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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	JIMMY CALVIN,	No. 2:17-cv-1942-WBS-EFB P
12	Plaintiff,	
13	v.	SCREENING ORDER
14	D. BAUGHMAN, et al.,	
15	Defendants.	
16		
17	Plaintiff is a state prisoner proceeding without counsel in an action brought under 42	
18	U.S.C. § 1983. Defendants removed this case from state court and requested that the court screen	
19	the complaint under 28 U.S.C. § 1915A. ECF Nos. 2, 5. As discussed, the court finds that for the	
20	purposes of § 1915A the allegations of the complaint are sufficient to state potentially cognizable	
21	claims against all defendants.	
22	I. Screening Requirement and Standar	ds
23	Federal courts must engage in a preliminary screening of cases in which prisoners seek	
24	redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C.	
25	§ 1915A(a). The court must identify cognizable claims or dismiss the complaint, or any portion	
26	of the complaint, if the complaint "is frivolous, malicious, or fails to state a claim upon which	
27	relief may be granted," or "seeks monetary relief from a defendant who is immune from such	
28	relief." Id. § 1915A(b).	
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1 A prose 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 plaint 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.

Furthermore, a claim upon which the court can grant relief must have facial plausibility. *Twombly*, 550 U.S. at 570. "A claim has facial plausibility when the plaintiff pleads factual
content that allows the court to draw the reasonable inference that the defendant is liable for the
misconduct alleged." *Iqbal*, 556 U.S. at 678. When considering whether a complaint states a
claim upon which relief can be granted, the court must accept the allegations as true, *Erickson v. Pardus*, 551 U.S. 89 (2007), and construe the complaint in the light most favorable to the
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.	
16 17	EDMUND F. BRENNAN	
18	UNITED STATES MAGISTRATE JUDGE	
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