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5 **UNITED STATES DISTRICT COURT**

6 EASTERN DISTRICT OF CALIFORNIA

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9 ARCHIE CRANFORD, ) 1:14-cv-00995-BAM  
10 Plaintiff, )  
11 v. ) SCREENING ORDER DISMISSING FIRST  
12 ) AMENDED COMPLAINT WITH LEAVE  
13 DHARLEEN NARCEDA, ) TO AMEND  
14 Defendant. ) (ECF No. 8.)  
15 )

16 Plaintiff Archie Cranford (“Plaintiff”) is a civil detainee proceeding pro se and in forma  
17 pauperis in this civil rights action. Plaintiff’s first amended complaint, filed on July 7, 2014, is  
18 currently before the Court for screening pursuant to 28 U.S.C. § 1915.

19 **I. Screening Requirement**

20 “Notwithstanding any filing fee, or any portion thereof, that may have been paid, the  
21 court shall dismiss the case at any time if the court determines that ... the action or appeal ... fails  
22 to state a claim upon which relief may be granted.” 28 U.S.C. § 1915(e)(2)(B)(ii).

23 A complaint must contain “a short and plain statement of the claim showing that the  
24 pleader is entitled to relief....” Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are not  
25 required, but “[t]hreadbare recitals of the elements of a cause of action, supported by mere  
26 conclusory statements, do not suffice.” Ashcroft v. Iqbal, 556 U.S. 662, 678, 129 S.Ct. 1937, 173  
27 L.Ed.2d 868 (2009) (citing Bell Atl. Corp. v. Twombly, 550.S. 544, 555 (2007)). Plaintiff must  
28 set forth “sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on

1 its face.” Id. (quoting Twombly, 550 U.S. at 570). While factual allegations are accepted as true,  
2 legal conclusions are not. Id.

## 3 **II. Allegations in Complaint**

4 Plaintiff names Dharleen Narceda as the sole defendant. Plaintiff alleges: On June 27,  
5 2014, during the p.m. shift, Defendant consented to treat Plaintiff for a severe burn. Plaintiff  
6 originally was burned on June 22, 2014, when he spilled hot soup on his lower half. Plaintiff  
7 alleges that he had to wait three days for treatment and that hospital officials failed to provide  
8 him with adequate medical care. Plaintiff further alleges that during his medical care another  
9 patient disrupted the treatment by entering the exam room in violation of Plaintiff’s privacy.

## 10 **III. Discussion**

### 11 **A. Federal Rule of Civil Procedure 8**

12 Pursuant to Federal Rule of Civil Procedure 8, a complaint must contain “a short and  
13 plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a).  
14 As noted above, detailed factual allegations are not required, but “[t]hreadbare recitals of the  
15 elements of a cause of action, supported by mere conclusory statements, do not suffice.” Iqbal,  
16 556 U.S. at 678 (citation omitted). Plaintiff must set forth “sufficient factual matter, accepted as  
17 true, to ‘state a claim to relief that is plausible on its face.’” Iqbal, 556 U.S. at 678 (quoting  
18 Twombly, 550 U.S. at 555). While factual allegations are accepted as true, legal conclusions are  
19 not. Id.; see also Twombly, 550 U.S. at 556–557; Moss, 572 F.3d at 969.

20 Here, Plaintiff’s amended complaint is short, but is difficult to understand. The  
21 complaint does not set forth sufficient facts to state a claim for relief that is plausible on its face.  
22 If Plaintiff chooses to amend his complaint, he should briefly and clearly state the facts giving  
23 rise to his claims for relief against the named defendant.

