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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

COREY WILLIAMS,

Plaintiff,

v.

AUDREY KING, et al.,

Defendants.

Case No. 1:15-cv-00543-SKO (PC)

**ORDER FINDING DUE PROCESS AND
EIGHTH AMENDMENT CLAIMS
COGNIZABLE AGAINST DEFENDANTS
YOUNG, PEREZ, & DeLEON**

**ORDER DISMISSING DEFENDANTS
KING AND PRICE AND EQUAL
PROTECTION CLAIMS WITH
PREJUDICE**

(Doc. 12)

INTRODUCTION

A. Background

Plaintiff, Corey Williams, a civil detainee proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 on April 9, 2015. Plaintiff’s Original Complaint was screened and dismissed with leave to file a first amended complaint curing identified linkage deficiencies.¹

On February 1, 2016, Plaintiff filed the First Amended Complaint that is presently before the Court for screening. For the reasons discussed below, the Court finds that Plaintiff states a cognizable claim under the Due Process Clause and Eighth Amendment against Defendants Young, Perez, and DeLeon upon which he may proceed.² Plaintiff, however, fails to state any

¹ Plaintiff’s claim based on not receiving hot meals was dismissed with prejudice as not cognizable.

² Plaintiff will receive instructions for service on these Defendants via a concurrently issued order.

1 claims under the Equal Protection Clause and fails to link Defendants King and Price to any of his
2 factual allegations which are DISMISSED with prejudice.

3 **B. Screening Requirement and Standard**

4 The Court is required to screen complaints brought by prisoners seeking relief against a
5 governmental entity or an officer or employee of a governmental entity. 28 U.S.C. § 1915A(a).
6 The Court must dismiss a complaint or portion thereof if the prisoner has raised claims that are
7 legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that
8 seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),
9 (2). “Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court
10 shall dismiss the case at any time if the court determines that . . . the action or appeal . . . fails to
11 state a claim upon which relief may be granted.” 28 U.S.C. § 1915(e)(2)(B)(ii).

12 **C. Pleading Requirements**

13 **1. Federal Rule of Civil Procedure 8(a)**

14 “Rule 8(a)'s simplified pleading standard applies to all civil actions, with limited
15 exceptions,” none of which applies to section 1983 actions. *Swierkiewicz v. Sorema N. A.*, 534
16 U.S. 506, 512 (2002); Fed. R. Civ. Pro. 8(a). A complaint must contain “a short and plain
17 statement of the claim showing that the pleader is entitled to relief” Fed. R. Civ. Pro. 8(a).
18 “Such a statement must simply give the defendant fair notice of what the plaintiff’s claim is and
19 the grounds upon which it rests.” *Swierkiewicz*, 534 U.S. at 512.

20 Detailed factual allegations are not required, but “[t]hreadbare recitals of the elements of a
21 cause of action, supported by mere conclusory statements, do not suffice.” *Ashcroft v. Iqbal*, 556
22 U.S. 662, 678 (2009), quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Plaintiff
23 must set forth “sufficient factual matter, accepted as true, to ‘state a claim that is plausible on its
24 face.’” *Iqbal*, 556 U.S. at 678, quoting *Twombly*, 550 U.S. at 555. Factual allegations are accepted
25 as true, but legal conclusions are not. *Iqbal*. at 678; *see also Moss v. U.S. Secret Service*, 572 F.3d
26 962, 969 (9th Cir. 2009); *Twombly*, 550 U.S. at 556-557.

27 While “plaintiffs [now] face a higher burden of pleadings facts,” *Al-Kidd v. Ashcroft*,
28 580 F.3d 949, 977 (9th Cir. 2009), the pleadings of *pro se* prisoners are still construed liberally

1 and are afforded the benefit of any doubt. *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010).
2 However, "the liberal pleading standard . . . applies only to a plaintiff's factual allegations," *Neitze*
3 *v. Williams*, 490 U.S. 319, 330 n.9 (1989), "a liberal interpretation of a civil rights complaint may
4 not supply essential elements of the claim that were not initially pled," *Bruns v. Nat'l Credit Union*
5 *Admin.*, 122 F.3d 1251, 1257 (9th Cir. 1997) quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268
6 (9th Cir. 1982), and courts are not required to indulge unwarranted inferences, *Doe I v. Wal-Mart*
7 *Stores, Inc.*, 572 F.3d 677, 681 (9th Cir. 2009) (internal quotation marks and citation omitted).
8 The "sheer possibility that a defendant has acted unlawfully" is not sufficient, and "facts that are
9 'merely consistent with' a defendant's liability" fall short of satisfying the plausibility standard.
10 *Iqbal*, 556 U.S. at 678, 129 S. Ct. at 1949; *Moss*, 572 F.3d at 969.

