

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Sandy Holt v. Sacramento County Sheriff's Department, et al.

Holt · No. 2:24-cv-03256-DJC-CSK · Decided April 25, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Sandy Holt’s application to proceed in forma pauperis. The court screens the complaint under 28 U.S.C. § 1915(e), dismisses the Section 1983 claims against the Sacramento County Sheriff’s Department, Sheriff Jim Cooper, and the Sacramento County Board of Supervisors for failure to state sufficient claims, and grants leave to amend. Holt is given 30 days to file an amended complaint complying with Federal Rule of Civil Procedure 8 and related pleading requirements.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 25, 2025
DOCKET	2:24-cv-03256-DJC-CSK
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se 42 U.S.C. § 1983 complaint and requested leave to proceed in forma pauperis. The court screened the complaint under 28 U.S.C. § 1915(e), granted IFP status, dismissed the complaint for failure to state a claim, and granted leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court screens an IFP complaint and must dismiss it if frivolous, malicious, unable to state a claim, or seeking monetary relief from an immune defendant. The court accepts well-pleaded factual allegations as true, construes them in the light most favorable to the plaintiff, liberally construes pro se pleadings, and disregards conclusory allegations, unreasonable inferences, and unwarranted factual deductions.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Sandy Holt v. Sacramento County Sheriff's Department, Jim Cooper,
Sacramento Board of Supervisors

TOPICS

pleadings

section 1983

municipal liability

civil procedure

due process

PRACTICE AREAS

civil procedure

civil rights

constitutional law

municipal liability

QUESTIONS PRESENTED

1. Whether the complaint stated any plausible claim under 42 U.S.C. § 1983 against the Sacramento County Board of Supervisors.
2. Whether the complaint stated a § 1983 claim against Sheriff Jim Cooper based on supervisory liability.
3. Whether the complaint stated a municipal-liability claim against the Sacramento County Sheriff's Department under Monell.
4. Whether the complaint satisfied Federal Rule of Civil Procedure 8 and the pleading requirements applicable to a pro se § 1983 complaint.
5. Whether Holt should receive leave to amend.

HOLDINGS

1. The complaint failed to state a claim under § 1983 because it relied on conclusory allegations and did not provide a short and plain statement identifying specific acts by specific defendants that plausibly established constitutional violations.
2. The claims against the Sacramento Board of Supervisors were dismissed because the complaint alleged no specific connection between the Board and the claimed constitutional violations.
3. The claims against Sheriff Cooper were dismissed because the complaint alleged no facts connecting him personally to the alleged constitutional violations and appeared to rely only on his supervisory position.
4. The complaint failed to state a Monell claim because it did not identify a specific county policy or custom that caused a constitutional injury.
5. Holt was granted leave to amend because, given her pro se status, it was at least conceivable that additional facts could cure the pleading deficiencies.

KEY QUOTATIONS

“To state a claim on which relief may be granted, the plaintiff must allege enough facts ‘to state a claim to relief that is plausible on its face.’” (at 3)

“In order to establish municipal liability [under Monell], a plaintiff must show that a ‘policy or custom’ led to the plaintiff’s injury.” (at 6)

“The amended complaint must not require the Court and the defendants to guess at what is being alleged against whom.” (at 8)

FACTUAL BACKGROUND

Holt alleged that Sacramento County Sheriff’s deputies directed the towing of her 2007 Dodge Charger from an apartment-building parking lot on December 23, 2023, purportedly because of expired registration. She alleged that officers ignored her offer to move the vehicle, failed to provide adequate information on the notice of stored vehicle, and did not follow a county abatement program providing 72 hours to move vehicles. She further alleged that the tow hearing officer declared the tow legal before allowing her to present evidence and required her to leave when she sought a supervisor.

PROCEDURAL HISTORY

Holt filed a civil-rights complaint alleging constitutional violations arising from the towing of her vehicle and sought to proceed in forma pauperis. The court found that the financial showing satisfied the IFP requirement but that the complaint failed to provide a short and plain statement of actionable claims and did not adequately allege personal involvement, municipal policy or custom, or other facts supporting § 1983 liability. The complaint was dismissed with leave to amend within 30 days.

