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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOHN KELLER,

Plaintiff,

vs.

NKSP WARDEN, et al.,

Defendants.

1:16-cv-00613-EPG-PC

ORDER FINDING COGNIZABLE  
CLAIMS

ORDER FOR THIS CASE TO PROCEED  
AGAINST THE OFFICE OF  
CORRECTIONAL SAFETY, THE  
INSTITUTIONAL GANG  
INVESTIGATOR, SERGEANT M. WEST,  
G. GARRETT, AND JOHN DOES FOR  
VIOLATION OF THE EIGHTH  
AMENDMENT BASED ON CONDITIONS  
OF CONFINEMENT AND DELIBERATE  
INDIFFERENCE TO SERIOUS MEDICAL  
NEEDS AND FOR VIOLATION OF THE  
FOURTEENTH AMENDMENT BASED  
ON LACK OF DUE PROCESS

ORDER FINDING FIRST AMENDED  
COMPLAINT APPROPRIATE FOR  
SERVICE AND FORWARDING SERVICE  
DOCUMENTS TO PLAINTIFF FOR  
COMPLETION AND RETURN WITHIN  
THIRTY DAYS  
(Doc. 22.)

THIRTY DAY DEADLINE

**I. BACKGROUND**

John Keller (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. On May 2, 2016, Plaintiff filed the

1 Complaint commencing this action. (ECF No. 1.) On May 17, 2016, this Court issued an order  
2 finding cognizable claims against Defendant Institutional Gang Investigator for adverse  
3 conditions of confinement under the Eighth Amendment and violation of due process under the  
4 Fourteenth Amendment, and dismissing other claims with leave to amend. (ECF No. 11)  
5 Plaintiff filed a First Amended Complaint on June 24, 2016, which is before this Court for  
6 screening. (ECF No. 22)<sup>1</sup>

7 Plaintiff has alleged that he was wrongly placed in solitary confinement based on a false  
8 gang violation for six and a half years, and that he suffered mental illness as a result. He also  
9 alleges that he was denied medical care for his mental illness. The Court has screened  
10 Plaintiff's First Amended Complaint and is allowing it to go forward and be served on the  
11 defendants named in Plaintiff's complaint.

12 The next step is for Plaintiff to fill out certain forms that are described in this order and  
13 return them to the Court in thirty days to allow the Court, through the US Marshalls, to serve  
14 this complaint on Defendants. Defendants will then respond to the complaint and the Court  
15 will issue an order after that time describing how to go forward with the case.

## 16 **II. SCREENING REQUIREMENT**

17 The Court is required to screen complaints brought by prisoners seeking relief against a  
18 governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a).  
19 The Court must dismiss a complaint or portion thereof if the prisoner has raised claims that are  
20 legally "frivolous or malicious," that fail to state a claim upon which relief may be granted, or  
21 that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C.  
22 § 1915A(b)(1),(2). "Notwithstanding any filing fee, or any portion thereof, that may have been  
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25 <sup>1</sup> On May 11, 2016, Plaintiff consented to Magistrate Judge jurisdiction in this action  
26 pursuant to 28 U.S.C. § 636(c), and no other parties have made an appearance. (ECF No. 7.)  
27 Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of  
28 California, the undersigned shall conduct any and all proceedings in the case until such time as  
reassignment to a District Judge is required. Local Rule Appendix A(k)(3).

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

3 A complaint is required to contain “a short and plain statement of the claim showing  
4 that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are  
5 not required, but “[t]hreadbare recitals of the elements of a cause of action, supported by mere  
6 conclusory statements, do not suffice.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (citing Bell  
7 Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)). While a plaintiff’s allegations are  
8 taken as true, courts “are not required to indulge unwarranted inferences.” Doe I v. Wal-Mart  
9 Stores, Inc., 572 F.3d 677, 681 (9th Cir. 2009) (internal quotation marks and citation omitted).  
10 To state a viable claim, Plaintiff must set forth “sufficient factual matter, accepted as true, to  
11 ‘state a claim to relief that is plausible on its face.’” Iqbal, 556 U.S. at 678-79; Moss v. U.S.  
12 Secret Service, 572 F.3d 962, 969 (9th Cir. 2009). The mere possibility of misconduct falls  
13 short of meeting this plausibility standard. Id. While factual allegations are accepted as true,  
14 legal conclusions are not. Id.

### 15 **III. SUMMARY OF COMPLAINT**

16 The events at issue in the Complaint allegedly occurred at North Kern State Prison  
17 (NKSP) in Delano, California, when Plaintiff was incarcerated there in the custody of the  
18 California Department of Corrections and Rehabilitation (CDCR). Plaintiff names as  
19 defendants the Office of Correctional Safety, the Institutional Gang Investigator (IGI), M.  
20 West, correctional officer G. Garrett, and John Does IGI Supervisors. (“Defendants”).  
21 Plaintiff’s factual allegations follow.

22 Plaintiff alleges that the IGI, acting on direction from their superior supervisors, held  
23 Plaintiff in isolation and solitary confinement for six and a half years on false gang validation  
24 charges. Plaintiff suffered mental health issues and emotional distress. Plaintiff attempted  
25 suicide three times. He now suffers from permanent mental health issues of schizophrenic  
26 paranoia and psychotic behavior, among others.

27 Plaintiff alleges cruel and unusual punishment and deliberate indifference to his mental  
28 health care, and lack of due process.

1 **IV. PLAINTIFF'S CLAIMS**

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

3 Every person who, under color of any statute, ordinance, regulation, custom, or  
4 usage, of any State or Territory or the District of Columbia, subjects, or causes  
5 to be subjected, any citizen of the United States or other person within the  
6 jurisdiction thereof to the deprivation of any rights, privileges, or immunities  
7 secured by the Constitution and laws, shall be liable to the party injured in an  
8 action at law, suit in equity, or other proper proceeding for redress . . . .

9 42 U.S.C. § 1983.

10 “[Section] 1983 ‘is not itself a source of substantive rights,’ but merely provides ‘a  
11 method for vindicating federal rights elsewhere conferred.’” Graham v. Connor, 490 U.S. 386,  
12 393-94 (1989) (quoting Baker v. McCollan, 443 U.S. 137, 144 n.3 (1979)); see also Chapman  
13 v. Houston Welfare Rights Org., 441 U.S. 600, 618 (1979); Hall v. City of Los Angeles, 697  
14 F.3d 1059, 1068 (9th Cir. 2012); Crowley v. Nevada, 678 F.3d 730, 734 (9th Cir. 2012);  
15 Anderson v. Warner, 451 F.3d 1063, 1067 (9th Cir. 2006).

16 To state a claim under section 1983, a plaintiff must allege that (1) the defendant acted  
17 under color of state law, and (2) the defendant deprived him of rights secured by the  
18 Constitution or federal law. Long v. County of Los Angeles, 442 F.3d 1178, 1185 (9th Cir.  
19 2006); see also Marsh v. Cnty. of San Diego, 680 F.3d 1148, 1158 (9th Cir. 2012) (discussing  
20 “under color of state law”). A person deprives another of a constitutional right, “within the  
21 meaning of § 1983, ‘if he does an affirmative act, participates in another’s affirmative act, or  
22 omits to perform an act which he is legally required to do that causes the deprivation of which  
23 complaint is made.’” Preschooler II v. Clark Cnty. Sch. Bd. of Trs., 479 F.3d 1175, 1183 (9th  
24 Cir. 2007) (quoting Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978)). “The requisite  
25 causal connection may be established when an official sets in motion a ‘series of acts by others  
26 which the actor knows or reasonably should know would cause others to inflict’ constitutional  
27 harms.” Preschooler II, 479 F.3d at 1183 (quoting Johnson, 588 F.2d at 743). This standard of  
28 causation “closely resembles the standard ‘foreseeability’ formulation of proximate cause.”  
Arnold v. Int’l Bus. Mach. Corp., 637 F.2d 1350, 1355 (9th Cir. 1981); see also Harper v. City  
of Los Angeles, 533 F.3d 1010, 1026 (9th Cir. 2008).

1           **A.     Eighth Amendment—Conditions of Confinement**

2           “It is undisputed that the treatment a prisoner receives in prison and the conditions  
3 under which [the prisoner] is confined are subject to scrutiny under the Eighth Amendment.”  
4 Helling v. McKinney, 509 U.S. 25, 31 (1993); see also Farmer v. Brennan, 511 U.S. 825, 832  
5 (1994). Conditions of confinement may, consistent with the Constitution, be restrictive and  
6 harsh. See Rhodes v. Chapman, 452 U.S. 337, 347 (1981); Morgan v. Morgensen, 465 F.3d  
7 1041, 1045 (9th Cir. 2006); Osolinski v. Kane, 92 F.3d 934, 937 (9th Cir. 1996); Jordan v.  
8 Gardner, 986 F.2d 1521, 1531 (9th Cir. 1993) (*en banc*). Prison officials must, however,  
9 provide prisoners with “food, clothing, shelter, sanitation, medical care, and personal safety.”  
10 Toussaint v. McCarthy, 801 F.2d 1080, 1107 (9th Cir. 1986), abrogated in part on other  
11 grounds by Sandin v. Connor, 515 U.S. 472 (1995); see also Johnson v. Lewis, 217 F.3d 726,  
12 731 (9th Cir. 2000); Hoptowit v. Ray, 682 F.2d 1237, 1246 (9th Cir. 1982); Wright v. Rushen,  
13 642 F.2d 1129, 1132-33 (9th Cir. 1981).

14           When determining whether the conditions of confinement meet the objective prong of  
15 the Eighth Amendment analysis, the Court must analyze each condition separately to determine  
16 whether that specific condition violates the Eighth Amendment. See Toussaint, 801 F.2d at  
17 1107; Hoptowit, 682 F.2d at 1246-47; Wright, 642 F.2d at 1133. “Some conditions of  
18 confinement may establish an Eighth Amendment violation ‘in combination’ when each would  
19 not do so alone, but only when they have a mutually enforcing effect that produces the  
20 deprivation of a single, identifiable human need such as food, warmth, or exercise – for  
21 example, a low cell temperature at night combined with a failure to issue blankets.” Wilson v.  
22 Seiter, 501 U.S. 294, 304 (1991); see also Thomas v. Ponder, 611 F.3d 1144, 1151 (9th Cir.  
23 2010); Osolinski, 92 F.3d at 938-39; Toussaint, 801 F.2d at 1107; Wright, 642 F.2d at 1133.  
24 When considering the conditions of confinement, the Court should also consider the amount of  
25 time to which the prisoner was subjected to the condition. See Hutto v. Finney, 437 U.S. 678,  
26 686-87 (1978); Hearns v. Terhune, 413 F.3d 1036, 1042 (9th Cir. 2005); Hoptowit, 682 F.2d at  
27 1258. As to the subjective prong of the Eighth Amendment analysis, prisoners must establish  
28 prison officials’ “deliberate indifference” to unconstitutional conditions of confinement to

1 establish an Eighth Amendment violation. See Farmer, 511 U.S. at 834; Wilson, 501 U.S. at  
2 303. This Court has found that “placement of seriously mentally ill inmates in the harsh,  
3 restrictive and non-therapeutic conditions of California's administrative segregation units for  
4 non-disciplinary reasons for more than a minimal period necessary to effect transfer to  
5 protective housing or a housing assignment violates the Eighth Amendment.” Coleman v.  
6 Brown, 28 F. Supp. 3d 1068, 1099 (E.D.Cal. 2014).

7 Based on Plaintiff's allegations that he was held in isolation, despite mental illness, for  
8 non-disciplinary reasons from September 3, 2008 until May 7, 2015, the Court finds that  
9 Plaintiff states a claim for violation of the Eighth Amendment based on conditions of  
10 confinement.

11 **B. Eighth Amendment—Deliberate Indifference to Medical Needs**

12 The Eighth Amendment of the United States Constitution entitles Plaintiff to medical  
13 care, but it is violated only when a prison official acts with deliberate indifference to an  
14 inmate's serious medical needs. Snow v. McDaniel, 681 F.3d 978, 985 (9th Cir. 2012),  
15 overruled in part on other grounds, Peralta v. Dillard, 744 F.3d 1076, 1082-83 (9th Cir. 2014);  
16 Wilhelm v. Rotman, 680 F.3d 1113, 1122 (9th Cir. 2012); Jett v. Penner, 439 F.3d 1091, 1096  
17 (9th Cir. 2006).

