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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

AARON BROWN,

No. CIV S-11-2661-KJM-CMK

Plaintiff,

vs.

FINDINGS AND RECOMMENDATIONS

SUTTER CENTER FOR
PSYCHIATRY, et al.,

Defendants.

_____ /

Plaintiff, who is proceeding pro se, brings this civil rights action. Pending before the court is plaintiff's complaint (Doc. 1). The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). The court is also required to screen complaints brought by litigants who have been granted leave to proceed in forma pauperis. See 28 U.S.C. § 1915(e)(2). Under these screening provisions, the court must dismiss a complaint or portion thereof if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. See 28 U.S.C. §§ 1915(e)(2)(A), (B) and 1915A(b)(1), (2). Moreover, pursuant to Federal Rule of Civil

1 Procedure 12(h), this court must dismiss an action “[w]henver it appears . . . that the court lacks
2 jurisdiction of the subject matter” Because plaintiff, who is not a prisoner, has been granted
3 leave to proceed in forma pauperis, the court will screen the complaint pursuant to § 1915(e)(2).
4 Pursuant to Rule 12(h), the court will also consider as a threshold matter whether it has subject-
5 matter jurisdiction.

6 7 **I. PLAINTIFF’S ALLEGATIONS**

8 Plaintiff names the following as defendants: Sutter Center for Psychiatry;
9 Donomic J. Herda, a doctor; Simriti Singh, a doctor; Goodman, a doctor; Nirajp Gupta, a doctor;
10 Stephen E. Ericson; Jeffrey S. Kahn; West Sacramento Police Department; Tate, a police
11 investigator; Joshua Carruth; and Gona Moya, a deputy coroner. Plaintiff states that he is the
12 twin brother of Eric Brown, who is now deceased. Plaintiff’s complaint concerns the
13 circumstances of plaintiff’s brother’s death and resulting investigation.

14 According to plaintiff, on October 20, 2010, he learned that his brother had
15 committed suicide, apparently while he was living at the Flagstone Motel. Plaintiff states that he
16 was told “misinformation” by Officer Carruth that the windows on his brother’s motel room
17 could not be opened from either the inside or outside. It is not clear what bearing this has on
18 plaintiff’s claim. Next, plaintiff states that the next month – November 2010 – defendants
19 working for the police department told plaintiff that they would conduct follow-up interviews
20 with various potential witnesses, but never did. Plaintiff adds that he later learned that a 10mm
21 cartridge had been found in his brother’s room, and that the autopsy revealed scratch marks on
22 his brother’s wrist.

23 With respect to the medical defendants, plaintiff appears to allege negligence in
24 their treatment of his brother’s mental health problems.

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1 **II. DISCUSSION**

2 Section 1983 provides a remedy for violations of rights guaranteed by the United
3 States Constitution, see Buckley v. City of Redding, 66 F.3d 188, 190 (9th Cir. 1995), as well as
4 rights guaranteed by federal statutes, see Gonzaga University v. Doe, 536 U.S. 273, 279 (2002).
5 It does not, however, provide a remedy for violations of state law. See Hydrick v. Hunter, 500
6 F.3d 978, 987 (9th Cir. 2007). In this case, the court cannot discern how the facts alleged in
7 plaintiff's complaint relate to any violations of either federal law or the constitution. Plaintiff
8 complains of alleged negligence with respect to: (1) treatment of his brother's mental health
9 problems; (2) the investigation into the circumstances of his brother's death; and (3) the autopsy
10 performed on his brother's body. Negligence is a state law claim that does not implicate
11 violation of either federal law or the constitution.

12
13 **III. CONCLUSION**

14 Based on the foregoing, the undersigned recommends that this action be dismissed
15 without prejudice to pursuing remedies in state court.

16 These findings and recommendations are submitted to the United States District
17 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
18 after being served with these findings and recommendations, any party may file written
19 objections with the court. Responses to objections shall be filed within 14 days after service of
20 objections. Failure to file objections within the specified time may waive the right to appeal.
21 See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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23 DATED: December 23, 2011

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25 **CRAIG M. KELLISON**
26 UNITED STATES MAGISTRATE JUDGE