DISPOSITION

dismissed

CASES CITED

- *Lopez v. Smith*, 203 F.3d 1122 (9th Cir. 2000) (en banc)
- *Neitzke v. Williams*, 490 U.S. 319 (1989)
- *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954 (9th Cir. 2010)
- *Hebbe v. Pliler*, 627 F.3d 338 (9th Cir. 2010)
- *Western Mining Council v. Watt*, 643 F.2d 618 (9th Cir. 1981)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662 (2009)
- *Cahill v. Liberty Mutual Insurance Co.*, 80 F.3d 336 (9th Cir. 1996)
- *Kimes v. Stone*, 84 F.3d 1121 (9th Cir. 1996)
- *Wilder v. Virginia Hospital Association*, 496 U.S. 498 (1990)
- *Albright v. Oliver*, 510 U.S. 266 (1994)
- *Florer v. Congregation Pidyon Shevuyim, N.A.*, 639 F.3d 916 (9th Cir. 2011)
- *Hansen v. Black*, 885 F.2d 642 (9th Cir. 1989)
- *Johnson v. Duffy*, 588 F.2d 740 (9th Cir. 1978)
- *Bogan v. Scott-Harris*, 523 U.S. 44 (1998)
- *Jones v. Allison*, 9 F.4th 1136 (9th Cir. 2021)

- Taylor v. List, 880 F.2d 1040 (9th Cir. 1989)
- Castro v. County of Los Angeles, 833 F.3d 1060 (9th Cir. 2016) (en banc)
- Monell v. Department of Social Services of City of New York, 436 U.S. 658 (1978)
- Anderson v. Warner, 451 F.3d 1063 (9th Cir. 2006)
- Oviatt v. Pearce, 954 F.2d 1470 (9th Cir. 1992)
- Lee v. City of Los Angeles, 250 F.3d 668 (9th Cir. 2001)
- Connick v. Thompson, 563 U.S. 51 (2011)
- Jones v. Community Redevelopment Agency, 733 F.2d 646 (9th Cir. 1984)
- McHenry v. Renne, 84 F.3d 1172 (9th Cir. 1996)
- Lacey v. Maricopa County, 693 F.3d 896 (9th Cir. 2012)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 SANDY HOLT, Case No. 2:24-cv-03256-DJC-CSK 12 Plaintiff, 13 v.
ORDER GRANTING IFP REQUEST AND GRANTING LEAVE TO AMEND 14
SACRAMENTO COUNTY SHERIFF’S DEPARTMENT, et al., (ECF Nos. 1, 2) 15 Defendants.
16 17 Plaintiff Sandy Holt is representing herself in this action and seeks leave to 18 proceed in
forma pauperis (“IFP”) pursuant to 28 U.S.C. § 1915.1 (ECF No. 2.)

Plaintiff’s 19 application in support of the IFP request makes the required financial showing. 20
Accordingly, the Court grants Plaintiff’s IFP request. 21 I. SCREENING REQUIREMENT 22
Pursuant to 28 U.S.C. § 1915(e), the court must screen every in forma pauperis 23 proceeding, and
must order dismissal of the case if it is “frivolous or malicious,” “fails to 24 state a claim on which
relief may be granted,” or “seeks monetary relief against a 25 defendant who is immune from such
relief.” 28 U.S.C. § 1915(e)(2)(B); Lopez v. Smith, 26 203 F.3d 1122, 1126-27 (2000) (en banc).

A claim is legally frivolous when it lacks an 27 1 This matter proceeds before the undersigned
pursuant to 28 U.S.C. § 636, Fed. R. 28 Civ. P. 72, and Local Rule 302(c). 1 arguable basis either
in law or in fact. Neitzke v. Williams, 490 U.S. 319, 325 (1989).

In 2 reviewing a complaint under this standard, the court accepts as true the factual 3 allegations
contained in the complaint, unless they are clearly baseless or fanciful, and 4 construes those
allegations in the light most favorable to the plaintiff. See Neitzke, 490 5 U.S. at 327; Von Saher v.
Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 6 (9th Cir.

2010), cert. denied, 564 U.S. 1037 (2011). 7 Pleadings by self-represented litigants are liberally
construed. Hebbe v. Pliler, 627 8 F.3d 338, 342 & n.7 (9th Cir. 2010) (liberal construction
appropriate even post-Iqbal). 9 However, the court need not accept as true conclusory allegations,
unreasonable 10 inferences, or unwarranted deductions of fact. Western Mining Council v. Watt,
643 F.2d 11 618, 624 (9th Cir.

1981). A formulaic recitation of the elements of a cause of action does not suffice to state a claim. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-57 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). To state a claim on which relief may be granted, the plaintiff must allege enough facts “to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678.

A pro se litigant is entitled to notice of the deficiencies in the complaint and an opportunity to amend unless the complaint’s deficiencies could not be cured by amendment. See *Lopez*, 203 F.3d at 1130-31; *Cahill v. Liberty Mut. Ins. Co.*, 80 21 F.3d 336, 339 (9th Cir. 1996). II. THE COMPLAINT Plaintiff brings this Section 1983 action against Defendants Sacramento County Sheriff’s Department, Sheriff Jim Cooper, and Sacramento Board of Supervisors.

Compl. ¶¶ 1, 4 (ECF No. 1). Plaintiff alleges that on December 23, 2023, Plaintiff’s 2007 Dodge Charger SRT8 was towed from an apartment building parking lot located at 12499 Folsom Blvd., Rancho Cordova, CA “at the direction of 2 Sacramento Sheriff’s deputies.” *Id.* ¶ 6. Plaintiff alleges that she told officers and the tow truck driver that she would move the car, but she was ignored.

Id. Plaintiff alleges she was told by Defendants that her vehicle was being towed due to an expired registration. *Id.* Plaintiff alleges she was approached by Sgt. Forsyth and was handed a “notice of stored vehicle” but there were no signatures on the notice indicating they had authorization to tow her vehicle, take possession of the vehicle, and did not include information as to where the vehicle was being stored.

Id. Plaintiff alleges that Defendants did not follow the Sacramento County Sheriff’s Office’s abatement program that allows “people a 72 hour notice to move their cars before they are towed.” *Id.* ¶ 7. Plaintiff alleges Defendants did not follow “police policy and procedure and acted using their own discretion under the color of law” and that Plaintiff’s tow amounted to “cruel and unusual punishment and created an undue hardship” because it left Plaintiff without transportation.

Id. Plaintiff further alleges that at the towing hearing, “the tow hearing Officer came out and stated ‘it looks like it was a legal tow’ before Plaintiff could say anything or submit any evidence for him to consider” and when asked to speak to the supervisor, she was asked to leave. *Id.* ¶ 8. Plaintiff seeks \$6 million in compensatory damages, amongst other forms of relief.

Id. ¶ 18. III. DISCUSSION A. Federal Rule of Civil Procedure 8 Plaintiff’s Complaint does not contain a short and plain statement of a claim as required by Federal Rule of Civil

Procedure 8. In order to give fair notice of the claims 20 and the grounds on which they rest, a plaintiff must allege with at least some degree of 21 particularity overt acts by specific defendants which support the claims.

See *Kimes v. 22 Stone*, 84 F.3d 1121, 1129 (9th Cir. 1996). A review of Plaintiff's Complaint reveals it 23 consists of "[t]hreadbare recitals of the elements" of her causes of action and fails to 24 state a claim for relief under Section 1983. *Iqbal*, 556 U.S. at 678. 25 42 U.S.C. § 1983 "provides a cause of action for the deprivation of any rights, 26 privileges, or immunities secured by the Constitution and laws of the United States." 27 *Wilder v. Virginia Hosp.*

Ass'n, 496 U.S. 498, 508 (1990) (internal quotation marks 28 omitted). "Section 1983 is not itself a source of substantive rights but merely provides a 1 method for vindicating federal rights elsewhere conferred." *Albright v. Oliver*, 510 U.S. 2 266, 271 (1994) (citation and internal quotation marks omitted).

To state a cognizable 3 § 1983 claim, a plaintiff must allege the violation of a right protected by the Constitution 4 and laws of the United States, and that the alleged deprivation was committed by a 5 person who acted under color of state law. 42 U.S.C. § 1983; see also *Florer v. 6 Congregation Pidyon Shevuyim, N.A.*, 639 F.3d 916, 921 (9th Cir. 2011). An individual 7 defendant is not liable on a civil rights claim unless the facts establish the defendant's 8 personal involvement in the constitutional deprivation or a causal connection between 9 the defendant's wrongful conduct and the alleged constitutional deprivation.

See *Hansen 10 v. Black*, 885 F.2d 642, 645 (9th Cir. 1989); *Johnson v. Duffy*, 588 F.2d 740, 743-44 (9th 11 Cir. 1978). That is, plaintiff may not sue any official on the theory that the official is liable 12 for the unconstitutional conduct of his or her subordinates. *Iqbal*, 556 U.S. at 679. 13 Plaintiff's four causes of action against Defendants for Section 1983 relief allege 14 violations of the (1) Fourth and Fourteenth Amendments for unlawful seizure of property 15 without a warrant and due process; (2) Eighth and Fourteenth Amendments for cruel and 16 unusual punishment; (3) Fourteenth Amendment for falsification of records and failure to 17 follow police policies and procedures; and (4) Fourteenth Amendment for discrimination 18 and equal protection.