18 Plaintiff “must show (1) a serious medical need by demonstrating that failure to treat  
19 [his] condition could result in further significant injury or the unnecessary and wanton  
20 infliction of pain,” and (2) that “the defendant's response to the need was deliberately  
21 indifferent.” Wilhelm, 680 F.3d at 1122 (citing Jett, 439 F.3d at 1096).

22 Deliberate indifference is shown by “(a) a purposeful act or failure to respond to a  
23 prisoner's pain or possible medical need, and (b) harm caused by the indifference.” Wilhelm,  
24 680 F.3d at 1122 (citing Jett, 439 F.3d at 1096). The requisite state of mind is one of subjective  
25 recklessness, which entails more than ordinary lack of due care. Snow, 681 F.3d at 985  
26 (citation and quotation marks omitted); Wilhelm, 680 F.3d at 1122.

27 Plaintiff alleges that Defendants denied him access to mental health care and that such  
28 denial was motivated with malice with intent to force Plaintiff to debrief. Although Plaintiff's

1 allegations are brief and lack specificity, liberally construed, Plaintiff states a claim for  
2 deliberate indifference to serious medical needs in violation of the Eighth Amendment.

3 **C. Due Process**

4 The Due Process Clause of the Fourteenth Amendment protects prisoners from being  
5 deprived of life, liberty, or property without due process of law. Wolff v. McDonnell, 418 U.S.  
6 539, 556 (1974). The procedural guarantees of the Fifth and Fourteenth Amendments' Due  
7 Process Clauses apply only when a constitutionally protected liberty or property interest is at  
8 stake. See Ingraham v. Wright, 430 U.S. 651, 672-73 (1977); Bd. of Regents v. Roth, 408 U.S.  
9 564, 569 (1972); Jackson v. Carey, 353 F.3d 750, 755 (9th Cir. 2003); Neal v. Shimoda, 131  
10 F.3d 818, 827 (9th Cir. 1997); Erickson v. United States, 67 F.3d 858, 861 (9th Cir. 1995);  
11 Schroeder v. McDonald, 55 F.3d 454, 462 (9th Cir. 1995); Tellis v. Godinez, 5 F.3d 1314, 1316  
12 (9th Cir. 1993).

13 Liberty interests can arise both from the Constitution and from state law. See  
14 Wilkinson v. Austin, 545 U.S. 209, 221 (2005); Hewitt v. Helms, 459 U.S. 460, 466 (1983).  
15 The Due Process Clause itself does not confer on inmates a liberty interest in avoiding "more  
16 adverse conditions of confinement." Id. The Due Process Clause itself does not confer on  
17 inmates a liberty interest in being confined in the general prison population instead of  
18 administrative segregation. See Hewitt, 459 U.S. at 466-68; see also May v. Baldwin, 109 F.3d  
19 557, 565 (9th Cir. 1997) (convicted inmate's due process claim fails because he has no liberty  
20 interest in freedom from state action taken within sentence imposed and administrative  
21 segregation falls within the terms of confinement ordinarily contemplated by a sentence)  
22 (quotations omitted); Resnick v. Hayes, 213 F.3d 443, 447 (9th Cir. 2000) (plaintiff's  
23 placement and retention in the SHU was within range of confinement normally expected by  
24 inmates in relation to ordinary incidents of prison life and, therefore, plaintiff had no protected  
25 liberty interest in being free from confinement in the SHU) (quotations omitted).

26 With respect to liberty interests arising from state law, the existence of a liberty interest  
27 created by prison regulations is determined by focusing on the nature of the deprivation.  
28 Sandin, 515 U.S. at 481-84. Liberty interests created by prison regulations are limited to

1 freedom from restraint which “imposes atypical and significant hardship on the inmate in  
2 relation to the ordinary incidents of prison life.” Id. at 484; see also Myron v. Terhune, 476  
3 F.3d 716, 718 (9th Cir. 2007); Jackson, 353 F.3d at 755; Serrano v. Francis, 345 F.3d 1071,  
4 1078 (9th Cir. 2003); Ramirez v. Galaza, 334 F.3d 850, 860 (9th Cir. 2003). When conducting  
5 the Sandin inquiry, Courts should look to Eighth Amendment standards as well as the  
6 prisoners’ conditions of confinement, the duration of the sanction, and whether the sanctions  
7 will affect the length of the prisoners’ sentence. See Serrano, 345 F.3d at 1078; Ramirez, 334  
8 F.3d at 861; Keenan v. Hall, 83 F.3d 1083, 1089 (9th Cir. 1996). The placement of an inmate  
9 in the SHU indeterminately may amount to a deprivation of a liberty interest of “real  
10 substance” within the meaning of Sandin. See Wilkinson, 545 U.S. at 224. The “atypicality”  
11 prong of the analysis requires not merely an empirical comparison, but turns on the importance  
12 of the right taken away from the prisoner. See Carlo v. City of Chino, 105 F.3d 493, 499 (9th  
13 Cir. 1997). A plaintiff must assert a “dramatic departure” from the standard conditions of  
14 confinement before due process concerns are implicated. Sandin, 515 U.S. at 485–86; see also  
15 Keenan, 83 F.3d at 1088–89.

16 Plaintiff alleges that he is mentally challenged and was held in solitary confinement for  
17 more than six years on false charges that he was a gang associate. While Plaintiff has not  
18 described in detail the conditions of his confinement in segregation, it is sufficient that he  
19 alleges he was detained in isolation for more than six years on false charges. It is true that  
20 “[s]ome conditions of confinement may establish an Eighth Amendment violation ‘in  
21 combination’ when each would not do so alone.” Chappell v. Mandeville 706 F.3d 1052, 1061  
22 (9th Cir. 2013) (citing Wilson, 501 U.S. at 304). Plaintiff alleges that he suffers from severe  
23 and lasting mental health issues as a result of his detention. Based on these allegations, the  
24 Court finds that Plaintiff’s detention was a “dramatic departure” from the standard conditions  
25 of confinement, and therefore Plaintiff had a liberty interest in avoiding his detention.

26 The assignment of validated gang members to the SHU is an administrative measure  
27 rather than a disciplinary measure, and is “essentially a matter of administrative segregation.”  
28 Bruce v. Ylst, 351 F.3d 1283, 1287 (9th Cir. 2003) (quoting Munoz v. Rowland, 104 F.3d

1 1096, 1098 (9th Cir. 1997)). As such, Plaintiff is entitled to the minimal procedural protections  
2 set forth in Toussaint, such as notice, an opportunity to be heard, and periodic review. Bruce,  
3 351 F.3d at 1287 (citing Toussaint, 801 F.2d at 1100). Due process also requires that there be  
4 an evidentiary basis for the prison officials' decision to place an inmate in segregation for  
5 administrative reasons. Superintendent v. Hill, 472 U.S. 445, 455 (1985); Toussaint, 801 F.2d  
6 at 1104-05. This standard is met if there is "some evidence" from which the conclusion of the  
7 administrative tribunal could be deduced. Id. at 1105. The standard is only "minimally  
8 stringent" and the relevant inquiry is whether there is any evidence in the record that could  
9 support the conclusion reached by the prison decision-makers. Cato v. Rushen, 824 F.2d 703,  
10 705 (9th Cir.1987). The "some evidence" standard applies to an inmate's placement in the  
11 SHU for gang affiliation. See Bruce, 351 F.3d at 1287-88.

12 When a prisoner is placed in administrative segregation, prison officials must, within a  
13 reasonable time after the prisoner's placement, conduct an informal, non-adversary review of  
14 the evidence justifying the decision to segregate the prisoner. See Hewitt, 459 U.S. at 476,  
15 abrogated in part on other grounds by Sandin, 515 U.S. 472 (1995); Mendoza v. Blodgett, 960  
16 F.2d 1425, 1430 (9th Cir. 1992), abrogated in part on other grounds by Sandin, 515 U.S. 472;  
17 Toussaint, 801 F.2d at 1100, abrogated in part on other grounds by Sandin, 515 U.S. 472. The  
18 Supreme Court has stated that five days is a reasonable time for the post-placement review.  
19 See Hewitt, 459 U.S. at 477. Before the review, the prisoner must receive some notice of the  
20 charges and be given an opportunity to respond to the charges. See id. at 476; Mendoza, 960  
21 F.2d at 1430-31; Toussaint, 801 F.2d at 1100. The prisoner, however, is not entitled to  
22 "detailed written notice of charges, representation of counsel or counsel-substitute, an  
23 opportunity to present witnesses, or a written decision describing the reasons for placing the  
24 prisoner in administrative segregation." Toussaint, 801 F.2d at 1100-01 (citations omitted).  
25 After the prisoner has been placed in administrative segregation, prison officials must  
26 periodically review the initial placement. See Hewitt, 459 U.S. at 477 n.9; Toussaint, 801 F.2d  
27 at 1101. Annual review of the placement is insufficient. See Toussaint, 801 F.2d at 1101.

28 Plaintiff alleges that he is not a gang member, and that he was put in solitary

1 confinement “because of my reading material of afrocentric literature.” Liberally construed,  
2 these allegations are sufficient to state a cognizable claim for violation of Plaintiff’s rights to  
3 due process in violation of the Fourteenth Amendment.

4 **V. APPROPRIATE DEFENDANTS**

5 Plaintiff’s list of Defendants includes Institutions: Institutional Gang Investigator and  
6 the Office of Correctional Safety at Sacramento; specific individual defendants: Sgt M. West  
7 and G. Garrett; and Doe Defendants: I.G.I. Supervisors. Plaintiff’s factual allegations do not  
8 describe how specific individuals made the decision to place Plaintiff in solitary confinement or  
9 deny him medical care. Plaintiff indicates that “I do not no [sic] the personal names of the John  
10 Doe’s but CDC office of Correctional Safety.”

11 While the Court would prefer to have more detailed allegations against specific  
12 defendants in order to assess each claim against them individually, the Court understands that  
13 Plaintiff is likely not aware of the specific persons involved at this time. Plaintiff amended his  
14 named Defendants in response to the Court’s first screening order, including removal of the  
15 warden, and provides greater detail in this amended complaint. The Court will allow this  
16 complaint to proceed against the listed defendants at this time, but expects that further  
17 clarification of the appropriate defendants will be done after the Defendants have appeared and  
18 provided discovery or clarification as to their role. The Court is not determining at this time  
19 that the named Defendants are the correct ones for each of Plaintiff’s claims. But the Court  
20 believes that Plaintiff’s First Amended Complaint sufficiently states a claim against these  
21 defendants to go forward to the next stage.

22 The Court also notes that unidentified, or "John Doe" defendants must be named or  
23 otherwise identified before service can go forward. “As a general rule, the use of ‘John Doe’ to  
24 identify a defendant is not favored.” Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980).  
25 Plaintiff is advised that John Doe defendants cannot be served by the United States Marshal  
26 until Plaintiff has identified them as actual individuals and amended his complaint to substitute  
27 names for John Doe or Jane Doe. For service to be successful, the Marshal must be able to  
28 identify and locate defendants.

1 Therefore, the Court is allowing Plaintiff's complaint regarding John Does to go  
2 forward at this time, but will require Plaintiff to identify specific individuals as the litigation  
3 proceeds and before those individuals can be served.

4 **VI. CONCLUSION AND ORDER**

5 The Court finds that Plaintiff's Complaint states cognizable claims for violation of the  
6 Eighth Amendment based on conditions of confinement and deliberate indifference to serious  
7 medical needs, as well as for violation of the Fourteenth Amendment for lack of due process in  
8 deprivation of a liberty interest.

9 The Court will allow these claims to go forward against Defendants Office of  
10 Correctional Safety, Institutional Gang Investigator, Sergeant M. West, correctional officer G.  
11 Garrett, and John Does IGI Supervisors. It is likely that there will be further clarification of the  
12 appropriate defendants for each claim as the case continues, based on information from  
13 Defendants.

14 Accordingly, based on the foregoing, IT IS HEREBY ORDERED that:

- 15 1. This action now proceeds on the First Amended Complaint, dated June 24, 2016  
16 (ECF No. 22), for violation of the Eighth Amendment based on conditions of  
17 confinement and deliberate indifference to serious medical needs, as well as for  
18 violation of the Fourteenth Amendment for lack of due process in deprivation of  
19 a liberty interest. These claims are asserted against the following defendants:  
20 Office of Correctional Safety, Institutional Gang Investigator, Sergeant M.  
21 West, correctional officer, G. Garrett, and John Does IGI Supervisors;
- 22 2. Service is appropriate for the following defendants:

23 **The Office of Correctional Safety**

24 **Institutional Gang Investigator**

25 **Sergeant M. West, correctional officer at North Kern State Prison**

26 **G. Garrett, correctional officer, North Kern State Prison**