11 Further, "repeated and knowing violations of Federal Rule of Civil Procedure 8(a)'s 'short
12 and plain statement' requirement are strikes as 'fail[ures] to state a claim,' 28 U.S.C. § 1915(g),
13 when the opportunity to correct the pleadings has been afforded and there has been no
14 modification within a reasonable time." *Knapp v. Hogan*, 738 F.3d 1106, 1108-09 (9th Cir. 2013).

15 2. Linkage and Causation

16 Section 1983 provides a cause of action for the violation of Plaintiff's constitutional or
17 other federal rights by persons acting under color of state law. *Nurre v. Whitehead*, 580 F.3d
18 1087, 1092 (9th Cir 2009); *Long v. County of Los Angeles*, 442 F.3d 1178, 1185 (9th Cir. 2006);
19 *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002). "Section 1983 is not itself a source of
20 substantive rights, but merely provides a method for vindicating federal rights elsewhere
21 conferred." *Crowley v. Nevada ex rel. Nevada Sec'y of State*, 678 F.3d 730, 734 (9th Cir. 2012)
22 (citing *Graham v. Connor*, 490 U.S. 386, 393-94, 109 S.Ct. 1865 (1989)) (internal quotation
23 marks omitted). To state a claim, Plaintiff must allege facts demonstrating the existence of a link,
24 or causal connection, between each defendant's actions or omissions and a violation of his federal
25 rights. *Lemire v. California Dep't of Corr. and Rehab.*, 726 F.3d 1062, 1074-75 (9th Cir. 2013);
26 *Starr v. Baca*, 652 F.3d 1202, 1205-08 (9th Cir. 2011).

27 Plaintiff's allegations must demonstrate that each defendant personally participated in the
28 deprivation of his rights. *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002). This requires the

1 presentation of factual allegations sufficient to state a plausible claim for relief. *Iqbal*, 556 U.S. at
2 678-79; *Moss v. U.S. Secret Service*, 572 F.3d 962, 969 (9th Cir. 2009). The mere possibility of
3 misconduct falls short of meeting this plausibility standard. *Iqbal*, 556 U.S. at 678; *Moss*, 572
4 F.3d at 969. However, prisoners proceeding pro se in civil rights actions are still entitled to have
5 their pleadings liberally construed and to have any doubt resolved in their favor. *Hebbe*, 627 F.3d
6 at 342.

7 DISCUSSION

8 **A. Plaintiff's Allegations**

9 Plaintiff is a civil detainee at Coalinga State Hospital ("CSH") in Coalinga, California. He
10 brings this suit against CSH Executive Director Audrey King, CSH Hospital Administrator
11 Brandon Price, Psyche Techs Christopher DeLeon and Wendy Perez, Senior Psych Tech Ian
12 Young, and Does 1 through 10 for violation of his constitutional rights with regard to his
13 conditions of confinement at CSH. Plaintiff's claims arise from a policy, implemented on March
14 5, 2015, that required diabetic detainees such as Plaintiff to submit to blood glucose level testing
15 before being fed. If a detainee failed to submit to the testing, he was denied the meal that was
16 being served. Plaintiff alleges he was denied food when he stated he has the right to refuse
17 medical treatment.

18 **B. Denial of Meals**

19 Plaintiff's claims arise from the deprivation of meals due to his refusal to submit to blood
20 glucose level testing. As a civil detainee, Plaintiff is entitled to treatment more considerate than
21 that afforded pretrial detainees or convicted criminals. *Jones v. Blanas*, 393 F.3d 918, 931-32 (9th
22 Cir. 2004). His right to constitutionally adequate conditions of confinement is protected by the
23 substantive component of the Due Process Clause. *Youngberg v. Romeo*, 457 U.S. 307, 315
24 (1982). However, civil detainees are not free persons with "full civil rights," *Seaton v. Mayberg*,
25 610 F.3d 530, 535 (9th Cir. 2010), and it is well-established that effective institutional
26 management is a legitimate, non-punitive governmental interest, *Jones*, 393 F.3d at 932. The
27 Eighth Amendment provides "a minimum standard of care" for determining the rights of pretrial
28 detainees. *Or. Advocacy Ctr. v. Mink*, 322 F.3d 1101, 1120 (9th Cir.2003), quoting *City of Revere*

1 v. *Mass. Gen. Hosp.*, 463 U.S. 239, 244 (1983). Thus, a civil detainee’s allegations that state a
2 claim under the Eighth Amendment also state a claim under the Due Process Clause.

