District of California on February 22, 2023. The court dismissed the complaint with leave to amend and ordered plaintiff to file an amended complaint within thirty days.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The complaint was dismissed with leave to amend. Within thirty days, plaintiff was ordered to file a completed Notice of Amendment and an original amended complaint bearing the assigned docket number and labeled Amended Complaint. Plaintiff was instructed not to name CDCR as a defendant, to allege each defendant's involvement and the constitutional deprivation with specificity, to comply with the Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules, and to address why the claims were not time-barred.

CASES CITED

- *Neitzke v. Williams*, 490 U.S. 319, 325, 327 (1989)
- *Franklin v. Murphy*, 745 F.2d 1221, 1227-28 (9th Cir. 1984)
- *Jackson v. Arizona*, 885 F.2d 639, 640 (9th Cir. 1989)
- *Lopez v. Smith*, 203 F.3d 1122, 1130-31 (9th Cir. 2000)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)
- *Conley v. Gibson*, 355 U.S. 41, 47 (1957)
- *Erickson v. Pardus*, 551 U.S. 89, 93 (2007)
- *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974)
- *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994)
- *Maciel v. Taylor*, 2013 WL 12474062, at *7 (C.D. Cal. Jan. 31, 2013)
- *Crow v. Penry*, 102 F.3d 1086, 1087 (10th Cir. 1996)
- *Jackson v. Vannoy*, 49 F.3d 175, 177 (5th Cir. 1995)
- *Butterfield v. Bail*, 120 F.3d 1023, 1024 (9th Cir. 1997)
- *Jones v. Mata*, 2011 WL 6148729, at *1 (N.D. Cal. Dec. 9, 2011)
- *Nonnette v. Small*, 316 F.3d 872, 878 n.7 (9th Cir. 2002)

- Kentucky v. Graham, 473 U.S. 159, 169 (1985)
- Will v. Michigan Department of State Police, 491 U.S. 58, 71 (1989)
- Dittman v. California, 191 F.3d 1020, 1025 (9th Cir. 1999)
- Swift v. California, 384 F.3d 1184, 1189 (9th Cir. 2004)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Rizzo v. Goode, 423 U.S. 362, 371 (1976)
- May v. Enomoto, 633 F.2d 164, 167 (9th Cir. 1980)
- Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Ramirez v. County of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015)

OPINION

(PC) Hamilton v. CDCR

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 ALBERT JOHN HAMILTON, No. 2: 23-cv-00347 KJN P

12 Plaintiff, 13 v. ORDER

14 DEPARTMENT OF CORRECTIONS,

15 Defendant. 16

17 Plaintiff is a former state prisoner, proceeding without counsel, with a civil rights action 18
pursuant to 42 U.S.C. § 1983. For the reasons stated herein, plaintiff’s complaint is dismissed 19
with leave to amend. 20 The court is required to screen complaints brought by prisoners seeking
relief against a 21 governmental entity or officer or employee of a governmental entity.1 28 U.S.C.
§ 1915A(a). 22 The court must dismiss a complaint or portion thereof if the prisoner raised claims
that are legally 23 “frivolous or malicious,” that fail to state a claim upon which relief may be
granted, or that seek 24 monetary relief from a defendant who is immune from such relief. 28
U.S.C. § 1915A(b)(1), (2). 25 A claim is legally frivolous when it lacks an arguable basis either in
law or in fact. 26 Neitzke v. Williams, 490 U.S. 319, 325 (1989); Franklin v. Murphy, 745 F.2d
1221, 1227-28 (9th 27 28 1 Plaintiff was a state prisoner when he filed this action.

1 Cir. 1984). The court may, therefore, dismiss a claim as frivolous when it is based on an
2 indisputably meritless legal theory or where the factual contentions are clearly baseless. Neitzke,
3 490 U.S. at 327. The critical inquiry is whether a constitutional claim, however inartfully 4
pleaded, has an arguable legal and factual basis. See Jackson v. Arizona, 885 F.2d 639, 640 (9th
5 Cir. 1989), superseded by statute as stated in Lopez v. Smith, 203 F.3d 1122, 1130-31 (9th Cir.
6 2000) (“[A] judge may dismiss [in forma pauperis] claims which are based on indisputably 7
meritless legal theories or whose factual contentions are clearly baseless.”); Franklin, 745 F.2d at 8

1227.