### 24 **B. Due Process -Medical Care**

25 As a civil detainee, Plaintiff’s rights to medical care and personal safety are protected by the  
26 substantive component of the Due Process Clause of the Fourteenth Amendment. Youngberg v.  
27 Romeo, 457 U.S. 307, 315 (1982). Under this provision of the Constitution, Plaintiff is “entitled  
28 to more considerate treatment and conditions of confinement than criminals whose conditions of

1 confinement are designed to punish.” Jones v. Blanas, 393 F.3d 918, 931 (9th Cir. 2004)  
2 (quoting Youngberg, 457 U.S. at 321-22); cf. Clouthier v. County of Contra Costa, 591 F.3d  
3 1232, 1243-44 (9th Cir. 2010) (pretrial detainees, who are confined to ensure their presence at  
4 trial, are afforded only those protections provided by the Eighth Amendment). Thus, to avoid  
5 liability, Defendant’s decisions must be supported by “professional judgment.” Youngberg, 457  
6 U.S. at 323. A defendant fails to use professional judgment when his or her decision is “such a  
7 substantial departure from accepted professional judgment, practice, or standards as to  
8 demonstrate that [he or she] did not base the decision on such a judgment.” Youngberg, 457 U.S.  
9 at 323.

10 Plaintiff has not stated a claim for violation of the substantive component of the Due Process  
11 Clause of the Fourteenth Amendment related to medical care against Defendant Narceda. At  
12 best, Plaintiff has alleged that Defendant Narceda provided him with medical care. Plaintiff has  
13 not alleged that the care rendered by Defendant Narceda was deficient in any manner nor has he  
14 alleged that Defendant Narceda was responsible for any delay in receiving treatment.

### 15 **C. Privacy**

16 To the extent that Plaintiff’s privacy claim can be construed as one also brought for violation  
17 of his constitutional rights under 42 U.S.C. § 1983, the complaint is devoid of any support for a  
18 claim that Defendants violated Plaintiff’s right to privacy of medical information under the Due  
19 Process Clause of the Fourteenth Amendment. Seaton v. Mayberg, 610 F.3d 530, 537-41 (9 th  
20 Cir. 2010). Plaintiff has not alleged that Defendant Narceda was responsible for the interruption  
21 of treatment by another patient or that Defendant Narceda disclosed any medical information to  
22 the other patient.

### 23 **IV. Conclusion and Order**

24 Plaintiff’s complaint fails to comply with Federal Rule of Civil Procedure 8 and fails to  
25 state a claim for which relief may be granted. As Plaintiff is proceeding pro se, he will be given  
26 an opportunity to amend his complaint to the extent that he can do so in good faith. See Lopez v.  
27 Smith, 203 F.3d 1122, 1127 (9th Cir. 2000).

1 Plaintiff may not change the nature of this suit by adding new, unrelated claims in his  
2 amended complaint. George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007) (no “buckshot”  
3 complaints).

4 Plaintiff’s amended complaint should be brief, Fed. R. Civ. P. 8(a), but it must state what  
5 each named defendant did that led to the deprivation of Plaintiff’s constitutional rights, *Iqbal*,  
6 556 U.S. at 678-79, 129 S.Ct. at 1948-49. Although accepted as true, the “[f]actual allegations  
7 must be [sufficient] to raise a right to relief above the speculative level . . . .” Twombly, 550 U.S.  
8 at 555 (citations omitted).

9 Finally, Plaintiff is advised that an amended complaint supersedes the original complaint.  
10 *Lacey v. Maricopa County*, 693 F.3d 896, 927 (9th Cir. 2012). Therefore, Plaintiff’s amended  
11 complaint must be “complete in itself without reference to the prior or superseded pleading.”  
12 Local Rule 220.

13 Based on the foregoing, it is HEREBY ORDERED that:

- 14 1. Plaintiff’s complaint is dismissed with leave to amend for failure to state a claim  
15 upon which relief can be granted;
- 16 2. Within thirty (30) days from the date of service of this order, Plaintiff shall file an  
17 amended complaint; and
- 18 3. If Plaintiff fails to file an amended complaint in compliance with this order, this  
19 action will be dismissed for failure to obey a court order and for failure to state a claim.  
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21 IT IS SO ORDERED.

22 Dated: January 14, 2015

23 /s/ Barbara A. McAuliffe  
24 UNITED STATES MAGISTRATE JUDGE  
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