

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Cuellar v. The Madera County Sheriff Jail Division, et al.

Cuellar v. The Madera County Sheriff Jail Division, No. 1:25-cv-00301-EPG (PC) (E.D. Cal. May 27, 2025) ·
No. 1:25-cv-00301-EPG (PC) · Decided May 27, 2025

SUMMARY

The court recommends dismissing Travis Justin Cuellar’s pro se § 1983 action against the Madera County Sheriff Jail Division, Homewav, and Doe defendants. The recommendations conclude that Cuellar failed to allege personal injury, a proper municipal defendant, state action by Homewav, or a viable due process claim, and also failed to prosecute the case or comply with a screening order. The court recommends dismissal with prejudice and advises that objections may be filed within thirty days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 27, 2025
DOCKET	1:25-cv-00301-EPG (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner proceeding in forma pauperis filed a 42 U.S.C. § 1983 complaint, purportedly as a class action. After screening the complaint, the magistrate judge found no cognizable claims, ordered Plaintiff to amend or stand on the complaint, and recommended dismissal with prejudice after Plaintiff failed to respond.
STANDARD OF REVIEW	The complaint was screened under 28 U.S.C. §§ 1915A and 1915(e) (2)(B), applying the Rule 8 and plausibility standards. Dismissal for failure to prosecute or failure to comply with a court order was evaluated under the five-factor test requiring consideration of expeditious resolution, docket management, prejudice, lesser sanctions, and the policy favoring disposition on the merits.
PRECEDENTIAL VALUE	unknown; findings and recommendations from a federal district court magistrate judge, with no reporter citation or precedential designation stated

PARTIES

Travis Justin Cuellar v. The Madera County Sheriff Jail Division,
Homewav, Does 1-1000

TOPICS

prisoners rights

section 1983

due process

class actions

civil procedure

PRACTICE AREAS

prisoner civil rights

federal civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable claim under 42 U.S.C. § 1983.
2. Whether Plaintiff had standing to assert claims on behalf of his loved ones and other inmates when he did not allege a personal injury.
3. Whether the Madera County Jail was a proper defendant or was sufficiently connected to the alleged conduct under § 1983.
4. Whether Homewav was alleged to have acted under color of state law merely because it contracted with the Jail.
5. Whether the complaint alleged a constitutional due process violation based on allegedly unauthorized charges for unsolicited video calls.
6. Whether dismissal was warranted for failure to prosecute and failure to comply with the court's screening order.

HOLDINGS

1. Plaintiff could not pursue claims belonging to his loved ones or other inmates because he did not allege that he personally suffered the alleged financial injury, and a pro se litigant may not represent other persons in a class action.
2. The Madera County Jail was not a proper § 1983 defendant, and the complaint did not allege specific facts showing that the Jail caused the alleged video calls or participated in a constitutional conspiracy.
3. The complaint failed to state a § 1983 claim against Homewav because contracting with the Jail to provide video services, without more, did not establish that Homewav acted under color of state law.
4. Plaintiff failed to state a due process claim because he did not allege that he personally was deprived of property, did not allege an authorized deprivation pursuant to established state procedure, and did not identify personal participation by a defendant.
5. Dismissal was appropriate under the applicable five-factor analysis because Plaintiff failed to respond to the screening order despite a warning that noncompliance could result in dismissal.

KEY QUOTATIONS

“The ordinary rule . . . is that a party must assert his own legal rights and interests, and cannot rest his claim to relief on the legal rights or interests of third parties.” (at 3)

“Generally, a private business has no authority to act under color of state law; however, such action can be deemed to be under color of law if there is a sufficient connection between the business entity and the state.” (at 7)

“In determining whether to dismiss a[n] [action] for failure to prosecute or failure to comply with a court order, the Court must weigh the following factors: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to defendants/respondents; (4) the availability of less drastic alternatives; and (5) the public policy favoring disposition of cases on their merits.” (at 9)

FACTUAL BACKGROUND

Plaintiff, a pretrial detainee at the Madera County Jail, alleged that the Jail and Homewav, a private remote-video-visit provider, caused video-call accounts to automatically call inmates' loved ones without the inmates initiating the calls. According to the complaint, recipients were charged approximately two dollars for silent calls, and Plaintiff characterized the arrangement as a scheme to obtain money. Plaintiff did not allege that he personally paid for any such call or identify a specific person at the Jail responsible for the calls.