9 Rule 8(a)(2) of the Federal Rules of Civil Procedure “requires only ‘a short and plain
10 statement of the claim showing that the pleader is entitled to relief,’ in order to ‘give the 11
defendant fair notice of what the . . . claim is and the grounds upon which it rests.’” *Bell Atlantic*
12 *Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47
(1957)). 13 In order to survive dismissal for failure to state a claim, a complaint must contain more
than “a 14 formulaic recitation of the elements of a cause of action;” it must contain factual
allegations 15 sufficient “to raise a right to relief above the speculative level.” *Bell Atlantic*, 550
U.S. at 555. 16 However, “[s]pecific facts are not necessary; the statement [of facts] need only
‘give the 17 defendant fair notice of what the . . . claim is and the grounds upon which it rests.’”
Erickson v. 18 Pardus, 551 U.S. 89, 93 (2007) (quoting *Bell Atlantic*, 550 U.S. at 555, citations
and internal 19 quotations marks omitted). In reviewing a complaint under this standard, the court
must accept as 20 true the allegations of the complaint in question, *Erickson*, 551 U.S. at 93, and
construe the 21 pleading in the light most favorable to the plaintiff. *Scheuer v. Rhodes*, 416 U.S.
232, 236 22 (1974), overruled on other grounds, *Davis v. Scherer*, 468 U.S. 183 (1984). 23 On
June 22, 2020, plaintiff, then a California state prisoner proceeding without counsel, 24 filed a
complaint in the Los Angeles County Superior Court naming the California Department of 25
Corrections and Rehabilitation (“CDCR”) as a defendant. (ECF No. 6 at 1.) On February 10, 26
2023, defendant CDCR removed plaintiff’s action to the United States District Court for the 27
Central District of California. (*Id.*) On February 22, 2023, the District Court for the Central 28
District of California transferred this action to this court. (*Id.*) 1 In the complaint, plaintiff appears
to allege that his rights under the Eighth and Fourteenth 2 Amendments were violated when
defendant CDCR’s Board of Prison Terms (“BPT”) revoked his 3 parole in 2003 on a false finding
of kidnapping. Plaintiff was reincarcerated for one year at 4 California State Prison-Tehachapi
(“Tehachapi”), from which he was released in 2004. Plaintiff 5 seeks money damages. 6 At the
outset, the undersigned finds that plaintiff’s claims appear to be properly brought in 7 a civil rights
action and are not barred by the favorable termination rule in *Heck v. Humphrey*, 8 512 U.S. 477
(1994). Under *Heck*, if a judgment in favor of a plaintiff on a civil rights action 9 necessarily
implies the invalidity of his or her conviction or sentence, the complaint must be 10 dismissed
unless the plaintiff can demonstrate that the conviction or sentence already has been 11
invalidated. *Heck*, 512 U.S. at 486-87. 12 The favorable termination rule of *Heck* also applies to
claims implicating the validity of 13 parole revocation proceedings. *Maciel v. Taylor*, 2013 WL
12474062, at *7 (C.D. Cal. Jan. 31, 14 2013 (citing *Crow v. Penry*, 102 F.3d 1086, 1087 (10th Cir.
1996) (applying *Heck* to claim 15 alleging invalidity of a parole revocation); *Jackson v. Vannoy*,
49 F.3d 175, 177 (5th Cir. 1995) 16 (holding that a § 1983 civil rights claim alleging that illegal
arrest of plaintiff resulted in 17 revocation of parole and probation was barred by *Heck*); see also
Butterfield v. Bail, 120 F.3d 18 1023, 1024 (9th Cir. 1997) (applying *Heck* to claim regarding
denial of parole); *Jones v. Mata*, 19 2011 WL 6148729, at *1 (N.D. Cal. Dec. 9, 2011) (“*Heck* also

