

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lacy v. Fresno County Sheriff's Office

Lacy · No. 1:25-cv-00832-BAM · Decided July 16, 2025

SUMMARY

The United States District Court for the Eastern District of California screened Janice Lacy’s pro se, in forma pauperis civil-rights complaint under 42 U.S.C. § 1983 against the Fresno County Sheriff’s Office. The court found that the complaint failed to comply with Federal Rules of Civil Procedure 8 and 10 and did not state a cognizable federal or state-law claim, including asserted Fourth, Fifth, and Fourteenth Amendment claims. The court granted leave to amend and ordered Lacy to file an amended complaint within 30 days.

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	July 16, 2025
DOCKET	1:25-cv-00832-BAM
DISPOSITION	other
PROCEDURAL POSTURE	Screening order in a pro se and in forma pauperis civil-rights action under 42 U.S.C. § 1983.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court screens an in forma pauperis complaint and may dismiss it if frivolous, malicious, legally insufficient, or seeking monetary relief from an immune defendant. The pleading must satisfy Federal Rule of Civil Procedure 8 and contain sufficient factual matter to state a facially plausible claim under Ashcroft v. Iqbal and Bell Atlantic Corp. v. Twombly.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court screening order

TOPICS

- pleadings
- section 1983
- civil rights
- due process
- equal protection

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint complied with Federal Rules of Civil Procedure 8 and 10.
2. Whether the complaint stated a cognizable Fourth Amendment unreasonable-search claim.
3. Whether the complaint stated cognizable Fifth Amendment due-process, Fourteenth Amendment substantive-due-process, or Fourteenth Amendment equal-protection claims.
4. Whether the complaint adequately linked each defendant to an alleged constitutional deprivation and alleged a basis for Monell liability against the Sheriff's Office.
5. Whether Plaintiff adequately pleaded any state-law claims, including compliance with the California Government Claims Act.

HOLDINGS

1. The complaint failed to provide a short and plain statement containing sufficient factual matter to make Plaintiff's claims facially plausible because it did not clearly allege what happened, when it happened, or who was involved.
2. The complaint failed to comply with Rule 10 because the caption named only the Fresno County Sheriff's Office while the body referred to other potential defendants, and it did not present claims in the required numbered-paragraph format.
3. The complaint failed to state a § 1983 claim because it did not link the Sheriff's Office or any individual defendant to a specific act or omission causing a constitutional deprivation and did not allege a policy, custom, delegation, or ratification sufficient for Monell liability.
4. The complaint did not state a cognizable Fourth Amendment claim because it lacked facts showing that the alleged search was unreasonable and conducted without consent.
5. Any Fifth Amendment due-process claim was not cognizable against the named state-government defendant because the Fifth Amendment due-process clause applies only to the federal government.
6. The complaint did not state a cognizable substantive-due-process claim because it did not allege facts showing a deprivation of liberty accompanied by conscience-shocking government conduct.
7. The complaint did not state a cognizable equal-protection claim because it did not allege protected-class membership, intentional discrimination, discriminatory intent, or intentional disparate treatment lacking a rational relationship to a legitimate state purpose.
8. The court declined to screen potential state-law claims absent a cognizable federal claim and noted that Plaintiff had not alleged compliance with the California Government Claims Act.
9. Plaintiff was granted thirty days to file an amended complaint curing the identified deficiencies or to file a notice of voluntary dismissal.

KEY QUOTATIONS

“To survive screening, Plaintiff’s claims must be facially plausible, which requires sufficient factual detail to allow the Court to reasonably infer that each named defendant is liable for the misconduct alleged.” (at 3)

“The statute plainly requires that there be an actual connection or link between the actions of the defendants and the deprivation alleged to have been suffered by Plaintiff.” (at 5)

“The substantive protections of the due process clause bar certain governmental actions regardless of the fairness of the procedures that are used to implement them.” (at 7)

“To state a § 1983 claim based on a violation of the Equal Protection Clause of the Fourteenth Amendment, a plaintiff must allege that defendants acted with intentional discrimination against plaintiff, or against a class of individuals which included plaintiff, and that such conduct did not relate to a legitimate state purpose.” (at 8)

FACTUAL BACKGROUND

Plaintiff alleged that she called 911, that the Sheriff's Office prepared a report stating she was talking to herself, and that a deputy searched her person, including the genital area, after allegedly claiming she made statements about her genitals. She also alleged that her complaints were ignored and that an arresting deputy and correctional officer laughed about the incident. The complaint named only the Fresno County Sheriff's Office in the caption but referred to unidentified deputies, correctional officers, and internal-affairs personnel in the body, and asserted Fourth, Fifth, and Fourteenth Amendment theories and related claims.

PROCEDURAL HISTORY

Janice Lacy filed a signed complaint against the Fresno County Sheriff's Office on July 10, 2025. The court screened the complaint under 28 U.S.C. § 1915(e)(2), found that it failed to comply with Rules 8 and 10 and failed to state a cognizable claim, and granted Plaintiff thirty days to file an amended complaint or a notice of voluntary dismissal.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (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)
- Soto v. Bd. of Prison Terms, No. CIV S-06-2502 RRB DAD P, 2007 WL 2947573, at *2 (E.D. Cal. Oct. 9, 2007)
- Campbell v. Washington Dep't of Soc. Servs., 671 F.3d 837, 842 n.5 (9th Cir. 2011)
- Ketchum v. Alameda County, 811 F.2d 1243, 1245 (9th Cir. 1987)
- Monell v. Department of Social Services of the City of New York, 436 U.S. 658, 691, 694 (1978)

- Rizzo v. Goode, 423 U.S. 362 (1976)
- Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978)
- Estate of Debbs v. County of Sacramento, No. 2:20-cv-01153-TLN-DB, 2023 WL 4108320, at *4 (E.D. Cal. June 21, 2023)
- Bustamante v. County of Shasta, No. 2:23-cv-01552-TLN-DMC, 2024 WL 3673529, at *2 (E.D. Cal. Aug. 6, 2024)
- Price v. Sery, 513 F.3d 962, 966 (9th Cir. 2008)
- Bell v. Wolfish, 441 U.S. 520, 558 (1979)
- Williams v. Drakaina Logistics, No. 1:21-cv-01436-NONE-SKO, 2022 WL 36957, at *5 (E.D. Cal. Jan. 3, 2022)
- Bingue v. Prunchak, 512 F.3d 1169, 1174 (9th Cir. 2008)
- Albright v. Oliver, 510 U.S. 266, 272 (1994)
- Williams v. Fresno County Department of Social Services, No. 1:21-CV-00596-DAD-SAB, 2021 WL 3033578, at *6-7 (E.D. Cal. July 19, 2021)
- County of Sacramento v. Lewis, 523 U.S. 833, 840, 846-47 (1998)
- Brittain v. Hansen, 451 F.3d 982, 990-91 (9th Cir. 2006)
- Barren v. Harrington, 152 F.3d 1193, 1194-95 (9th Cir. 1998)
- City of Cleburne v. Cleburne Living Center, Inc., 473 U.S. 432, 439 (1985)
- Hartmann v. California Department of Corrections and Rehabilitation, 707 F.3d 1114, 1123 (9th Cir. 2013)
- Furnace v. Sullivan, 705 F.3d 1021, 1030 (9th Cir. 2013)
- Washington v. Davis, 426 U.S. 229, 239-40 (1976)
- Serrano v. Francis, 345 F.3d 1071, 1081-82 (9th Cir. 2003)
- United Mine Workers of America v. Gibbs, 383 U.S. 715, 726 (1966)
- Shirk v. Vista Unified School District, 42 Cal. 4th 201, 209 (2007)
- Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Lacey v. Maricopa County, 693 F.3d 896, 927 (9th Cir. 2012)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
 CALIFORNIA 10 11 JANICE LACY, Case No. 1:25-cv-00832-BAM 12 Plaintiff, SCREENING
 ORDER GRANTING PLAINTIFF LEAVE TO FILE AMENDED 13 v. COMPLAINT 14
 FRESNO COUNTY SHERIFF'S OFFICE, (Doc. 1) 15 Defendant. THIRTY-DAY DEADLINE 16
 17 Plaintiff Janice Lacy is proceeding pro se and in forma pauperis in this civil rights action 18
 under 42 U.S.C. § 1983.

Plaintiff's signed complaint, filed on July 10, 2025, is currently before 19 the Court for screening.
 (Doc. 1.) 20 I. Screening Requirement and Standard 21 The Court screens complaints brought by

persons proceeding pro se and in forma pauperis. 28 U.S.C. § 1915(e)(2). Plaintiff's complaint, or any portion thereof, is subject to dismissal if it is frivolous or malicious, if it fails to state a claim upon which relief may be granted, or if it seeks monetary relief from a defendant who is immune from such relief.

28 U.S.C. § 1915(e)(2)(B)(ii). A complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief...." Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are not required, but "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).

While a plaintiff's allegations are taken as true, courts "are not required to indulge unwarranted inferences." *Doe I v. Wal-Mart Stores, Inc.*, 457 F.3d 677, 681 (9th Cir. 2009) (internal quotation marks and citation omitted). To survive screening, Plaintiff's claims must be facially plausible, which requires sufficient factual detail to allow the Court to reasonably infer that each named defendant is liable for the misconduct alleged.

Iqbal, 556 U.S. at 678 (quotation marks omitted); *Moss v. U.S. Secret Serv.*, 572 F.3d 962, 969 (9th Cir. 2009). The sheer possibility that a defendant acted unlawfully is not sufficient, and mere consistency with liability falls short of satisfying the plausibility standard. *Iqbal*, 556 U.S. at 678 (quotation marks omitted); *Moss*, 572 F.3d at 969. 11 II.

Plaintiff's Allegations Plaintiff brings this action against the Fresno County Sheriff's Office. In Plaintiff's form complaint, Plaintiff alleges as follows: I called 911 and the Sheriff wrote a report saying that I was talking to myself so that noone [sic] would believe me[.] Then the Deputy claimed I made statement [sic] about my genitals, causing him to need to search my person specifically in that area and others.

This was in the field and in a semi-private place although there was some visibility... My complaints have been ignored. 17 (Doc. 1 at 5.) Plaintiff further alleges: I fear that the Sheriff misbehaves too often. They must be assigned an auditor. I know that the PREA posters do not go to anyone who can help, except for a counselor.

The arresting Deputy was laughing with a correctional officer about being friends with IA and texting. They really believe that what I am going through [sic] is funny. I request the arresting Deputy be dismissed and replaced, along with the IA officer. I had to see him at a local store last week[.] Plaintiff asserts claims for violation of her Fourth, Fifth, and Fourteenth Amendment rights, and well as claims on the basis of "women's equality, due process, protection, sexual harassment." (Id. at 6.)

As relief, Plaintiff seeks "\$1 million punitive for violating my rights, \$500,000 for vocational rehabilitation for my small business, \$500,000 for destroying the peace and safety of our

home[,] \$500,000 for permanent injury[,] \$500,000 in lost past and future wages, \$500,000 for destroying my reputation[,] 700,000 for my offspring college debt.” (Id.)

1 Plaintiff also requests that “the arresting Deputy be dismissed and replaced, along with the IA 2 officer.” (Id. at 6.) 3 III. Discussion 4 Plaintiff’s complaint fails to comply with Federal Rule of Civil Procedure 8 and 10 and 5 fails to state a cognizable claim upon which relief may be granted.

Because she is proceeding pro 6 se, Plaintiff will be granted leave to amend her complaint to the extent that she can do so in good 7 faith. To assist Plaintiff, the Court provides the pleading and legal standards that appear relevant 8 to her claims. 9 A. Federal Rule of Civil Procedure 8 10 Pursuant to Federal Rule of Civil Procedure 8, a complaint must contain “a short and plain 11 statement of the claim showing that the pleader is entitled to relief.” Fed.

R. Civ. P. 8(a). 12 Detailed factual allegations are not required, but “[t]hreadbare recitals of the elements of a cause 13 of action, supported by mere conclusory statements, do not suffice.” *Iqbal*, 556 U.S. at 678 14 (citation omitted). Plaintiff must set forth “sufficient factual matter, accepted as true, to ‘state a 15 claim to relief that is plausible on its face.’” *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. 16 at 570).

While factual allegations are accepted as true, legal conclusions are not. Id.; see also 17 *Twombly*, 550 U.S. at 556–57. 18 Plaintiff’s complaint does not set forth sufficient factual matter to constitute a plain 19 statement of her claims.

As a basic matter, the complaint does not clearly allege what happened, 20 when it happened, or who was involved. The complaint does not provide any factual allegations 21 concerning the circumstances preceding the alleged search, the details of the alleged search, or the 22 individuals involved. If Plaintiff elects to amend her complaint, she must clearly state what 23 happened, when it happened, and who was involved.

24 B. Federal Rule of Civil Procedure 10 25 Plaintiff’s complaint identifies only Defendant Fresno County Sheriff’s Office in the 26 caption, but lists other individuals in the allegations of her complaint. Plaintiff refers to “the 27 Sheriff,” “the Deputy,” (Doc. 1 at 5), “a correctional officer,” and an “IA officer” in her 28 allegations. (Id. at 6.) Plaintiff’s complaint does not have a caption that contains the name of any 1 individual defendant.

Plaintiff also references “Arresting Officers, IA and John Zaroni, as an 2 organization,” but these individuals and entities are not listed in the caption. It is unclear if 3 Plaintiff is attempting to name individual defendants or if only the Sheriff’s Office is intended to 4 be named as a party. 5 If Plaintiff intends to name individual defendants, then the complaint’s caption must 6 contain the names of the defendants.

See Fed. R. Civ. P. 10(a) (Rule 10(a) requires that plaintiffs include the names of all parties in the caption of the complaint). The Court cannot have the complaint served on any of the parties discussed in the body of the Complaint. See *Soto v. Bd. of Prison Term*, No. CIV S-06-2502 RRB DAD P, 2007 WL 2947573, at *2 (E.D. Cal. Oct. 9, 2007) (The Court cannot order service of the Complaint without the names of the parties included in the caption of the Complaint).

In any amended complaint, Plaintiff must identify all defendants in the caption of the complaint, and must submit her complaint “in numbered paragraphs, each limited as far as practicable to a single set of circumstances.” Fed. R. Civ. P. 10(b). C. Linkage Requirement The Civil Rights Act under which this action was filed provides: Every person who, under color of [state law]... subjects, or causes to be subjected, any citizen of the United States... to the deprivation of any rights, privileges, or immunities secured by the Constitution... shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

42 U.S.C. § 1983. “To state a claim under 42 U.S.C. § 1983, the plaintiff must allege two elements: (1) that a right secured by the Constitution or laws of the United States was violated; and (2) that the alleged violation was committed by a person acting under color of state law.” *Campbell v. Washington Dep’t of Soc. Servs.*, 671 F.3d 837, 842 n. 5 (9th Cir.

2011) (citing *Ketchum v. Alameda Cty.*, 811 F.2d 1243, 1245 (9th Cir. 1987)). The statute plainly requires that there be an actual connection or link between the actions of the defendants and the deprivation alleged to have been suffered by Plaintiff. See *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658 (1978); *Rizzo v. Goode*, 423 U.S. 362 (1976).

The Ninth Circuit has held that “[a] person ‘subjects another to the deprivation of a constitutional right, within the meaning of section 1983, if he does an affirmative act, participates in another’s affirmative acts or omits to perform an act which he is legally required to do that causes the deprivation of which complaint is made.’” *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir.

1978). Here, Plaintiff’s complaint fails to link the Fresno County Sheriff’s Office to any wrongful conduct. In any amended complaint, Plaintiff must link each individual Defendant, including the Fresno County Sheriff’s Office, to a specific act or omission that violated Plaintiff’s rights. D. Monell Liability Plaintiff brings claims under 42 U.S.C. § 1983.

(Doc. 1 at 4; Doc. 1-1.) Plaintiff names the Fresno County Sheriff’s Office as a defendant, but does not identify any specific actions the entity took to violate her rights with sufficient detail. Sheriff’s Departments “are ‘persons’ amenable to suit under § 1983.” *Est. of Debbs v. County of Sacramento*, No. 2:20-cv-01153-TLN- DB, 2023 WL 4108320, at *4 (E.D.

Cal. June 21, 2023) (quoting *Duarte v. City of Stockton*, 604 F.4th 566, 568 (9th Cir. 2023)). 15 Sheriff's Departments "cannot be held liable [for the actions of their employees] under § 161983 on a respondeat superior theory." *Monell v. Dep't of Soc. Servs. of City of N.Y.*, 436 U.S. 17, 658, 591 (1978). Instead, the constitutional injury must occur during the execution of an official 18 "policy or custom." *Id.* at 694. "A plaintiff may assert Monell liability based on: (1) an official 19 policy; (2) a 'longstanding practice or custom which constitutes the standard operating procedure 20 of the local government entity'; (3) the act of an 'official whose acts fairly represent official 21 policy such that the challenged action constituted official policy'; or (4) where "an official with 22 final policy-making authority 'delegated that authority to, or ratified the decision of, a 23 subordinate.'" *Bustamante v. County of Shasta*, No. 2:23-cv-01552-TLN-DMC, 2024 WL 24 3673529, at *2 (E.D.).

Cal. Aug. 6, 2024) (quoting *Price v. Sery*, 513 F.3d 962, 966 (9th Cir. 25 2008)). Plaintiff does not allege any official policy, practice, or custom of either the Sheriff's 26 Office or the County, nor does she allege delegation or ratification by an official with final 27 policy-making authority sufficient to support Monell liability against the Sheriff's Office.

28 In any amended complaint, if Plaintiff wishes to maintain her claims under 42 U.S.C. § 1983, Plaintiff should allege an official policy, practice, or custom of the Sheriff's Office, or 2 delegation or a ratification by an official with final policy-making authority sufficient to support 3 Monell liability against the Sheriff's Office. 4 E. Fourth Amendment 5 According to the Civil Cover Sheet, Plaintiff brings claims under the Fourth Amendment.

6 (Doc. 1-1.) Plaintiff alleges that she was subjected to "unlawful types of search" and was denied 7 "a reasonable right to limited privacy." (Doc. 1 at 4.) She further asserts that a Sheriff's Deputy 8 conducted a physical search of her person "in a semi-private place although there was some 9 visibility." (*Id.* at 5.) 10 The Fourth Amendment provides that "[t]he right of the people to be secure in their 11 persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be 12 violated." U.S. Const.

Amend. IV. The Fourth Amendment only prohibits unreasonable searches. 13 See, e.g., *Bell v. Wolfish*, 441 U.S. 520, 558 (1979). "To establish a viable Fourth Amendment 14 claim, a plaintiff must show not only that there was a search... as contemplated by the Fourth 15 Amendment, but also that said search... was unreasonable and conducted without consent." 16 *Williams v. Drakaina Logistics*, No. 1:21-cv-01436-NONE-SKO, 2022 WL 36957, at *5 (E.D.).

17 Cal. Jan. 3, 2022) (citations omitted). 18 Here, there are insufficient factual allegations in Plaintiff's complaint indicating that she 19 was subjected to an unlawful search. The complaint is silent as to the events or circumstances 20 preceding Plaintiff's alleged search by the deputy. There are also no factual allegations 21 suggesting that any such search was unreasonable or conducted without consent.

Plaintiff's 22 vague and conclusory assertions that she was subjected to "unlawful types of searches" or that her 23 "reasonable right to limited privacy" were violated are not sufficient to state a cognizable Fourth 24 Amendment claim. 25 In any amended complaint, Plaintiff must include sufficient factual allegations to describe 26 the events or circumstances surrounding the search if she wishes to state a cognizable Fourth 27 Amendment claim.

28 1 F. Fifth Amendment 2 Plaintiff asserts a violation of the Fifth Amendment due process clause. (Doc. 1 at 4.) 3 ("The 5th Amendment states that I should have had fair due process.") "[T]he Fifth Amendment's 4 due process clause applies only to the federal government." *Bingue v. Prunchak*, 512 F.3d 1169, 5 1174 (9th Cir. 2008).

The named defendant is not a federal government entity. Accordingly, 6 unless Plaintiff asserts claims against federal entities or individuals, any Fifth Amendment claims 7 are not cognizable. 8 G. Fourteenth Amendment 9 a. Due Process Claims 10 Plaintiff appears to allege a violation of her substantive due process rights. (Doc. 1-1.) 11 "The due process clause of the Fourteenth Amendment protects two distinct but related rights: 12 procedural due process and substantive due process." *Williams v. Fresno Cnty.*

Dep't of Soc. 13 Servs., No. 1:21-CV-00596-DAD-SAB, 2021 WL 3033578, at *6 (E.D. Cal. July 19, 2021), 14 report and recommendation adopted, 2021 WL 4751408 (E.D. Cal. Oct. 12, 2021) (citing *Albright 15 v. Oliver*, 510 U.S. 266, 272 (1994)). "The substantive protections of the due process clause bar 16 certain governmental actions regardless of the fairness of the procedures that are used to 17 implement them.

Therefore, the substantive protections of the due process clause are intended to 18 prevent government officials from abusing their power or employing it as an instrument of 19 oppression." *Williams*, 2021 WL 3033578, at *6 (citing *County of Sacramento v. Lewis*, 523 U.S. 20 833, 840, 846 (1998)).

The Supreme Court has held that "the substantive component of the Due 21 Process Clause is violated... only when [official conduct] 'can properly be characterized as 22 arbitrary, or conscience shocking, in a constitutional sense.'" *Lewis*, 523 U.S. at 847. "[O]nly the 23 most egregious official conduct can be said to be arbitrary in a constitutional sense." *Lewis*, 523 24 U.S. at 846.

25 "Substantive due process is ordinarily reserved for those rights that are 'fundamental.'" 26 *Williams*, 2021 WL 3033578, at *7 (quoting *Brittain v. Hansen*, 451 F.3d 982, 990 (9th Cir. 27 2006)). "To state a substantive due process claim, a plaintiff must "show both a deprivation of 28 [her] liberty and conscience shocking behavior by the government." *Brittain*, 451 F.3d at 991.

1 Plaintiff premises her substantive due process claim on allegations that she "should be free 2 of humiliating sexual harassment," that she "should have had fair due process," and that she 3

“should have protection from unlawful types of search and a reasonable right to limited privacy.” 4 (Doc. 1 at 4.) Plaintiff alleges that “[t]he arresting Deputy was laughing with a correctional 5 officer” and that “They really believe that what I am going though [sic] is funny.” (Id. at 6.)

6 Plaintiff also seems to mention that her causes of action relate to “Constitutional Ammendment 7 [sic] 4, 5, 14 women’s equality, due process, protection, sexual harassment.” Id. Without more, 8 these allegations alone are insufficient state a cognizable Fourteenth Amendment claim. 9 In any amended complaint, Plaintiff must include sufficient factual allegations that show 10 that named individuals or entities were personally involved in the deprivation of her civil rights, 11 specific instances in which her due process rights were violated, *Barren v. Harrington*, 152 F.3d 12 1193, 1194–95 (9th Cir.

1998) (“A plaintiff must allege facts, not simply conclusions, that show 13 that an individual was personally involved in the deprivation of his civil rights.”), as well as a 14 deprivation of Plaintiff’s liberty and conscience shocking behavior by the government. *Brittain*, 15 451 F.3d at 991. 16 b. Equal Protection Claims 17 Plaintiff also appears to bring Equal Protection claims in this action.

(Doc. 1 at 4) 18 (“Constitutional Ammendment [sic] 14 states that I should have equal protection, yet don’t.”); 19 Doc. 1-1)). 20 The Equal Protection Clause provides “that no State shall deny to any person within its 21 jurisdiction the equal protection of the laws[.]” U.S. Const. Amend. XIV.

The Equal Protection 22 Clause requires that persons similarly situated be treated alike. *City of Cleburne v. Cleburne 23 Living Center, Inc.*, 473 U.S. 432, 439; *Hartmann v. Cal. Dep’t of Corr. & Rehab.*, 707 F.3d 24 1114, 1123 (9th Cir. 2013); *Furnace v. Sullivan*, 705 F.3d 1021, 1030 (9th Cir. 2013).

To state a 25 § 1983 claim based on a violation of the Equal Protection Clause of the Fourteenth Amendment, a 26 plaintiff must allege that defendants acted with intentional discrimination against plaintiff, or 27 against a class of individuals which included plaintiff, and that such conduct did not relate to a 28 legitimate state purpose. Further, plaintiff must allege discriminatory intent.

See *Washington v. 1 Davis*, 426 U.S. 229, 239–40 (1976); *Serrano v. Francis*, 345 F.3d 1071, 1081–82 (9th Cir. 2 2003). 3 The Court finds that Plaintiff has not stated a cognizable equal protection claim. Plaintiff 4 does not allege she is a member of any suspect or protected class, and she fails to allege that any 5 defendant denied plaintiff any rights based on membership in any suspect or protected class.

6 Plaintiff also alleges no discriminatory intent by any named defendant, for example, that any 7 defendant intended to discriminate against Plaintiff. Plaintiff’s conclusory allegations that she 8 was denied equal protection, Doc. 1 at 4, are insufficient. She also does not allege that she was 9

intentionally treated differently than other similarly situated individuals without a rational 10 relationship to a legitimate state purpose.

11 In any amended complaint, to state a cognizable claim Plaintiff must include sufficient 12 factual allegations to show that Plaintiff is a member of a suspect or protected class, a defendant 13 denied her rights based on membership in that suspect or protected class, that there was no 14 rational basis for this treatment, and that any defendant acted with intentional discrimination 15 against her.

16 H. State Law Claims 17 Insofar as Plaintiff is attempting to assert state law claims, the Court declines to screen 18 them in the absence of a cognizable claim for relief under federal law. Under 28 U.S.C. § 19 1367(a), in any civil action in which the district court has original jurisdiction, the “district courts 20 shall have supplemental jurisdiction over all other claims that are so related to claims in the action 21 within such original jurisdiction that they form part of the same case or controversy under Article 22 III of the United States Constitution,” except as provided in subsections (b) and (c).

The Supreme 23 Court has stated that “if the federal claims are dismissed before trial,... the state claims should 24 be dismissed as well.” *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 726 25 (1966). Although the Court may exercise supplemental jurisdiction over state law claims, 26 Plaintiff must first have a cognizable claim for relief under federal law.

28 U.S.C. § 1367. 27 In addition, Plaintiff has failed to allege compliance with the Government Torts Claims 28 Act (“Act”). The Act requires that a party seeking to recover money damages from a public 1 entity or its employees submit a claim to the entity before filing suit in court, generally no later 2 than six months after the cause of action accrues. Cal. Gov’t Code §§ 905, 911.2, 945, 950.2 3 (emphasis added).

When a plaintiff asserts a claim subject to the Act, he must affirmatively 4 allege compliance with the claim presentation procedure, or circumstances excusing such 5 compliance, in his complaint. *Shirk v. Vista Unified Sch. Dist.*, 42 Cal. 4th 201, 209 (2007). 6 Plaintiff has not done so here. 7 IV. Conclusion and Order 8 Plaintiff’s complaint fails to comply with Federal Rules of Civil Procedure 8 and 10 and 9 fails to state a cognizable claim for relief.

As Plaintiff is proceeding pro se, the Court will grant 10 Plaintiff an opportunity to amend her complaint to cure the identified deficiencies to the extent 11 she is able to do so in good faith. *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000). 12 Plaintiff’s amended complaint should be brief, Fed. R. Civ. P. 8(a), but it must state what 13 each named defendant did that led to the deprivation of Plaintiff’s constitutional rights, *Iqbal*, 556 14 U.S. at 678-79.

Although accepted as true, the “[f]actual allegations must be [sufficient] to raise 15 a right to relief above the speculative level....” *Twombly*, 550 U.S. at 555 (citations omitted). 16 Additionally,

Plaintiff may not change the nature of this suit by adding new, unrelated 17 claims in her first amended complaint. *George v. Smith*, 507 F.3d 605, 607 (7th Cir.

2007) (no 18 “buckshot” complaints). 19 Finally, Plaintiff is advised that an amended complaint supersedes the original complaint. 20 *Lacey v. Maricopa Cty.*, 693 F.3d 896, 927 (9th Cir. 2012). Therefore, Plaintiff’s amended 21 complaint must be “complete in itself without reference to the prior or superseded pleading.” 22 Local Rule 220. 23 Based on the foregoing, it is HEREBY ORDERED that: 24 1.

The Clerk’s Office shall send Plaintiff a complaint form; 25 2. Within thirty (30) days from the date of service of this order, Plaintiff shall file an 26 amended complaint curing the deficiencies identified by the Court in this order (or file a notice of 27 voluntary dismissal); and 28 /// 1 3. If Plaintiff fails to file an amended complaint in compliance with this order, the 2 Court will recommend dismissal of this action for failure to obey a court order and for failure to 3 state a claim.

4 IT IS SO ORDERED. 5 6 Dated: July 16, 2025 /s/ Barbara A. McAuliffe _ UNITED STATES MAGISTRATE JUDGE 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28