PROCEDURAL HISTORY

Plaintiff filed the complaint on March 12, 2025. On April 8, 2025, the court screened the complaint, concluded that it failed to state a cognizable claim, and gave Plaintiff thirty days to file an amended complaint or notify the court that he would stand on the original complaint. Plaintiff did neither, and the magistrate judge recommended dismissal with prejudice for failure to state a claim, failure to prosecute, and failure to comply with a court order. The clerk was directed to assign a district judge, and objections were permitted within thirty days.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 676-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 566, 570 (2007)
- Doe I v. Wal-Mart Stores, Inc., 572 F.3d 677, 681 (9th Cir. 2009)
- Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)
- Graham v. Connor, 490 U.S. 386, 393-94 (1989)
- Baker v. McCollan, 443 U.S. 137, 144 n.3 (1979)
- Chapman v. Houston Welfare Rights Organization, 441 U.S. 600, 618 (1979)
- Hall v. City of Los Angeles, 697 F.3d 1059, 1068 (9th Cir. 2012)
- Crowley v. Nevada, 678 F.3d 730, 734 (9th Cir. 2012)

- *Anderson v. Warner*, 451 F.3d 1063, 1067 (9th Cir. 2006)
- *Long v. County of Los Angeles*, 442 F.3d 1178, 1185 (9th Cir. 2006)
- *Marsh v. County of San Diego*, 680 F.3d 1148, 1158 (9th Cir. 2012)
- *Preschooler II v. Clark County School Board of Trustees*, 479 F.3d 1175, 1183 (9th Cir. 2007)
- *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)
- *Arnold v. International Business Machines Corp.*, 637 F.2d 1350, 1355 (9th Cir. 1981)
- *Harper v. City of Los Angeles*, 533 F.3d 1010, 1026 (9th Cir. 2008)
- *Tingley v. Ferguson*, 47 F.4th 1055, 1069 (9th Cir. 2022)
- *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987)
- *Abel v. Alameda County*, No. C 07-3247 MJJ (PR), 2007 WL 3022252, at *1 (N.D. Cal. Oct. 13, 2007)
- *Perez v. Woodford*, No. C 01-2605 TEH (PR), 2001 WL 1180647, at *1 (N.D. Cal. Oct. 2, 2001)
- *Monell v. Department of Social Services of City of New York*, 436 U.S. 658, 691, 695 (1978)
- *Jay v. Medical Department of Fresno County Jail*, No. 1:10-CV-00685-GBC PC, 2011 WL 3875523, at *4 (E.D. Cal. Sept. 1, 2011)
- *Gatlin v. Bank of America*, No. 2:23-CV-0272-DAD-KJN P, 2023 WL 2529725, at *2 (E.D. Cal. Mar. 15, 2023)
- *Burns v. County of King*, 883 F.2d 819, 821 (9th Cir. 1989)
- *Mistriel v. Kern County*, No. 1:03-CV-06922-AWI, 2011 WL 864495, at *9 (E.D. Cal. Mar. 10, 2011)
- *Brooks v. SecurusTech.net*, No. 13-CV-4646 JS AKT, 2014 WL 737683, at *6 (E.D.N.Y. Feb. 24, 2014)
- *Whitaker v. Director, TDCJ-CID*, No. 9:11-CV-68, 2013 WL 2318889, at *15 (E.D. Tex. May 27, 2013)
- *Wolff v. McDonnell*, 418 U.S. 539, 556 (1974)
- *Hansen v. May*, 502 F.2d 728, 730 (9th Cir. 1974)
- *Bell v. Wolfish*, 441 U.S. 520, 545 (1979)
- *Daniels v. Williams*, 474 U.S. 327, 328 (1986)
- *Hudson v. Palmer*, 468 U.S. 517, 532-33 & n.13 (1984)
- *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 435-36 (1982)
- *Quick v. Jones*, 754 F.2d 1521, 1524 (9th Cir. 1985)
- *Barnett v. Centoni*, 31 F.3d 813, 816-17 (9th Cir. 1994)
- *Pagtalunan v. Galaza*, 291 F.3d 639, 642-43 (9th Cir. 2002)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- *Yourish v. California Amplifier*, 191 F.3d 983, 990-91 (9th Cir. 1999)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014)
- *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)