bars a challenge to the validity of 20 the confinement resulting from a parole revocation hearing ... until the parole board's decision has 21 been reversed, expunged, set aside or called into question.”)). 22 In the transfer order, the Central District stated that plaintiff previously challenged the at- 23 issue 2003 revocation of his parole in a habeas action filed in the Central District, i.e., Albert 24 Hamilton v. Department of Corrections, C.D. Cal. Case No. 17-1387 ODW (SS). (ECF No. 6 at 25 2 n.3.) The Central District dismissed plaintiff's habeas petition for lack of subject matter 26 jurisdiction because: 1) petitioner was not “in custody” pursuant to the 2003 revocation of parole 27 when he filed his petition in 2017; and 2) petitioner's challenges to inmate classification decisions 28 did not challenge the legality or duration of his custody. (Id.) In the alternative, the court 1 dismissed the petition as grossly untimely. (Id.) 2 Because habeas relief regarding plaintiff's 2003 parole revocation hearing is no longer 3 available, plaintiff's claims fall within the narrow exception to the favorable termination rule of 4 Heck set forth in Nonnette v. Small, 316 F.3d 872 (9th Cir. 2002). In Nonnette, a formerly 5 incarcerated prisoner filed a § 1983 action for damages alleging due process violations associated 6 with the revocation of good-time credits. The district court dismissed the claims on the ground 7 that, having not successfully challenged the revocation in a petition for habeas corpus, Nonnette 8 was barred by Heck's favorable termination rule from bringing a § 1983 claim for damages. The 9 Ninth Circuit, however, reversed and held that, because Nonnette lacked a remedy in habeas, he 10 was entitled to proceed with his civil rights claims. The Ninth Circuit noted the limited reach of 11 its holding: “We also emphasize that our holding affects only former prisoners challenging loss 12 of good-time credits, revocation of parole or similar matters; the status of prisoners challenging 13 their underlying convictions or sentences does not change upon release, because they continue to 14 be able to petition for a writ of habeas corpus.” Nonnette, 316 F.3d at 878 n.7. 15 While plaintiff was incarcerated when he filed this action, it is clear that he lacks a remedy 16 in habeas regarding the alleged violations occurring at his 2003 parole revocation hearing. 17 Accordingly, plaintiff's claims are not barred by Heck. 18 For the reasons stated herein, plaintiff's claims alleging violations of the Eighth and 19 Fourteenth Amendments against defendant CDCR are barred by the Eleventh Amendment. 20 Claims for damages pursuant to Section 1983 against the state, its agencies, or its officers 21 for actions performed in their official capacities are barred under the Eleventh Amendment, 22 unless the state waives its immunity. Kentucky v. Graham, 473 U.S. 159, 169 (1985) (Eleventh 23 Amendment bars a damages action against a State in federal court); see also Will v. Michigan 24 Dep't of State Police, 491 U.S. 58, 71 (1989). Indeed, the Eleventh Amendment prohibits federal 25 courts from hearing a Section 1983 lawsuit in which damages or injunctive relief is sought against 26 a state, its agencies (such as CDCR) or individual prisons, absent “a waiver by the state or a valid 27 congressional override....” Dittman v. California, 191 F.3d 1020, 1025 (9th Cir. 1999). 28 Accordingly, plaintiff's claims against defendant CDCR for alleged violations of the Eighth and 1 Fourteenth Amendments are barred by the Eleventh Amendment. 2 Plaintiff may also be naming as a defendant BPT Officer J. Bock, who allegedly 3

