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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHAWNA HARTMANN AND CAREN HILL,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, et al.,

Defendants.

CASE NO. 1:10-cv-00045-LJO-SMS

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS RECOMMENDING DISMISSAL OF CALIFORNIA STATE PERSONNEL BOARD AND INDIVIDUAL CAPACITY DEFENDANT MEMBERS OF CALIFORNIA STATE PERSONNEL BOARD

(Docs. 23 & 64)

In their First Amended Complaint, Plaintiffs alleged five claims under 42 U.S.C. §1983, the Religious Land Use and Institutionalized Persons Act of 2000 (42 U.S.C. § 2000cc *et seq.*) (“RLUIPA”), and California law. Among other things, they contended that Defendant California State Personnel Board (“CSPB”) and its board members Sean Harrigan, Richard Costigan, Patricia Clarey, Maeley Tom, and Anne Sheehan (collectively, the “CSPB Defendants”) are responsible for the discriminatory hiring of CDCR chaplains that illegally and unconstitutionally favors certain religious denominations. The CSPB Defendants moved for dismissal of Plaintiffs’ First Amended Complaint for failure to state a claim. F.R.Civ.P. §12(b)(6).

In accordance with the District Court’s order (Doc. 57), Magistrate Judge Sandra M. Snyder considered all the written materials submitted and recommended that the CSPB Defendants’ motion be granted and that judgment of dismissal be entered in their favor. The Findings and Recommendations contained notice that any objections to the Findings and

1 Recommendations were to be filed within thirty days. Plaintiff filed timely amended objections
2 on April 15, 2010 (Doc. 68).

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), the undersigned has
4 reviewed this case *de novo* and has considered both Plaintiffs’ objections and the magistrate
5 judge’s recommendation. Despite Plaintiffs’ concerns about a so-called “circle of non-
6 accountability,” “[f]ederal courts sit not to supervise prisons but to enforce the constitutional
7 rights of all ‘persons,’ including prisoners.” *Cruz v. Beto*, 405 U.S. 319, 321 (1972). In addition,
8 despite Plaintiffs’ out-of-context quotation from a brief submitted in an unrelated case, CSPB’s
9 role is to administer the civil service system, not to promulgate CDCR policy. In the event that
10 Plaintiffs’ constitutional claims result in this Court’s striking down CDCR’s regulations and
11 procedures governing prison chaplains, the Court’s role is not to re-write state policies,
12 procedures, laws or regulations, nor to shepherd any revised job descriptions through the civil
13 service system.

14 Having carefully reviewed the entire file, the Court finds the Findings and
15 Recommendations to be supported by the record and proper legal analysis. Accordingly, IT IS
16 HEREBY ORDERED that the Findings and Recommendations, filed March 15, 2010, are
17 adopted in full, and Defendant California State Personnel Board (“CSPB”) and its board
18 members Sean Harrigan, Richard Costigan, Patricia Clarey, Maeley Tom, and Anne Sheehan are
19 hereby dismissed from this action with prejudice.

20
21 IT IS SO ORDERED.

22 **Dated:** April 22, 2010

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE