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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ARCHIE CRANFORD,	)	1:16-cv-01223-AWI-BAM
	)	
Plaintiff,	)	SCREENING ORDER DISMISSING FIRST
	)	AMENDED COMPLAINT WITH LEAVE
v.	)	TO AMEND
	)	(ECF No. 10)
GUNINDER KAUR,	)	
	)	THIRTY-DAY DEADLINE
Defendant.	)	
	)	
	)	

Plaintiff Archie Cranford (“Plaintiff”) is a civil detainee proceeding pro se and in forma pauperis in this civil rights action. On October 18, 2016, the Court dismissed Plaintiff’s complaint with leave to amend. Plaintiff’s first amended complaint, filed on October 26, 2016, is currently before the Court for screening pursuant to 28 U.S.C. § 1915.<sup>1</sup>

**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

<sup>1</sup> On September 27, 2016, after the filing of this action, Plaintiff was declared a vexatious litigant subject to a pre-filing order in *Cranford v. Crawford*, Case No 1:14-cv-00055-AWI-MJS. As the instant action was filed prior to that order, the Court will screen the first amended complaint to determine if Plaintiff states a cognizable claim.

1 conclusory statements, do not suffice.” Ashcroft v. Iqbal, 556 U.S. 662, 678, 129 S.Ct. 1937, 173  
2 L.Ed.2d 868 (2009) (citing Bell Atl. Corp. v. Twombly, 550.S. 544, 555 (2007)). Plaintiff must  
3 set forth “sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on  
4 its face.’” Id. (quoting Twombly, 550 U.S. at 570). While factual allegations are accepted as true,  
5 legal conclusions are not. Id.

## 6 **II. Allegations in Complaint**

7 Plaintiff is housed at Coalinga State Hospital (“CSH”), where the events in the complaint  
8 are alleged to have occurred. Plaintiff names Guninder Kaur, R.N. as the sole defendant.

9 Plaintiff alleges as follows:

10 Now comes plaiaitiff Cranford hoom states that the defendant mrs Kaur violated  
11 my right to medical privacy by informing a nuther staff member of my medical  
12 condishion the outhter staff member was not a member of the medical staff and the  
13 medical matter was that the plaintiff was having sevear chest pains and reported  
14 the fact to the defendant which she informed the staff member hoom was not a  
15 member of the medical staff what should have been done was that the defendant  
16 should have taken plaintiffs vitals and kept doing so for 3 separt times and if the  
17 vitals where high for 3 times apart from each outhter then he the plaintiff would  
18 have been placed in the U.C.R. unit of coalinga state hospital and the non medical  
19 staff would not have knowen eneything about the process that should have taken  
20 place in short just the reverse took place there for my righjt to medical privacy  
21 was violated and my right to adequate medical care was violated as well.

22 (ECF No. 10, p. 1) (unedited text). Plaintiff identifies no specific form of relief.

## 23 **III. Discussion**

24 Plaintiff is currently a civil detainee being held as a sexually violent predator. He alleges  
25 that his right to medical privacy was violated when Defendant Kaur informed another staff  
26 member that Plaintiff was having severe chest pains. Plaintiff further alleges that Defendant  
27 Kaur should have taken his vitals.

### 28 **A. Right to Privacy**

The United States Constitution protects a right to privacy regarding “the individual  
interest in avoiding disclosure of personal matters.” Whalen v. Roe, 429 U.S. 589, 599 (1977).  
The Ninth Circuit has found a constitutionally protected interest in avoiding disclosure of  
personal matters, including medical information, in certain circumstances. See Norman-

1 Bloodsaw v. Lawrence Berkeley Laboratory, 135 F.3d 1260, 1269 (9th Cir. 1996) (“The  
2 constitutionally protected privacy interest in avoiding disclosure of personal matters clearly  
3 encompasses medical information and its confidentiality.”). Assuming the existence of a right in  
4 avoiding unauthorized disclosure of medical information for civil detainees, Seaton v Mayburg,  
5 610 F.3d 530, 537-41 (9th Cir. 2010), Plaintiff has failed to allege sufficient facts to state a claim  
6 that is plausible on its face.

