

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

GUY T. STRINGHAM,

Plaintiff,

No. CIV S-09-0286 MCE DAD P

vs.

J. BICK, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, seeks relief pursuant to 42 U.S.C. § 1983. By order filed February 11, 2010, plaintiff’s original complaint was dismissed with leave to amend. Plaintiff has filed an amended complaint.

Plaintiff’s amended complaint appears to state cognizable claims for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b) against defendants Bick, Donahue, Anderson, Khoury, Thomas, Murray, and Morreno. If the allegations of the amended complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action.

The court also finds, however, that plaintiff’s amended complaint does not state a cognizable claim for relief against defendants Elias, Perez, and Jones. Plaintiff is advised that prison officials are not required under federal law to process inmate appeals in a specific way or to respond to them in a favorable manner. In this regard, even if defendants Elias, Perez, and

1 Jones denied plaintiff's inmate appeals, they have not deprived him of a federal constitutional
2 right. See e.g., Towner v. Knowles, No. CIV S-08-2833 LKK EFB P, 2009 WL 4281999 at *2
3 (E.D. Cal. Nov. 20, 2009) (plaintiff's allegations that prison officials screened out his inmate
4 appeals without any basis failed to indicate a deprivation of federal rights). It is well established
5 that "inmates lack a separate constitutional entitlement to a specific prison grievance procedure."
6 Ramirez v. Galaza, 334 F.3d 850, 860 (9th Cir. 2003) (citing Mann v. Adams, 855 F.2d 639, 640
7 (9th Cir. 1988)). See also e.g., Wright v. Shannon, No. CIV F-05-1485 LJO YNP PC, 2010 WL
8 445203 at *5 (E.D. Cal. Feb. 2, 2010) (plaintiff's allegations that prison officials denied or
9 ignored his inmate appeals failed to state a cognizable claim under the First Amendment);
10 Walker v. Vazquez, No. CIV F-09-0931 YNP PC, 2009 WL 5088788 at *6-7 (E.D. Cal. Dec. 17,
11 2009) (plaintiff's allegations that prison officials failed to timely process his inmate appeals
12 failed to a state cognizable under the Fourteenth Amendment); Williams v. Cate, No. F-09-0468
13 OWW YNP PC, 2009 WL 3789597 at *6 (E.D. Cal. Nov. 10, 2009) ("Plaintiff has no protected
14 liberty interest in the vindication of his administrative claims.").

15 In addition, the court finds that plaintiff's amended complaint does not state a
16 cognizable claim for relief against defendant Schwartz. Supervisory personnel are generally not
17 held liable under § 1983 for the actions of their employees under a theory of respondeat superior
18 and, therefore, when a named defendant holds a supervisory position, the causal link between
19 him and the claimed constitutional violation must be specifically alleged. See Fayle v. Stapley,
20 607 F.2d 858, 862 (9th Cir. 1979); Mosher v. Saalfeld, 589 F.2d 438, 441 (9th Cir. 1978). Here,
21 plaintiff has not alleged a specific causal link between any actions by defendant Schwartz and the
22 claimed constitutional violations.

23 Accordingly, IT IS HEREBY ORDERED that:

24 1. Service of the amended complaint is appropriate for the following defendants:

25 Bick, Donahue, Anderson, Khoury, Thomas, Murray, and Morreno.

26 ////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

GUY T. STRINGHAM

Plaintiff,

No. CIV S-09-0286 MCE DAD P

vs.

J. BICK, et al.,

NOTICE OF SUBMISSION

Defendants.

OF DOCUMENTS

_____ /

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

_____ one completed summons form;

_____ seven completed USM-285 forms; and

_____ eight true and exact copies of the amended complaint filed March 18,
2010.

DATED: _____.

Plaintiff