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GUY T. STRINGHAM, 10

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VS.

J. BICK, et al.,

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Plaintiff, No. CIV S-09-0286 MCE DAD P

Defendants.

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.

ORDER

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

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 (E.D. Cal. Nov. 20, 2009) (plaintiff's allegations that prison officials screened out his inmate appeals without any basis failed to indicate a deprivation of federal rights). It is well established 4 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 (9th Cir. 1988)). See also e.g., Wright v. Shannon, No. CIV F-05-1485 LJO YNP PC, 2010 WL 445203 at *5 (E.D. Cal. Feb. 2, 2010) (plaintiff's allegations that prison officials denied or 8 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, 2009) (plaintiff's allegations that prison officials failed to timely process his inmate appeals failed to a state cognizable under the Fourteenth Amendment); Williams v. Cate, No. F-09-0468 12 OWW YNP PC, 2009 WL 3789597 at *6 (E.D. Cal. Nov. 10, 2009) ("Plaintiff has no protected

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

Accordingly, IT IS HEREBY ORDERED that:

liberty interest in the vindication of his administrative claims.").

1. Service of the amended complaint is appropriate for the following defendants: Bick, Donahue, Anderson, Khoury, Thomas, Murray, and Morreno.

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- 2. The Clerk of the Court shall send plaintiff seven USM-285 forms, one summons, an instruction sheet, and a copy of the amended complaint filed March 18, 2010.
- 3. Within thirty days from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit all of the following documents to the court at the same time:
 - a. The completed, signed Notice of Submission of Documents;
 - b. One completed summons;
 - c. One completed USM-285 form for each defendant listed in number 1 above; and
 - d. Eight copies of the endorsed amended complaint filed March 18, 2010.

UNITED STATES MAGISTRATE JUDGE

4. Plaintiff shall not attempt to effect service of the amended complaint on defendants or request a waiver of service of summons from any defendant. Upon receipt of the above-described documents, the court will direct the United States Marshal to serve the abovenamed defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs. DATED: April 26, 2010.

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8	IN THE UNITED STATES DISTRICT COURT		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
10	GUY T. STRINGHAM		
11		Plaintiff,	No. CIV S-09-0286 MCE DAD P
12	vs.		
13	J. BICK, et al.,	,	NOTICE OF SUBMISSION
14		Defendants.	OF DOCUMENTS
15			
16		Plaintiff hereby submits	the following documents in compliance with the court's
17	order filed	:	
18		one completed s	ummons form;
19		seven completed	USM-285 forms; and
20		eight true and ex	act copies of the amended complaint filed March 18,
21		2010.	
22	DATED:	·	
23			Plaintiff
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