7 In particular, Plaintiff fails to identify the circumstances surrounding the disclosure. For  
8 instance, the Court cannot determine whether the other individual was present when Plaintiff was  
9 experiencing chest pains, if Plaintiff also disclosed his condition to the other individual, or if the  
10 disclosure was in connection with providing treatment, evaluation, or care to Plaintiff.

11 Where the disclosure is to a government employee, as suggested in this case, “[t]he  
12 privacy protection afforded medical information is not absolute; rather, it is a conditional right  
13 which may be infringed upon a showing of proper governmental interest.” Roe v. Sherry, 91  
14 F.3d 1270 (9th Cir. 1996) (citation omitted); Planned Parenthood of Southern Arizona v. Lawall,  
15 307 F.3d 783, 790 (9th Cir. 2002). In making the determination whether a governmental interest  
16 outweighs the individual’s privacy interest, courts must balance the following factors: (1) the  
17 type of information, (2) the potential harm in non-consensual disclosure, (3) the adequacy of  
18 safeguards to prevent unauthorized disclosure, (4) the degree of need for access, and (5) whether  
19 there is an express statutory mandate, articulated public policy, or other recognizable public  
20 interest militating toward access. Id.; Seaton, 610 F.3d at 534-35.

21 Absent further detail surrounding the alleged disclosure, including the context, the Court  
22 cannot determine whether Plaintiff states a cognizable claim for relief. Plaintiff will be given  
23 one final opportunity to amend his complaint to state a cognizable claim for relief.

#### 24 **B. Right to Medical Care**

25 As a civil detainee, Plaintiff’s right to medical care is protected by the substantive  
26 component of the Due Process Clause of the Fourteenth Amendment. Youngberg v. Romeo, 457  
27 U.S. 307, 315 (1982). Under this provision of the Constitution, Plaintiff is “entitled to more  
28 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). Thus, to avoid liability, Defendant’s decision must be  
3 supported by “professional judgment.” Youngberg, 457 U.S. at 323. A defendant fails to use  
4 professional judgment when his or her decision is “such a substantial departure from accepted  
5 professional judgment, practice, or standards as to demonstrate that [he or she] did not base the  
6 decision on such a judgment.” Youngberg, 457 U.S. at 323.

7 Here, Plaintiff’s allegations fail to state a claim. At best, Plaintiff has alleged that he  
8 complained of chest pains, but he has not identified any resulting harm or consequences resulting  
9 from the pain or from Defendant Kaur’s purported failure to take his vitals. In the absence of  
10 any such allegations, Defendant Kaur’s conduct appears to be supported by a professional  
11 judgment that Plaintiff did not require any treatment. The absence of any apparent consequence  
12 or harm also suggests that Plaintiff was treated within accepted standards.

#### 13 **IV. Conclusion and Order**

14 Plaintiff’s complaint fails to state a claim for which relief may be granted. As Plaintiff is  
15 proceeding pro se, he will be given a **final opportunity** to amend his complaint to the extent that  
16 he can do so in good faith. See Lopez v. Smith, 203 F.3d 1122, 1127 (9th Cir. 2000).

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

20 Plaintiff’s amended complaint should be brief, Fed. R. Civ. P. 8(a), but it must state what  
21 each named defendant did that led to the deprivation of Plaintiff’s constitutional rights, Iqbal,  
22 556 U.S. at 678-79, 129 S.Ct. at 1948-49. Although accepted as true, the “[f]actual allegations  
23 must be [sufficient] to raise a right to relief above the speculative level . . . .” Twombly, 550 U.S.  
24 at 555 (citations omitted).

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

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

2 1. Plaintiff's complaint is dismissed with leave to amend for failure to state a claim  
3 upon which relief can be granted;

4 2. Within thirty (30) days from the date of service of this order, Plaintiff shall file an  
5 amended complaint; and

6 3. If Plaintiff fails to file an amended complaint in compliance with this order, this  
7 action will be dismissed for failure to obey a court order and for failure to state a claim.

8  
9 IT IS SO ORDERED.

10 Dated: December 19, 2016

11 /s/ Barbara A. McAuliffe  
12 UNITED STATES MAGISTRATE JUDGE