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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL JAFAIN HARRIS,

Plaintiff,

v.

MADERA COUNTY,

Defendant.

Case No. 1:18-cv-01210-JDP

SCREENING ORDER

FINDINGS AND RECOMMENDATIONS TO
DISMISS CASE FOR FAILURE TO STATE
CLAIM

ECF No. 1

OBJECTIONS, IF ANY, DUE WITHIN 14
DAYS

ORDER DIRECTING CLERK OF COURT TO
ASSIGN CASE TO DISTRICT JUDGE

Plaintiff is a state prisoner proceeding without counsel in this civil rights action brought under 42 U.S.C. § 1983. Plaintiff’s complaint, filed September 6, 2018, ECF No. 1, is before the court for screening under 28 U.S.C. § 1915A. Plaintiff alleges that a judge in his criminal trial allowed illegally obtained evidence to be used against him, which led to his conviction. Plaintiff’s claims may not be brought under § 1983 because “judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence.” *Heck v. Humphrey* 512 U.S. 477, 486-87 (1994). Therefore, we recommend that plaintiff’s claims be dismissed without prejudice.

1 **I. SCREENING AND PLEADING REQUIREMENTS**

2 A district court must screen a prisoner’s complaint that seeks relief against a governmental
3 entity, its officer, or its employee. *See* 28 U.S.C. § 1915A(a). The court must identify any
4 cognizable claims and dismiss any portion of the complaint that is frivolous or malicious, fails to
5 state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is
6 immune from such relief. *See* 28 U.S.C. § 1915A(b)(1), (2).

7 A complaint must contain a short and plain statement that plaintiff is entitled to relief,
8 Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its
9 face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not
10 require detailed allegations, but legal conclusions do not suffice. *See Ashcroft v. Iqbal*, 556 U.S.
11 662, 678 (2009). If the allegations “do not permit the court to infer more than the mere
12 possibility of misconduct,” the complaint states no claim. *Id.* at 679. The complaint need not
13 identify “a precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024,
14 1038 (9th Cir. 2016) (quoting *Skinner v. Switzer*, 562 U.S. 521, 530 (2011)). Instead, what
15 plaintiff must state is a “claim”—a set of “allegations that give rise to an enforceable right to
16 relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc)
17 (citations omitted).

18 The court must construe a pro se litigant’s complaint liberally. *See Haines v. Kerner*, 404
19 U.S. 519, 520 (1972) (per curiam). However, the court may dismiss a pro se litigant’s complaint
20 “if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim
21 which would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir.
22 2017) (quoting *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir. 2014)).

23 **II. THE COMPLAINT**

24 Plaintiff is a California state prisoner. ECF No. 1 at 1. He names one defendant: Madera
25 County. *Id.* Plaintiff seeks to bring various claims based on the following facts:

26 On October 2-24, [sic] 2017 U.S. Superior Court Judge Dale
27 Blea allowed illegally obtained evidence provided by the Madera
28 County Department of Corrections to be used against me in a jury
 trial by the Madera County District Attorney Cavin Cox under the

1 adoption of guilt, which represented over 50% of the District
2 Attorney's case and as a moving force in case (MCR054240)[.]

3 *Id.* at 3. Plaintiff was convicted and sentenced to life in prison. *Id.* He seeks damages and a
4 "jury trial on all issues triable by jury." *Id.* at 6.

5 **III. DISCUSSION**

6 In *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994), the Supreme Court held that to
7 recover damages for "harm caused by actions whose unlawfulness would render a conviction or
8 sentence invalid," a § 1983 plaintiff must prove that the conviction or sentence was reversed,
9 expunged, or otherwise invalidated. The favorable-termination rule laid out in *Heck* provides that
10 claims that, if successful, would necessarily imply the invalidity of a conviction or sentence, must
11 be brought by way of a petition for writ of habeas corpus, after exhausting appropriate avenues
12 for relief. See *Muhammad v. Close*, 540 U.S. 749, 750-51 (2004).

13 Here, plaintiff seeks to bring a § 1983 suit challenging the search and seizure that led to
14 his arrest and subsequent criminal conviction. If the court rules that plaintiff's constitutional
15 rights were violated at his criminal trial, the ruling would imply that his conviction is invalid. See
16 *Heck*, 512 U.S. at 487. Indeed, the relief plaintiff seeks includes a new trial. See ECF No. 1 at 6.
17 Therefore, plaintiff's claims are barred by *Heck v. Humphrey*.

18 "In cases where a prisoner's section 1983 complaint evinced a clear intention to state a
19 habeas claim, we have said that the district court should treat the complaint as a habeas petition."
20 *Trimble v. City of Santa Rosa*, 49 F.3d 583, 586 (9th Cir. 1995). Here, plaintiff's claim sounds in
21 both § 1983 and habeas corpus because he seeks both damages and a new trial. Accordingly, we
22 will not recommend conversion of plaintiff's defective § 1983 claim into a habeas petition. See
23 *id.* ("When the intent to bring a habeas petition is not clear, however, the district court should not
24 convert a defective section 1983 claim into a habeas petition.").

25 **IV. ORDER**

26 The clerk of court is directed to assign this case to a district judge, who will preside over
27 this case. The undersigned will remain as the magistrate judge assigned to the case.
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IV. RECOMMENDATION

We recommend that plaintiff’s complaint, ECF No. 1, be dismissed without prejudice for failure to state a claim for relief. The undersigned submits the findings and recommendations to the district judge presiding over this case under 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States District Court, Eastern District of California. Within fourteen days of the service of the findings and recommendations, plaintiff may file written objections to the findings and recommendations with the court. That document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” The district judge will review the findings and recommendations under 28 U.S.C. § 636(b)(1)(C). Plaintiff’s failure to file objections within the specified time may result in the waiver of rights on appeal. *See Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).

IT IS SO ORDERED.

Dated: April 12, 2019


UNITED STATES MAGISTRATE JUDGE

No. 203