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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DONALD CANFIELD,  
  
Plaintiff,  
  
v.  
  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,  
  
Defendants.

No. 2:18-CV-1092-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s second amended complaint (ECF No. 20).

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. See 28 U.S.C. § 1915A(b)(1), (2). Moreover, the Federal Rules of Civil Procedure require that complaints contain a “. . . short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). This means that claims must be stated simply, concisely, and directly. See McHenry v. Renne, 84 F.3d

1 1172, 1177 (9th Cir. 1996) (referring to Fed. R. Civ. P. 8(e)(1)). These rules are satisfied if the  
2 complaint gives the defendant fair notice of the plaintiff's claim and the grounds upon which it  
3 rests. See Kimes v. Stone, 84 F.3d 1121, 1129 (9th Cir. 1996). Because plaintiff must allege  
4 with at least some degree of particularity overt acts by specific defendants which support the  
5 claims, vague and conclusory allegations fail to satisfy this standard. Additionally, it is  
6 impossible for the court to conduct the screening required by law when the allegations are vague  
7 and conclusory.

### 8 9 **I. PLAINTIFF'S ALLEGATIONS**

10 Plaintiff Donald Canfield names the following as defendants: (1) Ralph Diaz; (2)  
11 Robert Burton; (3) Lozano; (4) Narinder Saukhla; (5) S. Awatani; (6) Michael D. Fox; (7) J.  
12 Lewis; (8) Joseph Bick; (9) Deepak Mehta; (10) Michael R. Riedon; (11) John M. Dowbak; (12)  
13 Wieland; (13) Michelle Ditomas; (14) Andrew Sawicki; (15) Sekhon Simranjit; (16) C. Haless;  
14 (17) R. Shwatain. See ECF No.20, pgs. 2-3.

15 Plaintiff alleges that in 2014 he stumbled and slipped in the shower causing his  
16 ankle bone to fracture and resulting in substantial injury. See ECF No. 20, pg. 7. After this injury,  
17 plaintiff was transferred to California State Prison in Vacaville, CA. From thereon, plaintiff made  
18 numerous complaints about pain arising from his injury and requested medical care. See ECF No.  
19 20, pg. 4. Plaintiff alleges that, despite his complaints, there was a substantial delay in treatment  
20 and that such delay ultimately led to the amputation of his foot and part of his leg. See ECF No.  
21 20, pgs. 4-9.

22 As to defendant Dr. Narinder Saukhla, plaintiff's primary care physician, plaintiff  
23 alleges that defendant's delay in procuring him surgery resulted in the loss of his leg. See ECF  
24 No. 20, pg. 4. Specifically, plaintiff alleges that Saukhla had "full knowledge" of his medical  
25 condition from January 2015 to August 12, 2016. See id. However, plaintiff was not cleared for  
26 surgery until February 2016, and then was delayed further until August 12. Id. In the interim of  
27 this delay, plaintiff alleges to have made over 40 medical requests. See id.

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1 As to all other named defendants, plaintiff makes general allegations that each  
2 person failed to act within their assigned duties and this failure contributed to the loss of his leg.  
3 See ECF No. 20, pgs. 4-6.  
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## 5 II. DISCUSSION

### 6 A. Deliberate Indifference

7 The treatment a prisoner receives in prison and the conditions under which the  
8 prisoner is confined are subject to scrutiny under the Eighth Amendment, which prohibits cruel  
9 and unusual punishment. See Helling v. McKinney, 509 U.S. 25, 31 (1993); Farmer v. Brennan,  
10 511 U.S. 825, 832 (1994). The Eighth Amendment “. . . embodies broad and idealistic concepts  
11 of dignity, civilized standards, humanity, and decency.” Estelle v. Gamble, 429 U.S. 97, 102  
12 (1976). Conditions of confinement may, however, be harsh and restrictive. See Rhodes v.  
13 Chapman, 452 U.S. 337, 347 (1981). Nonetheless, prison officials must provide prisoners with  
14 “food, clothing, shelter, sanitation, medical care, and personal safety.” Toussaint v. McCarthy,  
15 801 F.2d 1080, 1107 (9th Cir. 1986). A prison official violates the Eighth Amendment only when  
16 two requirements are met: (1) objectively, the official’s act or omission must be so serious such  
17 that it results in the denial of the minimal civilized measure of life’s necessities; and (2)  
18 subjectively, the prison official must have acted unnecessarily and wantonly for the purpose of  
19 inflicting harm. See Farmer, 511 U.S. at 834. Thus, to violate the Eighth Amendment, a prison  
20 official must have a “sufficiently culpable mind.” See id.

21 Deliberate indifference to a prisoner’s serious illness or injury, or risks of serious  
22 injury or illness, gives rise to a claim under the Eighth Amendment. See Estelle, 429 U.S. at 105;  
23 see also Farmer, 511 U.S. at 837. This applies to physical as well as dental and mental health  
24 needs. See Hoptowit v. Ray, 682 F.2d 1237, 1253 (9th Cir. 1982), abrogated on other grounds by  
25 Sandin v. Conner, 515 U.S. 472 (1995). An injury or illness is sufficiently serious if the failure to  
26 treat a prisoner’s condition could result in further significant injury or the “. . . unnecessary and  
27 wanton infliction of pain.” McGuckin v. Smith, 974 F.2d 1050, 1059 (9th Cir. 1992), overruled  
28 on other grounds by WMX Techs., Inc. v. Miller, 104 F.3d 1133 (9th Cir. 1997) (en banc); see

1 also Doty v. County of Lassen, 37 F.3d 540, 546 (9th Cir. 1994). Factors indicating seriousness  
2 are: (1) whether a reasonable doctor would think that the condition is worthy of comment; (2)  
3 whether the condition significantly impacts the prisoner's daily activities; and (3) whether the  
4 condition is chronic and accompanied by substantial pain. See Lopez v. Smith, 203 F.3d 1122,  
5 1131-32 (9th Cir. 2000) (en banc).

