

**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

OPINION

Lacy v. Fresno County Sheriff's Office

PER CURIAM.

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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 22 pauperis. 28 U.S.C. § 1915(e)(2). Plaintiff's complaint, or any portion thereof, is
subject to 23 dismissal if it is frivolous or malicious, if it fails to state a claim upon which relief
may be 24 granted, or if it seeks monetary relief from a defendant who is immune from such
relief. 28 25 U.S.C. § 1915(e)(2)(B)(ii). 26 A complaint must contain "a short and plain statement
of the claim showing that the 27 pleader is entitled to relief" Fed. R. Civ. P. 8(a)(2). Detailed
factual allegations are not 28 required, but "[t]hreadbare recitals of the elements of a cause of
action, supported by mere 1 conclusory statements, do not suffice." *Ashcroft v. Iqbal*, 556 U.S.
662, 678 (2009) (citing *Bell 2 Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). While a
plaintiff's allegations are taken as 3 true, courts "are not required to indulge unwarranted
inferences." *Doe I v. Wal-Mart Stores, Inc.*, 4 572 F.3d 677, 681 (9th Cir. 2009) (internal quotation
marks and citation omitted). 5 To survive screening, Plaintiff's claims must be facially plausible,
which requires 6 sufficient factual detail to allow the Court to reasonably infer that each named
defendant is liable 7 for the misconduct alleged. *Iqbal*, 556 U.S. at 678 (quotation marks omitted);
Moss v. U.S. Secret 8 Serv., 572 F.3d 962, 969 (9th Cir. 2009). The sheer possibility that a
defendant acted unlawfully 9 is not sufficient, and mere consistency with liability falls short of
satisfying the plausibility 10 standard. *Iqbal*, 556 U.S. at 678 (quotation marks omitted); *Moss*,

572 F.3d at 969. 11 II. Plaintiff's Allegations 12 Plaintiff brings this action against the Fresno County Sheriff's Office. In Plaintiff's form 13 complaint, Plaintiff alleges as follows: 14 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 15 [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 16 some visibility . . . My complaints have been ignored. 17 (Doc. 1 at 5.) 18 Plaintiff further alleges: 19 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 20 counselor. The arresting Deputy was laughing with a correctional officer about 21 being friends with IA and texting. They really believe that what I am going though [sic] is funny. I request the arresting Deputy be dismissed and replaced, along with 22 the IA officer. I had to see him at a local store last week[.] 23 Plaintiff asserts claims for violation of her Fourth, Fifth, and Fourteenth Amendment 24 rights, and well as claims on the basis of "women's equality, due process, protection, sexual 25 harassment." (Id. at 6.) As relief, Plaintiff seeks "\$1 million punitive for violating my rights, 26 \$500,000 for vocational rehabilitation for my small business, \$500,000 for destroying the peace 27 and safety of our home[.] \$500,000 for permanent injury[.] \$500,000 in lost past and future 28 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 7 include the names of all parties in the caption of the complaint). The Court cannot have the 8 complaint served on any of the parties discussed in the body of the Complaint. See *Soto v. Bd. of 9 Prison Term*, No. CIV S-06-2502 RRB DAD P, 2007 WL 2947573, at *2 (E.D. Cal. Oct. 9, 2007) 10 (The Court cannot order service of the Complaint without the names of the parties included in the 11 caption of the Complaint). 12 In any amended complaint, Plaintiff must identify all defendants in the caption of the 13 complaint, and must submit her complaint “in numbered paragraphs, each limited as far as 14 practicable to a single set of circumstances.” Fed. R. Civ. P. 10(b). 15 C. Linkage Requirement 16 The Civil Rights Act under which this action was filed provides: 17 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 18 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 19 proceeding for redress. 20 42 U.S.C. § 1983. “To state a claim under 42 U.S.C. § 1983, the plaintiff must allege two 21 elements: (1) that a right secured by the Constitution or laws of the United States was violated; 22 and (2) that the alleged violation was committed by a person acting under color of state 23 law.” *Campbell v. Washington Dep’t of Soc. Servs.*, 671 F.3d 837, 842 n. 5 (9th Cir. 24 2011) (citing *Ketchum v. Alameda Cty.*, 811 F.2d 1243, 1245 (9th Cir. 1987)). 25 The statute plainly requires that there be an actual connection or link between the actions 26 of the defendants and the deprivation alleged to have been suffered by Plaintiff. See *Monell v. 27 Dep’t of Soc. Servs.*, 436 U.S. 658 (1978); *Rizzo v. Goode*, 423 U.S. 362 (1976). The Ninth 28 Circuit has held that “[a] person ‘subjects another to the deprivation of a constitutional right, 1 within the meaning of section 1983, if he does an affirmative act, participates in another’s 2 affirmative acts or omits to perform an act which he is legally required to do that causes the 3 deprivation of which complaint is made.’” *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978). 4 Here, Plaintiff’s complaint fails to link the Fresno County Sheriff’s Office to any 5 wrongful conduct. In any amended complaint, Plaintiff must link each individual Defendant, 6 including the Fresno County Sheriff’s Office, to a specific act or omission that violated Plaintiff’s 7 rights. 8 D. Monell Liability 9 Plaintiff brings claims under 42 U.S.C. § 1983. (Doc. 1 at 4; Doc. 1-1.) Plaintiff names 10 the Fresno County Sheriff’s Office as a defendant, but does not identify any specific actions the 11 entity took to violate her rights with sufficient detail. Sheriff’s Departments “are ‘persons’ 12 amenable to suit under § 1983.” *Est. of Debbs v. County of Sacramento*, No. 2:20-cv-01153-TLN-

13 DB, 2023 WL 4108320, at *4 (E.D. Cal. June 21, 2023) (quoting *Duarte v. City of Stockton*, 60 14 F.4th 566, 568 (9th Cir. 2023)). 15 Sheriff’s Departments “cannot be held liable [for the actions of their employees] under § 16 1983 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. § 1 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 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

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