conducted the 2003 parole revocation hearing. Plaintiff may be claiming that J. Bock revoked 4 plaintiff's parole based on a false finding that plaintiff had been charged with kidnapping. Parole 5 board members are entitled to absolute immunity when they perform "quasi-judicial" functions. 6 *Swift v. California*, 384 F.3d 1184, 1189 (9th Cir. 2004). "Thus, parole board officials of the 7 BPT are entitled to absolute quasi-judicial immunity for decisions to 'grant, deny or revoke 8 parole' because these tasks are 'functionally comparable' to tasks performed by judges." *Id.* 9 (citations omitted). Thus, it appears that J. Bock would be entitled to absolute quasi-judicial 10 immunity were plaintiff to claim that J. Bock violated plaintiff's constitutional rights by revoking 11 plaintiff's parole based on a false finding that plaintiff had been charged with kidnapping. 12 Plaintiff also appears to raise state law claims. However, the undersigned does not 13 address plaintiff's state law claims at this time because plaintiff has not state potentially colorable 14 claims for violations of his federal constitutional rights. In an abundance of caution, plaintiff's 15 complaint is dismissed with leave to amend. If plaintiff files an amended complaint, he shall not 16 name CDCR as a defendant. 17 If plaintiff chooses to amend the complaint, plaintiff must demonstrate how the conditions 18 about which he complains resulted in a deprivation of plaintiff's constitutional rights. See, e.g., 19 *West v. Atkins*, 487 U.S. 42, 48 (1988). Also, the complaint must allege in specific terms how 20 each named defendant is involved. *Rizzo v. Goode*, 423 U.S. 362, 371 (1976). There can be no 21 liability under 42 U.S.C. § 1983 unless there is some affirmative link or connection between a 22 defendant's actions and the claimed deprivation. *Rizzo*, 423 U.S. at 371; *May v. Enomoto*, 633 23 F.2d 164, 167 (9th Cir. 1980). Furthermore, vague and conclusory allegations of official 24 participation in civil rights violations are not sufficient. *Ivey v. Bd. of Regents*, 673 F.2d 266, 25 268 (9th Cir. 1982). 26 In addition, plaintiff is informed that the court cannot refer to a prior pleading in order to 27 make plaintiff's amended complaint complete. Local Rule 220 requires that an amended 28 complaint be complete in itself without reference to any prior pleading. This requirement exists 1 | because, as a general rule, an amended complaint supersedes the original complaint. See *Ramirez 2 | v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015) ("an 'amended complaint 3 || supersedes the original, the latter being treated thereafter as non-existent.'" (internal citation 4 || omitted)). Once plaintiff files an amended complaint, the original pleading no longer serves any 5 || function in the case. Therefore, in an amended complaint, as in an original complaint, each claim 6 || and the involvement of each defendant must be sufficiently alleged. Lastly, plaintiff must address 7 || why his claims are not time-barred. 8 In accordance with the above, IT IS HEREBY ORDERED that: 9 1. Plaintiffs complaint is dismissed. 10 2. Within thirty days from the date of this order, plaintiff shall complete the attached 11 || Notice of Amendment and submit the following documents to the court: 12 a. The completed Notice of Amendment; and 13 b. An original of the Amended Complaint. 14 | Plaintiffs amended complaint shall comply with the requirements of the Civil Rights Act, the 15 || Federal Rules of Civil Procedure, and the Local Rules of Practice. The amended complaint must 16 || also bear the docket number assigned to this case and must be

labeled "Amended Complaint." 17 Failure to file an amended complaint in accordance with this order may result in the 18 || dismissal of this action. 19 3. Defendant shall not respond to the amended complaint until ordered by the court. 20 | Dated: March 14, 2023 Aectl Aharon

22 KENDALL J. NE

UNITED STATES MAGISTRATE JUDGE

23 24 Ham347.14 25 26 27 28 1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

ALBERT JOHN HAMILTON, No. 2: 23-cv-00347 KJN P

11 Plaintiff, 12

v. NOTICE OF AMENDMENT

13

DEPARTMENT OF CORRECTIONS,

14 Defendant. 15

16 Plaintiff hereby submits the following document in compliance with the court's order 17
filed_____. 18 _____ Amended Complaint DATED: 19 20

_____. Plaintiff 21 22 23 24 25 26 27 28