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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NELSON NED FIGUEIRA, deceased, by  
and through JUDITE CASTILLO,  
  
  Plaintiffs,  
  
  v.  
  
COUNTY OF SUTTER, et al.,  
  
  Defendants.

No. 2:15-cv-00500-KJM-AC

ORDER

In a Second Amended Complaint, Judite Castillo alleges additional facts to support her claim that the defendants are liable for the suicide death of her son, Nelson Ned Figueira. Defendants move to dismiss. No opposition was filed, and the matter was submitted without hearing. The motion is granted in part without leave to amend and denied in part.

I. FACTUAL ALLEGATIONS

The court’s previous order describes in detail the facts alleged in the plaintiff’s First Amended Complaint. Prev. Order, ECF No. 15 at 2–4. The court does not repeat them here. The Second Amended Complaint alleges the same facts and the same claims and includes the following allegations in addition:

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1 (1) “While Figueira was in custody plaintiff and other family members contacted the  
2 jail and vocalized their concern about Figueira’s mental health risk and risk of  
3 suicide.” Second Am. Compl. ¶ 19, ECF No. 17.

4 (2) “Following the arraignment, plaintiff and other family members contacted the jail  
5 and informed jail employees of decedent’s distraught condition and expressed  
6 concern that he was at heightened risk of suicide.” *Id.* ¶ 20.

7 (3) “Defendants, Samson, Bidwell, and Garza were working at the Sutter County Jail  
8 on March 6, 2013.” *Id.* ¶ 21.

9 The court’s previous order denied defendant’s motion to dismiss as to defendant Brandwood for  
10 the first and fourth claims and granted plaintiff leave to amend as to the remaining claims and  
11 defendants. Prev. Order at 15–16. Plaintiff filed her Second Amended Complaint on November  
12 20, 2015. ECF No. 17. She now asserts four of the five claims from her prior complaint:

13 (1) Violation of Figueira’s Fourteenth Amendment rights for deliberate indifference to  
14 serious medical needs under 42 U.S.C. § 1983, against defendants Brandwood,  
15 Parker, Samson, Bidwell, and Garza. Second Am. Compl. at 8–10;

16 (2) Municipal liability under § 1983 and *Monell v. Department of Social Services*,  
17 436 U.S. 658 (1978), against defendant Sutter County, *id.* at 10–12;

18 (3) Supervisory liability under § 1983 against defendants Parker, Samson, Bidwell,  
19 and Garza, *id.* at 12–13; and

20 (4) Violation of her Fourteenth Amendment rights related to the loss of her parent-  
21 child relationship with Figueira, under § 1983, against all defendants, *id.* at 13.

22 Plaintiff declined to pursue previously pleaded claims against Yuba County and the Doe  
23 defendants. The defendants moved to dismiss on December 4, 2015. ECF No. 18.

24 The court first reviews the legal standard applicable to the defendants’ motion, and  
25 then addresses the remaining claims.

## 26 II. LEGAL STANDARD

27 A party may move to dismiss for “failure to state a claim upon which relief can be  
28 granted.” Fed. R. Civ. P. 12(b)(6). The motion may be granted only if the complaint lacks a

1 “cognizable legal theory” or if its factual allegations do not support a cognizable legal theory.  
2 *Hartmann v. Cal. Dep’t of Corr. & Rehab.*, 707 F.3d 1114, 1122 (9th Cir. 2013). The court  
3 assumes these factual allegations are true and draws reasonable inferences from them. *Ashcroft v.*  
4 *Iqbal*, 556 U.S. 662, 678 (2009). A complaint need contain only a “short and plain statement of  
5 the claim showing that the pleader is entitled to relief,” Fed. R. Civ. P. 8(a)(2), not “detailed  
6 factual allegations,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). But this rule demands  
7 more than unadorned accusations; “sufficient factual matter” must make the claim at least  
8 plausible. *Iqbal*, 556 U.S. at 678. In the same vein, conclusory or formulaic recitations of  
9 elements do not alone suffice. *Id.* (quoting *Twombly*, 550 U.S. at 555). Evaluation under Rule  
10 12(b)(6) is a context-specific task drawing on “judicial experience and common sense.” *Id.*  
11 at 679.

### 12 III. DISCUSSION

#### 13 A. Fourteenth Amendment: Deliberate Indifference to Serious Medical Needs

14 The court’s previous order granted plaintiff leave to amend to allege facts to  
15 support the allegations against defendants Parker, Samson, Bidwell, and Garza. Prev. Order at 8.  
16 Plaintiff now alleges she and her family contacted jail staff after Figueira’s arraignment to  
17 express their concern over his distraught state and heightened risk of suicide when Samson,  
18 Bidwell, and Garza were at work in the facility.

19 As to defendants Samson, Bidwell, and Garza, plaintiff’s Second Amended  
20 Complaint pleads sufficient facts to state a plausible claim for relief. In *Clouthier v. County of*  
21 *Contra Costa*, as discussed in the court’s prior order, Prev. Order at 5–8, a defendant staff  
22 member knew of the decedent’s previously attempted suicide and heard reports that the decedent  
23 was “truly suicidal.” 591 F.3d 1232, 1244 (9th Cir. 2010). Here, Samson, Bidwell, and Garza are  
24 now alleged to have known of Figueira’s post-arraignment mental state. Combined with the  
25 alleged provisions of the jail’s policy, which may reasonably be interpreted to require the  
26 reporting of “significantly disordered behavior,” these allegations allow the court to “draw the  
27 reasonable inference that the defendant[s] [are] liable for the misconduct alleged.” *Iqbal*,  
28 556 U.S. at 678

1 Plaintiff may proceed on this theory regardless of defendants’ arguments that the  
2 newly alleged facts lack any nexus to Parker, Bidwell, Samson, or Garza and that plaintiff should  
3 have alleged specifically who contacted who at the jail. *See* Mot. at 5. At this stage, even  
4 relatively laconic complaints may survive. *See Twombly*, 550 U.S. at 555 (detailed factual  
5 allegations are unnecessary). Castillo need only allege facts that paint a plausible picture  
6 supporting recovery. *See Iqbal*, 556 U.S. at 678. The motion is denied as to defendants Samson,  
7 Bidwell, and Garza.

8 As to defendant Parker, however, plaintiff does not claim he was even at the jail  
9 when the decedent’s family voiced their concerns. No factual allegations support a claim that  
10 Parker knew of Figueira’s post-arraignment mental state. The motion must therefore be granted  
11 as to defendant Parker.

12 As a matter of course, district courts normally allow amendment, even without  
13 request. *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 186 (9th Cir. 1987); *Ascon Props., Inc.*  
14 *v. Mobil Oil Co.*, 866 F.2d 1149, 1160 (9th Cir. 1989). Generally speaking, however, a district  
15 court may dismiss a claim without leave to amend if, among other reasons, amendment would  
16 cause undue delay or prejudice to the opposing party, or if amendment would be futile. *DCD*  
17 *Programs*, 833 F.2d at 186. Here, the court declines to allow further amendment because, despite  
18 the court’s prior explanatory discussion, plaintiff has not alleged necessary additional facts with  
19 respect to defendant Parker. Allowing the plaintiff leave to amend for a third time would cause  
20 undue delay; there is no indication she will satisfy the same specific directive if given one more  
21 chance.

22 B. Municipal Liability

23 Plaintiff also has not alleged additional facts to establish that Sutter or Yuba  
24 Counties demonstrated acts of omissions that amounted to “deliberate indifference to a  
25 constitutional right.” *Clouthier*, 591 F.3d at 1249 (quotation marks omitted); Prev. Order at 14.  
26 For the reasons stated in Section A above, the court grants the motion without leave to amend.

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C. Supervisory Liability

Plaintiff has not alleged facts that would show defendants Parker, Samson, Bidwell, or Garza were aware of defendant Brandwood's actions and acquiesced to them. *See* Prev. Order at 9. Also for the reasons stated in Section A, the court grants the motion without leave to amend as to all remaining defendants.

D. Loss of Parent-Child Relationship

Plaintiff has alleged additional facts supporting an inference that defendants Samson, Bidwell, and Garza acted with deliberate indifference. For the reasons described above in Section A and in the court's previous order, *see* Prev. Order at 9-11, the motion is granted without leave to amend as to defendant Parker, but denied as to defendants Samson, Bidwell, and Garza.

IV. CONCLUSION

The motion is granted as follows:

- (1) The first claim is dismissed without leave to amend as to defendant Parker;
- (2) The second claim is dismissed without leave to amend as to all defendants;
- (3) The third claim is dismissed without leave to amend as to all defendants; and
- (4) The fourth claim is dismissed without leave to amend as to defendant Parker.

In all other respects, the motion is denied. An answer shall be filed within twenty-one days of the date this order is filed.

This order resolves ECF No. 18.

IT IS SO ORDERED.

DATED: March 1, 2016.

  
UNITED STATES DISTRICT JUDGE