Compl. ¶¶ 10-17. The Court addresses each of the claim's 19 deficiencies as it relates to each Defendant. 20 1. Defendant Sacramento Board of Supervisors 21 The claims against Defendant Sacramento Board of Supervisors should be 22 dismissed for failure to sufficiently state a claim because the Complaint contains no 23 specific allegations as to this defendant's connection to or involvement in Plaintiff's 24 alleged violations.

See Compl. To the extent Plaintiff alleges that Defendant Sacramento 25 Board of Supervisors was acting within the scope of its position or its legislative stance 26 as it relates to the abatement

program, Defendant Sacramento Board of Supervisors 27 would be entitled to legislative immunity.

The United States Supreme Court has long 28 held that “legislators are absolutely immune from liability for their legislative activities.” 1 *Bogan v. Scott-Harris*, 523 U.S. 44, 48 (1998). Local legislators, such as members of a 2 county board of supervisors, are “likewise absolutely immune from suit under § 1983 for 3 their legislative activities.” *Id.* at 49.

In addition, “[u]nder the doctrine of legislative 4 immunity, members of Congress and state legislators are entitled to absolute immunity 5 from civil damages for their performance of lawmaking functions.” *Jones v. Allison*, 9 6 F.4th 1136, 1139-40 (9th Cir. 2021).

Because the Complaint contains no specific 7 allegations as to Defendant Sacramento Board of Supervisors, the Court cannot 8 determine whether immunity is applicable. Though all claims against Defendant 9 Sacramento Board of Supervisors are dismissed, leave to amend will be provided. 10 Plaintiff will be provided an opportunity to amend her Complaint, if she can, alleging facts 11 demonstrating Defendant Sacramento Board of Supervisors’ connection to or 12 involvement in Plaintiff’s alleged violations and whether legislative immunity is applicable 13 here.

14 2. Defendant Sheriff Jim Cooper 15 The claims against Defendant Sheriff Jim Cooper should also be dismissed for 16 failure to sufficiently state a claim because the Complaint contains no specific allegations 17 as to Sheriff Cooper’s connection or involvement in Plaintiff’s alleged violations. See 18 *Compl.*

As best as the Court can tell, Plaintiff seeks to name Defendant Cooper in his 19 supervisory capacity of the Sacramento County Sheriff’s Department. “A supervisor is 20 only liable for constitutional violations of his subordinates if the supervisor participated in 21 or directed the violations, or knew of the violations and failed to act to prevent them. 22 There is no respondeat superior liability under section 1983.” *Taylor v. List*, 880 F.2d 23 1040, 1045 (9th Cir.

1989). Though all claims against Defendant Cooper are dismissed, 24 leave to amend will be provided. Plaintiff will be provided an opportunity to amend her 25 Complaint, if she can, alleging specific facts demonstrating Defendant Cooper’s 26 connection to or involvement in the alleged violations. 27 3. Defendant Sacramento County Sheriff’s Department 28 It appears that Plaintiff seeks to bring a claim for municipal liability against 1 Defendant Sacramento County Sheriff’s Department pursuant to Section 1983. “In order 2 to establish municipal liability [under Monell], a plaintiff must show that a ‘policy or 3 custom’ led to the plaintiff’s injury.” *Castro v. County of Los Angeles*, 833 F.3d 1060, 4 1073 (9th Cir.

2016) (en banc) (quoting *Monell v. Dep’t of Soc. Servs. of City of New 5 York*, 436 U.S. 658, 694 (1978)). To impose liability under Monell, a plaintiff must show 6 that (1) she was deprived of a

constitutional right; (2) the municipality has a policy; (3) the policy amounts to deliberate indifference to plaintiff's constitutional rights; and (4) the policy is the moving force behind the constitutional violation.

Anderson v. Warner, 945 F.3d 1063, 1070 (9th Cir. 2006) (citing *Oviatt v. Pearce*, 954 F.2d 1470, 1474 (9th Cir. 1994)). The complaint must identify the particular policy that plaintiff alleges caused his constitutional injury. See *Lee v. City of Los Angeles*, 250 F.3d 668, 681 (9th Cir. 2002); see also *Connick v. Thompson*, 563 U.S. 51, 60 (2011) (under § 1983, local governments are responsible only for “their own illegal acts,” and therefore to impose liability on a local government, plaintiffs must prove that an “action pursuant to official municipal policy” caused their injury) (citations omitted).