3 “Food is one of life’s basic necessities,” and the government is obligated to provide those
4 in its custody “with adequate sustenance on a daily basis.” *Foster v. Runnels*, 554 F.3d 807, 812-
5 14 (9th Cir. 2009) (denial of 16 meals in 23 days is a sufficiently serious deprivation within the
6 meaning of the Eighth Amendment); *see also Jones*, 393 F.3d at 931-32 (civil detainees entitled to
7 more considerate treatment than convicted criminals). Adequate food is a basic human need
8 protected by the Eighth Amendment. *Hoptowit v. Ray*, 682 F.2d 1237, 1246 (9th Cir. `1982),
9 (abrogated on other grounds by *Sandin v. O’Connor*, 515 U.S. 472 (1995)). While prison food
10 need not be “tasty or aesthetically pleasing,” it must be “adequate to maintain health.” *LeMaire v.*
11 *Maass*, 12 F.3d 1444, 1456 (9th Cir. 1993).

12 Plaintiff alleges that, because he declined to submit to glucose testing, he was completely
13 denied meals from the evening meal of March 5, 2015, until the breakfast meal of March 11, 2015.
14 This amounts to a cognizable claim under the Due Process Clause and the Eighth Amendment
15 against Defendants DeLeon, Perez, and Does 1-10 who acknowledged problems with the policy,
16 but refused to provide Plaintiff meals when he declined to submit to glucose testing; and against
17 Defendant Young for implementing the policy and failing to ensure that staff no longer followed it
18 once he realized it violated detainees’ rights. *Hansen v. Black*, 885 F.2d 642, 646 (9th Cir. 1989)
19 (internal citations omitted); *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989).

20 Plaintiff, however, fails to link Defendants King and Price to any of his factual allegations.
21 Plaintiff appears to have intended to pursue these two Defendants because of their supervisory
22 positions. However, he fails to state any allegations to show that they either personally
23 participated in the alleged deprivation of constitutional rights; knew of the violations and failed to
24 act to prevent them; or promulgated or “implemented a policy so deficient that the policy ‘itself is
25 a repudiation of constitutional rights’ and is ‘the moving force of the constitutional violation.’”
26 *Hansen v. Black*, 885 F.2d 642, 646 (9th Cir. 1989) (internal citations omitted); *Taylor v. List*, 880
27 F.2d 1040, 1045 (9th Cir. 1989). Under section 1983, liability may not be imposed on supervisory
28 personnel for the actions of their employees under a theory of *respondeat superior*. *Iqbal*, 556

1 U.S. at 677. Thus, Plaintiff fails to state a cognizable claim against Defendants King and Price.

2 Further, although Plaintiff also refers to the Equal Protection Clause, he fails to state
3 allegations to show either that he was a member of a protected class, *Hartmann v. California*
4 *Dep't of Corr. & Rehab.*, 707 F.3d 1114, 1123 (9th Cir. 2013); *Furnace v. Sullivan*, 705 F.3d
5 1021, 1030 (9th Cir. 2013), or that he was intentionally treated differently than similarly situated
6 individuals without a rational relationship to a legitimate state purpose, *Engquist v. Oregon*
7 *Department of Agriculture*, 553 U.S. 591, 601-02 (2008); *Village of Willowbrook v. Olech*, 528
8 U.S. 562, 564 (2000); *San Antonio School District v. Rodriguez*, 411 U.S. 1 (1972). Plaintiff also
9 fails to state any allegations upon which to infer discriminatory intent by any of the named
10 Defendants. See *Washington v. Davis*, 426 U.S. 229, 239-240 (1976); *Serrano*, 345 F.3d at 1081-
11 82; *Freeman v. Arpio*, 125 F.3d 732, 737 (9th Cir. 1997). Thus, Plaintiff fails to state a cognizable
12 claim under the Equal Protection Clause.

13 **C. Declaratory Relief**

14 In addition to damages and injunctive relief, Plaintiff seeks declaratory relief. Because
15 Plaintiff's claims for damages necessarily entail a determination whether his rights were violated,
16 his separate request for declaratory relief is subsumed by those claims. *Rhodes v. Robinson*, 408
17 F.3d 559, 565-66 n.8 (9th Cir. 2004). Therefore, the declaratory relief claim shall be dismissed.

18 **ORDER**

19 Plaintiff's allegation that he was deprived of food because he declined to submit to blood
20 glucose testing supports a cognizable claim under the Due Process Clause and for violation of the
21 Eighth Amendment against Defendants Young, Perez, and De Leon. Plaintiff, however, fails to
22 link Defendants King and Price to any of his factual allegations, and his Equal Protection claim is
23 not cognizable against any of the named Defendants.

24 Accordingly, it is HEREBY ORDERED that:

- 25 1. This action shall proceed on the First Amended Complaint on Plaintiff's claims
26 under the Due Process Clause and the Eighth Amendment against Defendants
27 Young, Perez, and De Leon; and

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2. Defendants King and Price and all claims under the Equal Protection Clause are dismissed with prejudice.

IT IS SO ORDERED.

Dated: December 13, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE