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

ELMER EUGENE WALKER,  
  
Plaintiff,  
  
v.  
  
SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN JOAQUIN,  
  
Defendant.

No. 2:22-CV-1883-TLN-DMC-P

FINDINGS AND RECOMMENDATIONS

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff’s original complaint, ECF No. 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 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. § 1915A(b)(1), (2). Moreover, the Federal Rules of Civil Procedure require that complaints contain a “. . . short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). This means that claims must be stated simply, concisely, and directly. See McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996) (referring to Fed. R. Civ. P. 8(e)(1)). These rules are satisfied if the

1 complaint gives the defendant fair notice of the plaintiff's claim and the grounds upon which it  
2 rests. See Kimes v. Stone, 84 F.3d 1121, 1129 (9th Cir. 1996). Because Plaintiff must allege  
3 with at least some degree of particularity overt acts by specific defendants which support the  
4 claims, vague and conclusory allegations fail to satisfy this standard. Additionally, it is  
5 impossible for the Court to conduct the screening required by law when the allegations are vague  
6 and conclusory.

7 Plaintiff names as the only defendant the San Joaquin County Superior Court. See  
8 ECF No. 1. Plaintiff alleges that the Superior Court in some way colluded with prosecutors to  
9 achieve the improper denial of parole. See id.

10 The Court finds that Plaintiff's complaint is deficient because the only named  
11 defendant is immune from suit and because Plaintiff's challenge to the denial of parole is barred.

12 The Eleventh Amendment prohibits federal courts from hearing suits brought  
13 against a state both by its own citizens, as well as by citizens of other states. See Brooks v.  
14 Sulphur Springs Valley Elec. Coop., 951 F.2d 1050, 1053 (9th Cir. 1991). This prohibition  
15 extends to suits against states themselves, and to suits against state agencies. See Lucas v. Dep't  
16 of Corr., 66 F.3d 245, 248 (9th Cir. 1995) (per curiam); Taylor v. List, 880 F.2d 1040, 1045 (9th  
17 Cir. 1989). Because the San Joaquin County Superior Court is an arm of the State of California,  
18 it is immune from suit.

19 Plaintiff's claim in general, against any defendants, is also Heck-barred. When a  
20 state prisoner challenges the legality of his custody and the relief he seeks is a determination that  
21 he is entitled to an earlier or immediate release, such a challenge is not cognizable under 42  
22 U.S.C. § 1983 and the prisoner's sole federal remedy is a petition for a writ of habeas corpus. See  
23 Preiser v. Rodriguez, 411 U.S. 475, 500 (1973); see also Neal v. Shimoda, 131 F.3d 818, 824 (9th  
24 Cir. 1997); Trimble v. City of Santa Rosa, 49 F.3d 583, 586 (9th Cir. 1995) (per curiam). Thus,  
25 where a § 1983 action seeking monetary damages or declaratory relief alleges constitutional  
26 violations which would necessarily imply the invalidity of the prisoner's underlying conviction or  
27 sentence, or the result of a prison disciplinary hearing resulting in imposition of a sanction  
28 affecting the overall length of confinement, such a claim is not cognizable under § 1983 unless

1 the conviction or sentence has first been invalidated on appeal, by habeas petition, or through  
2 some similar proceeding. See Heck v. Humphrey, 512 U.S. 477, 483-84 (1994) (concluding that  
3 § 1983 claim not cognizable because allegations were akin to malicious prosecution action which  
4 includes as an element a finding that the criminal proceeding was concluded in plaintiff's favor);  
5 Butterfield v. Bail, 120 F.3d 1023, 1024-25 (9th Cir. 1997) (concluding that § 1983 claim not  
6 cognizable because allegations of procedural defects were an attempt to challenge substantive  
7 result in parole hearing); cf. Neal, 131 F.3d at 824 (concluding that § 1983 claim was cognizable  
8 because challenge was to conditions for parole eligibility and not to any particular parole  
9 determination); cf. Wilkinson v. Dotson, 544 U.S. 74 (2005) (concluding that § 1983 action  
10 seeking changes in procedures for determining when an inmate is eligible for parole consideration  
11 not barred because changed procedures would hasten future parole consideration and not affect  
12 any earlier parole determination under the prior procedures).

13 Because it does not appear possible that the deficiencies identified herein can be  
14 cured by amending the complaint, Plaintiff is not entitled to leave to amend prior to dismissal of  
15 the entire action. See Lopez v. Smith, 203 F.3d 1122, 1126, 1131 (9th Cir. 2000) (en banc).

16 Based on the foregoing, the undersigned recommends that this action be dismissed  
17 for failure to state a claim upon which relief can be granted.

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

24  
25 Dated: November 18, 2022

26   
27 DENNIS M. COTA  
28 UNITED STATES MAGISTRATE JUDGE