Further, the policy at issue must be the result of a decision of a person employed by the entity who has final decision or policymaking authority. *Monell*, 436 U.S. at 694. There must be a direct causal link between the policy or custom and the injury, and a plaintiff must be able to demonstrate that his injury resulted from a permanent and well-settled practice.

Anderson, 945 F.3d at 1070. Here, the Complaint does not allege any facts that could support a *Monell* claim. Plaintiff alleges generally that Defendant Sacramento County Sheriff's Department did not follow “police policy and procedures” of the abatement program during Plaintiff's towing. Compl. ¶ 7. Instead, Defendant Sacramento County Sheriff's Department “acted using their own discretion under the color of law.” *Id.* Such conclusory allegations are insufficient to state a *Monell* claim.

See *Western Mining Council*, 643 F.2d at 624. Therefore, the claims against Defendant Sacramento County Sheriff's Department are dismissed with leave to amend. Plaintiff will be provided an opportunity to amend her Complaint but must allege specific facts demonstrating Plaintiff's alleged constitutional violations resulted from Defendant Sacramento County Sheriff's Department's “execution of a government's policy or custom.” *Monell*, 436 U.S. at 694.

4 B. Leave to Amend Although the Federal Rules adopt a flexible pleading policy, even a pro se litigant's complaint must give fair notice and state the elements of a claim plainly and succinctly. *Jones v. Community Redev. Agency*, 733 F.2d 646, 649 (9th Cir. 1984).

In light of Plaintiff's pro se status, and because it is at least conceivable that Plaintiff could allege additional facts to state claims under Section 1983, the Court finds it appropriate to grant Plaintiff an opportunity to amend the Complaint. See *Lopez*, 203 F.3d at 1130-31 (indicating that prior to dismissal, the court is to tell the plaintiff of deficiencies in the complaint and provide an opportunity to cure – if it appears at all possible the defects can be corrected).

14 If Plaintiff elects to file an amended complaint, this new pleading shall allege facts 15 establishing the existence of federal jurisdiction and must contain a short and plain 16 statement of Plaintiff's claim. The allegations of the complaint must be set forth in 17 sequentially numbered paragraphs, with each paragraph number being one greater than 18 the one before, each paragraph having its own number, and no paragraph number being 19 repeated anywhere in the complaint.

Each paragraph should be limited "to a single set of 20 circumstances" where possible. See Fed. R. Civ. P. 10(b). Forms are available to help 21 plaintiffs organize their complaint in the proper way. They are available at the Clerk's 22 Office, 501 I Street, 4th Floor (Rm. 4-200), Sacramento, CA 95814, or online at 23 www.uscourts.gov/forms/pro-se-forms. 24 The amended complaint must not require the Court and the defendants to guess 25 at what is being alleged against whom.

See *McHenry v. Renne*, 84 F.3d 1172, 1177 (9th 26 Cir. 1996) (affirming dismissal of a complaint where the district court was "literally 27 guessing as to what facts support the legal claims being asserted against certain 28 defendants").

The amended complaint must not require the Court to spend its time 1 | "preparing the 'short and plain statement' which Rule 8 obligated plaintiffs to submit." /d. 2 | at 1180. The amended complaint must not require the Court and defendants to prepare 3 || lengthy outlines "to determine who is being sued for what." /d. at 1179. 4 Plaintiff is informed that the court cannot refer to a prior complaint or other filing in 5 | order to make the amended complaint complete.

Local Rule 220 requires that an 6 || amended complaint be complete in itself without reference to any prior pleading. As a 7 || general rule, an amended complaint supersedes prior complaint(s), and once the 8 || amended complaint is filed and served, any previous complaint no longer serves any 9 | function in the case. *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 927 (9th Cir.

2012). 10 | IV. CONCLUSION 11 In accordance with the above, IT |S ORDERED that: 12 1. Plaintiff's motion to proceed in forma pauperis (ECF No. 2) is GRANTED; 13 2. Plaintiffs Complaint (ECF No. 1) is DISMISSED with leave to amend; and 14 3. Plaintiff shall have 30 days from the date of this order to file an amended 15 complaint that complies with the instructions provided above.

If Plaintiff 16 fails to timely comply with this order, the undersigned may recommend that 17 this action be dismissed. 18 19 | Dated: April 25, 2025 C i s \U 20 CHI SOO KIM UNITED STATES MAGISTRATE JUDGE 22 23 || 4, holt2356.24 24 25 26 27 28