6 The requirement of deliberate indifference is less stringent in medical needs cases  
7 than in other Eighth Amendment contexts because the responsibility to provide inmates with  
8 medical care does not generally conflict with competing penological concerns. See McGuckin,  
9 974 F.2d at 1060. Thus, deference need not be given to the judgment of prison officials as to  
10 decisions concerning medical needs. See Hunt v. Dental Dep't, 865 F.2d 198, 200 (9th Cir.  
11 1989). The complete denial of medical attention may constitute deliberate indifference. See  
12 Toussaint v. McCarthy, 801 F.2d 1080, 1111 (9th Cir. 1986). Delay in providing medical  
13 treatment, or interference with medical treatment, may also constitute deliberate indifference. See  
14 Lopez, 203 F.3d at 1131. Where delay is alleged, however, the prisoner must also demonstrate  
15 that the delay led to further injury. See McGuckin, 974 F.2d at 1060.

16 Negligence in diagnosing or treating a medical condition does not, however, give  
17 rise to a claim under the Eighth Amendment. See Estelle, 429 U.S. at 106. Moreover, a  
18 difference of opinion between the prisoner and medical providers concerning the appropriate  
19 course of treatment does not give rise to an Eighth Amendment claim. See Jackson v. McIntosh,  
20 90 F.3d 330, 332 (9th Cir. 1996).

21 **1. Defendant Narinder Saukhla**

22 Plaintiff has sufficiently alleged facts to state a cognizable claim of deliberate  
23 indifference under the 8th Amendment. See ECF No. 20, pg. 4. By separate order issued  
24 herewith, plaintiff will be required to submit documents necessary for service on this defendant.

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1                   **2.     Remaining Defendants**

2                   Plaintiff has failed to state a cognizable claim against any of the other named  
3 defendants. Plaintiff makes blanket allegations towards the defendants by stating that they (1) had  
4 full knowledge of his serious medical condition, and (2) failed to act, resulting in the amputation  
5 of his leg. See ECF No. 20, pgs. 4-6. However, plaintiff does not specify what each individual did  
6 or did not do. These allegations simply make conclusory statements of “deliberate indifference”  
7 and “com[ing] up short” without any particular statement of fact. See ECF No. 20, pgs. 4-6.  
8 Simply attaching the claim’s label to each defendant is not enough. To state a claim, a plaintiff  
9 must set forth specific facts as to each individual defendant’s causal role in the alleged  
10 constitutional deprivation. See Leer v. Murphy, 844 F.2d 628, 634 (9th Cir. 1988). Without this,  
11 the Court cannot engage in any meaningful analysis to determine whether plaintiff has stated a  
12 cognizable claim for deliberate indifference against the named defendants.

13                   **B.       Supervisory Liability**

14                   The Court observes defendants (1) Ralph Diaz; (2) Robert Burton; and (3) Lozano  
15 are being charged with liability based merely on their role as supervisors at California State  
16 Prison. Supervisory personnel are generally not liable under § 1983 for the actions of their  
17 employees. See Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989) (holding that there is no  
18 respondeat superior liability under § 1983). A supervisor is only liable for the constitutional  
19 violations of subordinates if the supervisor participated in or directed the violations. See id. The  
20 Supreme Court has rejected the notion that a supervisory defendant can be liable based on  
21 knowledge and acquiescence in a subordinate’s unconstitutional conduct because government  
22 officials, regardless of their title, can only be held liable under § 1983 for his or her own conduct  
23 and not the conduct of others. See Ashcroft v. Iqbal, 556 U.S. 662, 676 (2009). Supervisory  
24 personnel who implement a policy so deficient that the policy itself is a repudiation of  
25 constitutional rights and the moving force behind a constitutional violation may, however, be  
26 liable even where such personnel do not overtly participate in the offensive act. See Redman v.  
27 Cnty of San Diego, 942 F.2d 1435, 1446 (9th Cir. 1991) (en banc).

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If plaintiff chooses to amend the complaint, plaintiff must demonstrate how the conditions complained of have resulted in a deprivation of plaintiff's constitutional rights. See Ellis v. Cassidy, 625 F.2d 227 (9th Cir. 1980). The complaint must allege in specific terms how each named defendant is involved, and must set forth some affirmative link or connection between each defendant's actions and the claimed deprivation. See May v. Enomoto, 633 F.2d 164, 167 (9th Cir. 1980); Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978).

Finally, plaintiff is advised that if he does not file a third amended complaint within the time provided herein, this action shall proceed on the second amended complaint as against defendant Narnder Saukhla only and the court will issue findings and recommendations that the remaining defendants be dismissed.

Accordingly, IT IS HEREBY ORDERED that plaintiff may file a third amended complaint within 30 days of the date of service of this order.

Dated: October 3, 2019



DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE