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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMES LEE HELM,

Plaintiff,

v.

ADAM CHRISTIANSON, et al.,

Defendants.

CASE NO. 1:09-cv-02111-OWW-SKO PC

FINDINGS AND RECOMMENDATIONS
RECOMMENDING DISMISSAL OF ACTION,
WITH PREJUDICE, FOR FAILURE TO
STATE A CLAIM UNDER SECTION 1983

(Doc. 16)

THIRTY-DAY OBJECTION PERIOD

Findings and Recommendations Following Screening of Amended Complaint

I. Procedural History

Plaintiff James Lee Helm, a civil detainee proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 4, 2009. On February 22, 2011, the Court dismissed Plaintiff’s complaint, with leave to amend, for failure to state a claim under section 1983. Plaintiff filed an amended complaint on April 18, 2011.

II. Screening Requirement and Standard

The Court is required to screen Plaintiff’s amended complaint and dismiss the case, in whole or in part, if the Court determines it fails to state a claim upon which relief may be granted. 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, ___ U.S. ___, ___, 129 S.Ct. 1937,

1 1949 (2009) (citing Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 127 S.Ct. 1955 (2007)), and
2 courts “are not required to indulge unwarranted inferences,” Doe I v. Wal-Mart Stores, Inc., 572 F.3d
3 677, 681 (9th Cir. 2009) (internal quotation marks and citation omitted). While factual allegations
4 are accepted as true, legal conclusions are not. Iqbal, 129 S.Ct. at 1949.

5 Under section 1983, Plaintiff must demonstrate that each defendant personally participated
6 in the deprivation of his rights. Jones v. Williams, 297 F.3d 930, 934 (9th Cir. 2002). This requires
7 the presentation of factual allegations sufficient to state a plausible claim for relief. Iqbal, 129 S.Ct.
8 at 1949-50; Moss v. U.S. Secret Service, 572 F.3d 962, 969 (9th Cir. 2009). The mere possibility
9 of misconduct falls short of meeting this plausibility standard. Iqbal, 129 S.Ct. at 1949-50; Moss,
10 572 F.3d at 969.

11 **III. Plaintiff’s Amended Complaint**

12 **A. Plaintiff’s Claims**

13 Plaintiff’s claims arise from an approximately three-month period of time when he was
14 housed at the Stanislaus County Jail for civil commitment proceedings. Plaintiff alleges that Sheriff
15 Adam Christianson, Inmate Classification Lieutenant Clifton, and Facility Lieutenant Lloyd violated
16 his rights under the Due Process and Equal Protection Clauses of the Fourteenth Amendment.

17 **1. Claim One**

18 Plaintiff alleges that Defendant Christianson is “culpable and liable” for the actions and/or
19 omissions of personnel under his command or under contract with Stanislaus County. (Amend.
20 Comp., p. 5.) Further, Defendant Christianson had a duty to ensure that personnel under his
21 command were properly trained.

22 Plaintiff alleges that after being received at the jail, he waited in excess of three hours and
23 was then placed in an area designated for convicted criminals or criminal pretrial detainees. After
24 repeatedly informing staff that he was a civil detainee, Plaintiff was subjected to an unclothed body
25 search and a body cavity search and he was denied the ability to communicate confidentially with
26 his attorney regarding his commitment proceedings. Plaintiff alleges that he is entitled to more
27 considerate treatment as a civil detainee, and that Defendant Christianson is liable for failing to
28 properly train personnel and for failing to provide appropriate conditions of confinement.

1 **2. Claim Two**

2 Plaintiff alleges that Defendant Clifton was in charge of housing and classification of inmates
3 at the jail and he was presumably aware of the laws applicable to civil detainees. After Plaintiff
4 notified staff that he was a civil detainee, he should have been housed in accordance with the laws
5 applicable to civil detainees. Plaintiff alleges that Defendant Clifton was deliberately indifferent to
6 Plaintiff's status as a civil detainee and he failed to ensure that Plaintiff was housed in the least
7 restrictive conditions at the jail, in violation of the Due Process Clause.

8 **3. Claim Three**

9 Plaintiff alleges that Defendant Lloyd was an agent of Defendant Christianson and he is
10 responsible for upholding the law as it applies to civil detainees. During the booking process, a
11 female officer questioned Plaintiff regarding his commitment proceedings and diagnosis, which
12 endangered Plaintiff's safety. Plaintiff alleges that as the area supervisor, Defendant Lloyd was
13 responsible for ensuring that staff behaved appropriately and maintained detainees' confidentiality,
14 and the female officer's conduct made it obvious that she had never been properly trained.

15 On March 19, 2009, Plaintiff was escorted to the courthouse for proceedings. Following
16 those proceedings, a deputy ordered Plaintiff into a holding cell filled with convicted prisoners or
17 criminal detainees. When Plaintiff refused to enter the cell because of his civil detainee status, he
18 was taken to the ground roughly, injured, and dragged to a metal bench, where he was handcuffed.
19 Officers then began to read Plaintiff's prior criminal charges, which included sex offenses, out loud
20 and within earshot of other inmates. Plaintiff alleges that these events evidenced the lack of
21 appropriate training for personnel and the failure to properly supervise personnel.

22 **4. Claim Four**

23 Plaintiff alleges that he was not provided with adequate hygiene supplies. In particular,
24 Plaintiff was issued a small, motel-size bar of soap, which was not sufficient to allow him to bathe
25 regularly during his detention at the jail.

26 **5. Claim Five**

27 Plaintiff alleges that during his detention at the jail, Defendants and/or their agents failed to
28 transport Plaintiff back to Coalinga State Hospital so that he could continue with his treatment.

1 Plaintiff alleges that his grievances went unanswered or received the response that he would be
2 transported when the hospital summoned for him. Plaintiff alleges that the failure to transport him
3 may have been due to fiscal issues.

4 **B. Linkage Deficiencies**

5 As a civil detainee, Plaintiff is entitled to treatment more considerate than that afforded
6 criminal pretrial detainees or convicted criminals. Jones v. Blanas, 393 F.3d 918, 931-32 (9th Cir.
7 2004). Conditions which are as restrictive or more restrictive than those imposed upon criminal
8 pretrial detainees and/or convicted criminals serving their jail sentences are presumptively punitive.
9 Jones, 393 F.3d at 932.

10 To state a claim, Plaintiff must link the violations complained of to the named defendants.
11 Iqbal, 129 S.Ct. at 1948-49; Simmons v. Navajo County, Ariz., 609 F.3d 1011, 1020-21 (9th Cir.
12 2010); Ewing v. City of Stockton, 588 F.3d 1218, 1235 (9th Cir. 2009); Jones, 297 F.3d at 934.
13 There is no *respondeat superior* liability under section 1983, Iqbal, 129 S.Ct. at 1948-49; Ewing, 588
14 F.3d at 1235, and supervisory personnel may be held liable only if they “participated in or directed
15 the violations, or knew of the violations and failed to act to prevent them,” Taylor v. List, 880 F.2d
16 1040, 1045 (9th Cir. 1989); accord Starr v. Baca, 633 F.3d 1191, 1196-97 (9th Cir. 2011); Corales
17 v. Bennett, 567 F.3d 554, 570 (9th Cir. 2009); Preschooler II v. Clark County School Board of
18 Trustees, 479 F.3d 1175, 1182 (9th Cir. 2007); Harris v. Roderick, 126 F.3d 1189, 1204 (9th Cir.
19 1997).

20 Plaintiff’s amended complaint sets forth no facts linking Defendants Christianson, Clifton,
21 and Lloyd to the events at issue. Iqbal, 129 S.Ct. at 1949-50; Moss, 572 F.3d at 969. To the
22 contrary, because of their positions of authority, Plaintiff is attempting to impose liability on them
23 for the actions and/or omissions of subordinate personnel. This is an impermissible basis for liability
24 under section 1983 and the Court finds that Plaintiff fails to state a claim upon which relief may be
25 granted against Defendants Christianson, Clifton, and Lloyd.¹ Iqbal, 129 S.Ct. at 1948-49; Ewing,
26 588 F.3d at 1235.

27
28 ¹ Because of this threshold linkage deficiency, the Court does not reach whether Plaintiff’s allegations are
sufficient to support his claim that his constitutional rights were violated by the conditions of confinement at issue.

1 **IV. Conclusion and Recommendation**

2 Plaintiff's amended complaint fails to state a claim against Defendants Christianson, Clifton,
3 and Lloyd under section 1983. Iqbal, 129 S.Ct. at 1949-50; Moss, 572 F.3d at 969. Plaintiff was
4 previously given notice of these deficiencies and the opportunity to amend, but he was unable to link
5 the defendants to the alleged violation of his rights. Lopez, 203 F.3d at 1130; Noll v. Carlson, 809
6 F.2d 1446, 1448-49 (9th Cir. 1987). Accordingly, the Court HEREBY RECOMMENDS that this
7 action be DISMISSED, with prejudice, for failure to state a claim under section 1983.²

8 These Findings and Recommendations will be submitted to the United States District Judge
9 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **thirty (30)**
10 **days** after being served with these Findings and Recommendations, Plaintiff may file written
11 objections with the Court. The document should be captioned "Objections to Magistrate Judge's
12 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
13 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d
14 1153 (9th Cir. 1991).

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16 IT IS SO ORDERED.

17 **Dated: July 5, 2011**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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27 ² To the extent that there may be redress available to Plaintiff under California law, the Court expresses no
28 opinion on that issue because in the absence of a viable federal claim, there is no supplemental jurisdiction over state
law claims. 28 U.S.C. § 1367(a); Herman Family Revocable Trust v. Teddy Bear, 254 F.3d 802, 805 (9th Cir.
2001).