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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8
9 ARCHIE CRANFORD,) 1:14-cv-01101-BAM
10 Plaintiff,)
11 v.) ORDER DISMISSING ACTION FOR
12) FAILURE TO STATE A CLAIM
13 TERESSITA DIRIGE, et al.,) (ECF No. 20)
14 Defendants.)
15)

16 Plaintiff Archie Cranford (“Plaintiff”) is a civil detainee proceeding pro se and in forma
17 pauperis in this civil rights action. Plaintiff initiated this action on July 14, 2014. On October 7,
18 2014, the Court dismissed Plaintiff’s complaint with leave to amend. Plaintiff filed a first
19 amended complaint on October 20, 2014. On October 28, 2014, the Court dismissed Plaintiff’s
20 first amended complaint with leave to amend. On December 1, 2014, the Court granted Plaintiff
21 a thirty-day extension of time to file his amended complaint. On December 10, 2014, Plaintiff
22 filed a document entitled “Motion for Second Amended Complaint.” (ECF No. 20.) Although
23 titled as a motion, the substance of the document appears to be Plaintiff’s second amended
24 complaint. Accordingly, the Court will screen the document as a second amended complaint.

25 **I. Screening Requirement**

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

1 A complaint must contain “a short and plain statement of the claim showing that the
2 pleader is entitled to relief...” Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are not
3 required, but “[t]hreadbare recitals of the elements of a cause of action, supported by mere
4 conclusory statements, do not suffice.” Ashcroft v. Iqbal, 556 U.S. 662, 678, 129 S.Ct. 1937, 173
5 L.Ed.2d 868 (2009) (citing Bell Atl. Corp. v. Twombly, 550.S. 544, 555 (2007)). Plaintiff must
6 set forth “sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on
7 its face.’” Id. (quoting Twombly, 550 U.S. at 570). While factual allegations are accepted as true,
8 legal conclusions are not. Id.

9 **II. Allegations in Complaint**

10 Plaintiff names Teressita Dirige “and componey” as defendants.

11 Plaintiff alleges as follows:

12 In August of 2013 defendant Teressita Dirige and componey failed to adqutley
13 protect plaintiff from being assaulted and injuard by fellow patients and once the
14 attack had ended all failed to provide protection of future attacks and provide
15 prompt profeshent profeshional medical care all the defendants where hired and
16 assined to summons adequite meducal care is readerned and plaintiff received the
17 medical as states in (youngberg) and that the protection continues once the threat
18 to plaintiffs safty has passed but plaintiff did not receive the medical care that
19 hewad serisousley in need of as well as the safty what should have been done was
once the medical care hhad been reandered plaintiff should have been reassined
and assigned a single room and securty rersonal assined and stachioned in inside
the room had these assinements been put into place the constution would have
been satisfied and the plaintiff as well but neather was done.

20 (ECF No. 20, p. 1) (unedited text). Plaintiff seeks 1, 295 billion in damages.

21 **III. Discussion**

22 Despite multiple opportunities to amend, Plaintiff’s second amended complaint fails to
23 comply with Federal Rule of Civil Procedure 8 and fails to state a claim. Accordingly, this
24 action will be dismissed for failure to state a cognizable claim.

25 **A. Federal Rule of Civil Procedure 8**

26 Pursuant to Federal Rule of Civil Procedure 8, a complaint must contain “a short and
27 plain statement of the claim showing that the pleader is entitled to relief.” Fed.R.Civ.P. 8(a).
28 Detailed factual allegations are not required, but “[t]hreadbare recitals of the elements of a cause

1 of action, supported by mere conclusory statements, do not suffice.” Iqbal, 556 U.S. at 678
2 (citation omitted). Plaintiff must set forth “sufficient factual matter, accepted as true, to ‘state a
3 claim to relief that is plausible on its face.’” Iqbal, 556 U.S. at 678 (quoting Twombly, 550 U.S.
4 at 555). While factual allegations are accepted as true, legal conclusions are not. *Id.*; see also
5 Twombly, 550 U.S. at 556–557.

6 Here, Plaintiff’s complaint is short, but does not contain a plain statement of his claims
7 showing that he is entitled to relief. Plaintiff’s complaint is disjointed and difficult to
8 understand, filled with typographical errors and conclusory statements. Plaintiff’s limited factual
9 allegations are not sufficient to clearly state what happened, when it happened and who was
10 involved.

11 **B. Linkage Requirement**

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

13 Every person who, under color of [state law] ... subjects, or causes to be
14 subjected, any citizen of the United States ... to the deprivation of any rights,
15 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.

16 42 U.S.C. § 1983. The statute plainly requires that there be an actual connection or link between
17 the actions of the defendants and the deprivation alleged to have been suffered by Plaintiff. See
18 Monell v. Dep’t of Soc. Servs., 436 U.S. 658, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978); Rizzo v.
19 Goode, 423 U.S. 362, 96 S.Ct. 598, 46 L.Ed.2d 561 (1976). The Ninth Circuit has held that “[a]
20 person ‘subjects’ another to the deprivation of a constitutional right, within the meaning of
21 section 1983, if he does an affirmative act, participates in another’s affirmative acts, or omits to
22 perform an act which he is legally required to do that causes the deprivation of which complaint
23 is made.” Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir.1978).

24 Here, Plaintiff fails to identify and link “all defendants” to a constitutional violation.
25 Plaintiff simply lumps all defendants together and does not state what each individual did or
26 failed to do that resulted in a constitutional violation.

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1 **C. Medical Care & Failure to Protect**

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

15 Here, Plaintiff's allegations fail to state a claim under this standard for his medical care or for
16 his claim of failure to protect. The Court cannot ascertain from Plaintiff's conclusory statements
17 what happened, where it happened or what the individual defendants did or did not do that
18 violated Plaintiff's constitutional rights.

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Dated: **December 15, 2014**

UNITED STATES MAGISTRATE JUDGE