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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ARCHIE CRANFORD,)	1:14-cv-01025-BAM
)	
Plaintiff,)	SCREENING ORDER DISMISSING FIRST
)	AMENDED COMPLAINT WITH LEAVE
v.)	TO AMEND
)	
JESSICA C., et al.,)	(ECF No. 13)
)	
Defendants.)	THIRTY-DAY DEADLINE
)	

Plaintiff Archie Cranford (“Plaintiff”) is a civil detainee proceeding pro se and in forma pauperis in this civil rights action. On January 28, 2015, the Court dismissed Plaintiff’s complaint with leave to amend within thirty days. Plaintiff’s first amended complaint, filed on February 9, 2015, is currently before the Court for screening pursuant to 28 U.S.C. § 1915.

I. Screening Requirement

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

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

1 set forth “sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on
2 its face.’” Id. (quoting Twombly, 550 U.S. at 570). While factual allegations are accepted as true,
3 legal conclusions are not. Id.

4 **II. Allegations in Complaint**

5 Plaintiff is housed at Coalinga State Hospital (“CSH”), where the events in the complaint
6 are alleged to have occurred. Plaintiff names Jessica C. as a defendant in the caption of the
7 complaint.

8 Plaintiff alleges as follows:

9 [D]uring the graveyard shift plaintiff was awalen with massave chest paine and
10 with exstreem difficalty reported his medical condishion to the defendants or at
11 least tried to do so all defendants failed to provide plaintiff with medical care by
12 taking plaintiffs vitals and give plaintiff his hart medichion which concists in
inadequate medical care....

13 (ECF No. 13, p. 1) (unedited text).

14 **III. Discussion**

15 **A. Linkage Requirement**

16 The Civil Rights Act under which this action was filed provides:

17 Every person who, under color of [state law] ... subjects, or causes to be
18 subjected, any citizen of the United States ... to the deprivation of any rights,
19 privileges, or immunities secured by the Constitution ... shall be liable to the party
injured in an action at law, suit in equity, or other proper proceeding for redress.

20 42 U.S.C. § 1983. The statute plainly requires that there be an actual connection or link between
21 the actions of the defendants and the deprivation alleged to have been suffered by Plaintiff. See
22 Monell v. Dep’t of Soc. Servs., 436 U.S. 658, 98 S.Ct. 2018, 56 L.Ed.2d 611; Rizzo v. Goode,
23 423 U.S. 362, 96 S.Ct. 598, 46 L.Ed.2d 561 (1976). The Ninth Circuit has held that “[a] person
24 ‘subjects’ another to the deprivation of a constitutional right, within the meaning of section 1983,
25 if he does an affirmative act, participates in another’s affirmative acts, or omits to perform an act
26 which he is legally required to do that causes the deprivation of which complaint is made.”
27 Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978).

1 Here, Plaintiff fails to link (or name) defendants to the allegations in his complaint.
2 Plaintiff merely lumps all unidentified defendants together. If Plaintiff amends his complaint, he
3 must allege what each individual did or failed to do that resulted in a violation of Plaintiff's
4 constitutional rights.

5 **B. Due Process -Medical Care**

6 As a civil detainee, Plaintiff's rights to medical care and personal safety are protected by
7 the substantive component of the Due Process Clause of the Fourteenth Amendment. Youngberg
8 v. Romeo, 457 U.S. 307, 315 (1982). Under this provision of the Constitution, Plaintiff is
9 "entitled to more considerate treatment and conditions of confinement than criminals whose
10 conditions of confinement are designed to punish." Jones v. Blanas, 393 F.3d 918, 931 (9th Cir.
11 2004) (quoting Youngberg, 457 U.S. at 321-22); cf. Clouthier v. County of Contra Costa, 591
12 F.3d 1232, 1243-44 (9th Cir. 2010) (pretrial detainees, who are confined to ensure their presence
13 at trial, are afforded only those protections provided by the Eighth Amendment). Thus, to avoid
14 liability, Defendants' decisions must be supported by "professional judgment." Youngberg, 457
15 U.S. at 323. A defendant fails to use professional judgment when his or her decision is "such a
16 substantial departure from accepted professional judgment, practice, or standards as to
17 demonstrate that [he or she] did not base the decision on such a judgment." Youngberg, 457 U.S.
18 at 323.

19 Plaintiff has not stated a claim for violation of the substantive component of the Due
20 Process Clause of the Fourteenth Amendment related to medical care. At best, Plaintiff has
21 alleged that he attempted to inform defendants of his chest pain. However, there is no indication
22 of any resulting harm or damage from defendants' purported failure to take his vital signs or
23 provide him medication. Therefore, Plaintiff has not alleged that the care rendered by some
24 unidentified defendants was unsupported by professional judgment.

25 **IV. Conclusion and Order**

26 Plaintiff's first amended complaint fails to state a claim for which relief may be granted.
27 As Plaintiff is pro se, and in an abundance of caution, he will be given a final opportunity to
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1 amend his complaint to the extent that he can do so in good faith. See Lopez v. Smith, 203 F.3d
2 1122, 1127 (9th Cir. 2000).

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

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

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

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

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

22
23 IT IS SO ORDERED.

24 Dated: February 12, 2015

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE
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