

1 A pro se plaintiff, like other litigants, must satisfy the pleading requirements of Rule 8(a)
2 of the Federal Rules of Civil Procedure. Rule 8(a)(2) “requires a complaint to include a short and
3 plain statement of the claim showing that the pleader is entitled to relief, in order to give the
4 defendant fair notice of what the claim is and the grounds upon which it rests.” *Bell Atl. Corp. v.*
5 *Twombly*, 550 U.S. 544, 554, 562-563 (2007) (citing *Conley v. Gibson*, 355 U.S. 41 (1957)).
6 While the complaint must comply with the “short and plain statement” requirements of Rule 8,
7 its allegations must also include the specificity required by *Twombly* and *Ashcroft v. Iqbal*, 556
8 U.S. 662, 679 (2009).

9 To avoid dismissal for failure to state a claim a complaint must contain more than “naked
10 assertions,” “labels and conclusions” or “a formulaic recitation of the elements of a cause of
11 action.” *Twombly*, 550 U.S. at 555-557. In other words, “[t]hreadbare recitals of the elements of
12 a cause of action, supported by mere conclusory statements do not suffice.” *Iqbal*, 556 U.S. at
13 678.

14 Furthermore, a claim upon which the court can grant relief must have facial plausibility.
15 *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual
16 content that allows the court to draw the reasonable inference that the defendant is liable for the
17 misconduct alleged.” *Iqbal*, 556 U.S. at 678. When considering whether a complaint states a
18 claim upon which relief can be granted, the court must accept the allegations as true, *Erickson v.*
19 *Pardus*, 551 U.S. 89 (2007), and construe the complaint in the light most favorable to the
20 plaintiff, *see Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974).

21 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1)
22 that a right secured by the Constitution or laws of the United States was violated, and (2) that the
23 alleged violation was committed by a person acting under the color of state law. *West v. Atkins*,
24 487 U.S. 42, 48 (1988). An individual defendant is not liable on a civil rights claim unless the
25 facts establish the defendant’s personal involvement in the constitutional deprivation or a causal
26 connection between the defendant’s wrongful conduct and the alleged constitutional deprivation.
27 *See Hansen v. Black*, 885 F.2d 642, 646 (9th Cir. 1989); *Johnson v. Duffy*, 588 F.2d 740, 743-44
28 (9th Cir. 1978). That is, plaintiff may not sue any official on the theory that the official is liable

1 for the unconstitutional conduct of his or her subordinates. *Ashcroft v. Iqbal*, 556 U.S. 662, 679
2 (2009).

3 **II. Screening Order**

4 Plaintiff alleges that defendant Sottonian indifferently discontinued a medication that was
5 necessary to treat his chronic back pain and that defendant Baughman, being made aware of
6 Sottonian's actions through a letter plaintiff sent him, failed to act. For the limited purposes of
7 § 1915A screening and liberally construed, the complaint (ECF No. 1) states potentially
8 cognizable Eighth Amendment claims against defendants D. Baughman and J. Sottonian.

9 **III. Summary of Order**

10 Accordingly, it is ORDERED that:

- 11 1. The allegations in the pleading are sufficient to state potentially cognizable claims
12 against all defendants.
- 13 2. Defendants shall file an answer or other responsive pleading in accordance with
14 Federal Rule of Civil Procedure 12 within 21 days of the date of this order.

15 DATED: June 28, 2018.

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17 EDMUND F. BRENNAN
18 UNITED STATES MAGISTRATE JUDGE
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