

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

8 9 **I. BACKGROUND**

10 **A. Procedural History**

11 Plaintiff initiated this action with a pro se complaint filed on May 3, 2024. See
12 ECF No. 1. Plaintiff named the following as defendants: (1) C. Pheiffer, (2) R. Pantoja, (3) J.
13 Lynch, (4) C. Andes, (5) Guzman, (6) Gutierrez, (7) Scott, (8) Darling, (9) Pesolia, (10) Bryden,
14 (11) Remeron, (12) Lewis, (13) Carrasco, (14) Aguilar, (15) Dr. Neal, (16) Dr. Sanchez, (17) Dr.
15 Alton, (18) Dr. Alexander, and (19) Nurse John Doe. See id. at 1, 4. Defendants are alleged to be
16 prison officials at Kern Valley State Prison (KVSP). See id. On June 5, 2024, the Court issued
17 an order addressing the sufficiency of Plaintiff's complaint. See ECF No. 7. The Court
18 concluded that Plaintiff failed to state a claim against any named defendant because he did not
19 allege facts sufficient to establish a causal connection between any defendant and the claimed
20 violations of Plaintiff's constitutional rights relating to medical care. See id. Plaintiff was
21 advised of the applicable legal principles and the complaint was dismissed with leave to amend.
22 See id.

23 **B. Plaintiff's Current Allegations**

24 In the first amended complaint, Plaintiff names the same 19 defendants as were
25 named in the original complaint. See ECF No. 10, pgs. 3-4. Plaintiff asserts three claims for
26 relief related to medical care arising from events occurring at KVSP on July 28, 2023.

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Claim I

According to Plaintiff, Defendant Gutierrez came to Plaintiff's cell and ordered Plaintiff to pack his property. See id. at 5. After this, Plaintiff made a noose to commit suicide. See id. Later in the day, at around 6:45 p.m., Plaintiff's psychiatrist noticed the noose in hand and blew her whistle. See id. According to Plaintiff, Defendants Gutierrez and Guzman responded. See id. Defendant Gutierrez asked Plaintiff what the problem was, to which Plaintiff responded: "I can't live without my family." Id. Plaintiff states that Gutierrez then attempted to spray Plaintiff and hit his alarm. See id. Defendants Scott and Darling then responded and went to Plaintiff's cell door. See id. Plaintiff informed Defendant Darling that he was suicidal, to which Darling responded: "You're refusing to come out and we'll cell extract you." Id. Plaintiff denied refusing to come out of his cell and told Darling once again that he was feeling suicidal. See id. Plaintiff states that he attempted to hang himself but the noose broke. See id.

Plaintiff states that he then exited his cell and walked to "R&R" where he told the nurse on duty that he was feeling suicidal. Id. Defendant Gutierrez then made an entry in a logbook and spoke with Dr. Chambers, who admitted Plaintiff to a crisis bed. See id. Plaintiff was placed in a holding cell where he states he again attempted to hang himself. See id. According to Plaintiff, the nurse told him that she didn't care if Plaintiff died and that she gets paid anyway. See id.

Claim II

According to Plaintiff, Defendant Guzman witnessed Plaintiff attempt to commit suicide on multiple occasions "without taking Plaintiff serious in harming his self." Id. at 6. Plaintiff states that he told Guzman he would end his life, but that Guzman did nothing. See id. Plaintiff claims that his psychiatrist alerted Guzman about the seriousness of Plaintiff's suicidal ideation. See id. Plaintiff repeats his allegation that, rather than protecting Plaintiff, Guzman attempted to spray him. See id.

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1 Claim III

2 Plaintiff claims that Defendants Scott and Darling did nothing to protect Plaintiff
3 from harming himself. See id. at 7. Instead, Scott and Darling attempted to "change the
4 situation" by telling Plaintiff that he was refusing to exit his cell, even though Plaintiff told them
5 he was suicidal and had attempted to hang himself. Id. Plaintiff asserts that Defendant Darling
6 attempted to extract Plaintiff from his self without cause despite having been informed by
7 Plaintiff's psychiatrist that Plaintiff was suicidal. See id. Plaintiff claims Defendants Scott and
8 Darling denied Plaintiff medical care. See id.

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10 **II. DISCUSSION**

11 The Court finds that Plaintiff has failed to state a cognizable Eighth Amendment
12 claim against any named defendant. As to Defendants Guzman, Gutierrez, Scott, and Darling, as
13 to whom the first amended complaint contains at least some specific allegations, the facts alleged
14 concerning the events of July 28, 2023, do not suggest deliberate indifference to Plaintiff's
15 suicidal ideation. As to all other named defendants, and as with the original complaint, Plaintiff
16 fails to establish a causal link between these defendants and the claimed Eighth Amendment
17 violations relating to Plaintiff's suicidal ideation.

18 **A. Plaintiff Fails to Allege Facts to Establish an Eighth Amendment Violation by**
19 **Defendants Guzman, Gutierrez, Scott, or Darling**

20 The treatment a prisoner receives in prison and the conditions under which the
21 prisoner is confined are subject to scrutiny under the Eighth Amendment, which prohibits cruel
22 and unusual punishment. See Helling v. McKinney, 509 U.S. 25, 31 (1993); Farmer v. Brennan,
23 511 U.S. 825, 832 (1994). The Eighth Amendment “. . . embodies broad and idealistic concepts
24 of dignity, civilized standards, humanity, and decency.” Estelle v. Gamble, 429 U.S. 97, 102
25 (1976). Conditions of confinement may, however, be harsh and restrictive. See Rhodes v.
26 Chapman, 452 U.S. 337, 347 (1981). Nonetheless, prison officials must provide prisoners with
27 “food, clothing, shelter, sanitation, medical care, and personal safety.” Toussaint v. McCarthy,
28 801 F.2d 1080, 1107 (9th Cir. 1986). A prison official violates the Eighth Amendment only when

1 two requirements are met: (1) objectively, the official's act or omission must be so serious such
2 that it results in the denial of the minimal civilized measure of life's necessities; and (2)
3 subjectively, the prison official must have acted unnecessarily and wantonly for the purpose of
4 inflicting harm. See Farmer, 511 U.S. at 834. Thus, to violate the Eighth Amendment, a prison
5 official must have a "sufficiently culpable mind." See id.

6 Under these principles, prison officials have a duty to take reasonable steps to
7 protect inmates from harm. See Hoptowit v. Ray, 682 F.2d 1237, 1250-51 (9th Cir. 1982);
8 Farmer, 511 U.S. at 833. Liability exists only when two requirements are met: (1) objectively,
9 the prisoner was incarcerated under conditions presenting a substantial risk of serious harm; and
10 (2) subjectively, prison officials knew of and disregarded the risk. See Farmer, 511 U.S. at 837.
11 The very obviousness of the risk may suffice to establish the knowledge element. See Wallis v.
12 Baldwin, 70 F.3d 1074, 1077 (9th Cir. 1995). Prison officials are not liable, however, if evidence
13 is presented that they lacked knowledge of a safety risk. See Farmer, 511 U.S. at 844. The
14 knowledge element does not require that the plaintiff prove that prison officials know for a
15 certainty that the inmate's safety is in danger, but it requires proof of more than a mere suspicion
16 of danger. See Berg v. Kincheloe, 794 F.2d 457, 459 (9th Cir. 1986). Finally, the plaintiff must
17 show that prison officials disregarded a risk. Thus, where prison officials actually knew of a
18 substantial risk, they are not liable if they took reasonable steps to respond to the risk, even if
19 harm ultimately was not averted. See Farmer, 511 U.S. at 844.

20 Deliberate indifference to a prisoner's serious illness or injury, or risks of serious
21 injury or illness, gives rise to a claim under the Eighth Amendment. See Estelle, 429 U.S. at 105;
22 see also Farmer, 511 U.S. at 837. This applies to physical as well as dental and mental health
23 needs. See Hoptowit, 682 F.2d at 1253. An injury or illness is sufficiently serious if the failure to
24 treat a prisoner's condition could result in further significant injury or the ". . . unnecessary and
25 wanton infliction of pain." McGuckin v. Smith, 974 F.2d 1050, 1059 (9th Cir. 1992), overruled
26 on other grounds by WMX Techs., Inc. v. Miller, 104 F.3d 1133 (9th Cir. 1997) (en banc); see
27 also Doty v. County of Lassen, 37 F.3d 540, 546 (9th Cir. 1994).

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1 Here, the amended complaint contains specific factual allegations as against
2 Defendants Guzman, Gutierrez, Scott, and Darling. According to Plaintiff, Defendants Guzman
3 and Gutierrez first responded when it was noticed by Plaintiff's psychiatrist that Plaintiff had
4 made a noose. According to Plaintiff, Gutierrez asked Plaintiff what the problem was, and
5 Plaintiff told Gutierrez he was suicidal, at which point Gutierrez pressed the alarm button.
6 Defendants Scott and Darling responded to the alarm and Plaintiff was then escorted to see a
7 nurse in the R&R area. Though Plaintiff alleges facts to suggest the nurse's indifference to
8 Plaintiff's suicidal ideation, the nurse is not named as a defendant. At the R&R area, Defendant
9 Gutierrez spoke with a physician, who admitted Plaintiff to a crisis bed.

10 These alleged facts, which the Court presumes to be true, do not allow for the
11 inference that Defendants Guzman, Gutierrez, Scott or Darling were deliberately indifferent to
12 Plaintiff's suicidal ideation. To the contrary, the facts indicate that these defendants responded to
13 Plaintiff's situation and escorted Plaintiff to an area where he received medical attention.

14 **B. Plaintiff Fails to Allege Facts to Establish a Causal Connection Between Any**
15 **Other Named Defendant and a Violation of Plaintiff's Eighth Amendment**
16 **Rights**

17 To state a claim under 42 U.S.C. § 1983, the plaintiff must allege an actual
18 connection or link between the actions of the named defendants and the alleged deprivations. See
19 Monell v. Dep't of Social Servs., 436 U.S. 658 (1978); Rizzo v. Goode, 423 U.S. 362 (1976). "A
20 person 'subjects' another to the deprivation of a constitutional right, within the meaning of
21 § 1983, if he does an affirmative act, participates in another's affirmative acts, or omits to perform
22 an act which he is legally required to do that causes the deprivation of which complaint is made."
23 Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978). Vague and conclusory allegations
24 concerning the involvement of official personnel in civil rights violations are not sufficient. See
25 Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982). Rather, the plaintiff must set forth
26 specific facts as to each individual defendant's causal role in the alleged constitutional
27 deprivation. See Leer v. Murphy, 844 F.2d 628, 634 (9th Cir. 1988).

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