

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAADHI ABDUL COLEMAN,  
Plaintiff,  
v.  
B. FRERIKS, *et al.*,  
Defendants.

Case No. 2:24-cv-3392-JDP (P)

ORDER

Defendants B. Nguyen, T. Bell-Sprinkle, G. Collinsworth, K. Morgan, N. Thompson, and L. Pizano-Martinez, correctional officers at California State Prison-Sacramento, removed this action from Sacramento County Superior Court on December 5, 2024. ECF No. 1. Plaintiff is a state inmate proceeding pro se in this civil rights action brought under 42 U.S.C. § 1983. In his first amended complaint, he alleges that defendants violated his First and Eighth Amendment rights when they used excessive force, failed to protect him, committed sexual assaults against him, retaliated against him, and interfered with his mail—among other state law tort claims.<sup>1</sup> Plaintiff sufficiently raises the following claims: (1) Eighth Amendment conditions of confinement claims against Freriks, Nguyen, and John Does 28 through 30; (2) Eighth

<sup>1</sup> Plaintiff also named B. Freriks, Arthur, and John Does 1-40 as defendants. ECF No. 5 at 21. Defendants filed a notice of suggestion of death as to B. Freriks. ECF No. 3.

1 Amendment failure to protect claims against John Doe 1, Arthur, Morgan, Bell-Sprinkle,  
2 Thompson, Martinez, and John Does 3 through 27; (3) First Amendment retaliation claims  
3 against Martinez, Nguyen, Collinsworth, John Does 28 through 30, and John Does 32 through 40;  
4 and state law (4) battery, sexual battery, false imprisonment, and assault claims against Freriks;  
5 (5) sexual battery and false imprisonment claims against Nguyen; (6) negligence claims against  
6 all defendants; and (7) intentional infliction of emotional distress against all defendants.<sup>2</sup>  
7 However, plaintiff fails to state cognizable state law intentional tort claims against Collinsworth  
8 and John Does 28 through 40, notwithstanding the potentially viable intentional infliction of  
9 emotional distress claim. Plaintiff may proceed on the cognizable claims or file an amended  
10 complaint addressing the deficiencies herein.

### 11 **Screening and Pleading Requirements**

12 A federal court must screen the complaint of any claimant seeking permission to proceed  
13 *in forma pauperis*. See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and  
14 dismiss any portion of the complaint that is frivolous or malicious, fails to state a claim upon  
15 which relief may be granted, or seeks monetary relief from a defendant who is immune from such  
16 relief. *Id.*

17 A complaint must contain a short and plain statement that plaintiff is entitled to relief,  
18 Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its  
19 face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not  
20 require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S.  
21 662, 678 (2009). If the allegations “do not permit the court to infer more than the mere  
22 possibility of misconduct,” the complaint states no claim. *Id.* at 679. The complaint need not  
23 identify “a precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024,  
24 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that  
25 give rise to an enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264  
26

---

27 <sup>2</sup> The Doe defendants’ identities must be ascertained and provided to the court because the  
28 Doe defendants cannot be served until their identities are ascertained. Plaintiff may seek leave to  
amend once he has identified these individuals.

1 n.2 (9th Cir. 2006) (en banc) (citations omitted).

2 The court must construe a pro se litigant's complaint liberally. *See Haines v. Kerner*, 404  
3 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant's complaint "if it  
4 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which  
5 would entitle him to relief." *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017).  
6 However, "a liberal interpretation of a civil rights complaint may not supply essential elements  
7 of the claim that were not initially pled." *Bruns v. Nat'l Credit Union Admin.*, 122 F.3d 1251,  
8 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)).

### 9 **Analysis**

10 Plaintiff's amended complaint contains detailed factual allegations outlining an  
11 interconnected chain of events involving varying defendants, including plaintiff being sexually  
12 assaulted and beaten, plaintiff attempting suicide numerous times based on these assaults, and  
13 defendants failing to take actions to assist or protect plaintiff before, during, and after these  
14 events. *See generally* ECF No. 5 at 22-35. From these allegations, plaintiff alleges both  
15 constitutional and state-law claims against defendants. *Id.* at 35-41. Each claim will be  
16 addressed in turn.

17 First, plaintiff alleges Freriks, Nguyen, and John Does 28 through 30 violated his Eighth  
18 Amendment right of being free from cruel and unusual punishment by raping, assaulting,  
19 battering, torturing, sexually abusing, restraining, and beating him. *Id.* at 35. The Eighth  
20 Amendment prohibits cruel and unusual punishment, and "protects prisoners not only from  
21 inhumane methods of punishment but also from inhumane conditions of confinement." *Morgan*  
22 *v. Morgensen*, 465 F.3d 1041, 1045 (9th Cir. 2006) (citing *Farmer v. Brennan*, 511 U.S. 825, 847  
23 (1981) and *Rhodes v. Chapman*, 452 U.S. 337, 347 (1981)). Prison officials have a duty to ensure  
24 that prisoners are provided adequate shelter, food, clothing, sanitation, medical care, and personal  
25 safety. *Johnson v. Lewis*, 217 F.3d 726, 731 (9th Cir. 2000). A prison official violates the Eighth  
26 Amendment if two requirements are met: (1) the deprivation alleged must be, objectively,  
27 sufficiently serious, and (2) the prison official possesses a sufficiently culpable state of mind.  
28 *Farmer*, 511 U.S. at 834. In prison-conditions cases, the requisite state of mind to establish an

1 Eighth Amendment violation is one of deliberate indifference to inmate health or safety. *Id.* A  
2 prison official is deliberately indifferent if he knows that a prisoner faces a substantial risk of  
3 serious harm and disregards that risk by failing to take reasonable steps to abate it. *Id.* at 837,  
4 844. Plaintiff sufficiently alleges an Eighth Amendment conditions-of-confinement claim against  
5 Freriks, Nguyen, and John Does 28 through 30. Plaintiff's complaint sufficiently outlines the  
6 actions allegedly taken by these defendants to deprive plaintiff of adequate safety and alleges that  
7 these defendants had a sufficiently culpable state of mind. *See id.* at 834.

8 In his second claim, plaintiff alleges that John Doe 1 and Arthur violated his Eighth  
9 Amendment rights by failing to act when he outlined his plan to commit suicide, which then led  
10 plaintiff to attempt suicide in the exact way he warned John Doe 1 and Arthur he would. ECF  
11 No. 5 at 36. Plaintiff also alleges Morgan, Thompson, Bell-Sprinkle, and Martinez were  
12 deliberately indifferent to his needs when he reported that Freriks raped and assaulted him  
13 because they refused to have plaintiff seen by medical personnel, leading to plaintiff attempting  
14 suicide for a second time with a razor provided by Martinez. *Id.* at 36-37. Plaintiff additionally  
15 alleges that John Does 3 through 19 were deliberately indifferent to his needs when they failed to  
16 act after plaintiff was assaulted. *Id.* at 37. He alleges that, during the mandatory rounds  
17 defendants had to perform every fifteen to thirty minutes, John Does 3 through 19 saw plaintiff in  
18 distress, with his hands behind his back, bleeding and covered in his own waste following  
19 Freriks's assault. *Id.* However, these defendants allegedly did nothing to help plaintiff. *Id.*  
20 Moreover, once a nurse did see plaintiff for his injuries days later, John Does 20 through 27  
21 allegedly failed to transfer plaintiff to another facility to receive the treatment that was ordered by  
22 the nurse, leading him to suffer additional injuries. *Id.*

23 As with a conditions-of-confinement claim, an Eighth Amendment claim premised on  
24 prison officials' failure to protect the plaintiff requires the plaintiff to allege that the deprivation  
25 alleged was objectively sufficiently serious, meaning the conditions posed a substantial risk of  
26 serious harm, and that the defendants were deliberately indifferent to that harm. *Farmer*, 511  
27 U.S. at 834. Again, to be deliberately different to a substantial risk of serious harm, defendants  
28 must be subjectively aware of the risk and fail to take reasonable measures to prevent such risk.

1 *Id.* at 847. Plaintiff sufficiently alleges Eighth Amendment failure-to-protect claims against John  
2 Doe 1, Arthur, Morgan, Thompson, Bell-Sprinkle, Martinez, and John Does 3 through 27.

3 Third, plaintiff alleges that varying defendants retaliated against him for exercising his  
4 First Amendment rights. ECF No. 5 at 37-38. He alleges that after he reported his rape, Martinez  
5 provided plaintiff with a razor blade and instructed him to kill himself so that he would stop  
6 “snitching” on the other correctional officers. *Id.* at 30, 37-38. Plaintiff allegedly did attempt  
7 suicide with this razor blade due to the continued retaliation. *Id.* at 38. Also, in response to  
8 plaintiff reporting his assault and rape, John Does 28 through 30 allegedly touched plaintiff  
9 inappropriately, made sexual remarks to him, and called him a “snitch,” which resulted in  
10 plaintiff suffering additional injuries. *Id.* And Nguyen, Collinsworth, and John Does 32 through  
11 39 allegedly intercepted and opened plaintiff’s legal mail to prevent him from filing misconduct  
12 reports to outside agencies regarding his continued assaults and rape—and this to prevent him  
13 from exercising his First Amendment rights. *Id.* Finally, John Doe 40 allegedly forced plaintiff  
14 to strip naked in an effort to humiliate him and to retaliate against him because plaintiff reported  
15 his rape. *Id.* Plaintiff’s claims sufficiently allege First Amendment retaliation claims. *See*  
16 *Rhodes v. Robinson*, 408 F.3d 559, 567-68 (9th Cir. 2005) (outlining the elements of a First  
17 Amendment retaliation claim as including “(1) [a]n assertion that a state actor took some adverse  
18 action against an inmate (2) because of (3) that prisoner’s protected conduct, and that such action  
19 (4) chilled the inmate’s exercise of his First Amendment rights, and (5) the action did not  
20 reasonably advance a legitimate correctional goal”).

21 Finally, plaintiff alleges varying state law tort claims against defendants. ECF No. 5 at  
22 39-41. Plaintiff first alleges that Freriks, Nguyen, Collinsworth, and John Does 28 through 40  
23 violated plaintiff’s right to be free from “Intentional Tort[s].” *Id.* at 39. He alleges that Freriks  
24 raped, assaulted, battered, tortured, and unlawfully restrained him, in violation of California law.  
25 *Id.* Collinsworth and John Does 28 through 40 also allegedly violated plaintiff’s “right to be free  
26 from Intentional Torts” by forcing plaintiff to strip naked and to put on women’s underwear in  
27 front of them all for their sexual gratification and to humiliate plaintiff. *Id.* Also, Nguyen  
28

1 allegedly violated plaintiff's rights by continuing to sexually assault and abuse him, including by  
2 grinding plaintiff's face into Nguyen's genitals until Nguyen obtained an erection. *Id.*

3 To plaintiff's claim against Freriks, plaintiff sufficiently alleges a state law battery claim,  
4 as Freriks's alleged attack upon the plaintiff intentionally caused harmful or offensive contact  
5 with plaintiff's person, plaintiff did not consent, and plaintiff was injured as a result. *See Tekle v.*  
6 *United States*, 511 F.3d 839, 855 (9th Cir. 2007) (outlining the elements of a California law  
7 battery claim). Also, in liberally construing plaintiff's complaint, his allegation that Freriks' rape  
8 constituted an intentional tort can be interpreted as plaintiff raising a sexual battery claim.

9 Plaintiff sufficiently alleges such a claim. *See Doe v. City of San Diego*, 35 F. Supp. 3d 1195,  
10 1210 (S.D. Cal. 2014) (outlining the varying ways an individual could commit a sexual battery).

11 Plaintiff also alleges an "unlawful restraint" claim against Freriks, which appears to be a false  
12 imprisonment claim. Under California law, false imprisonment requires (1) the nonconsensual,  
13 intentional confinement of another, (2) without lawful privilege, (3) for an appreciable amount of  
14 time. *Young v. Cnty. of Los Angeles*, 655 F.3d 1156, 1169 (9th Cir. 2011). Liberally construing  
15 the allegations, plaintiff sufficiently alleges a false imprisonment claim against Freriks, as Freriks  
16 allegedly handcuffed him in his cell for the purposes of beating and sexually abusing him.

17 Also, plaintiff sufficiently alleges a sexual battery and sexual assault claim against  
18 Nguyen, as plaintiff alleges Nguyen forced plaintiff to strip naked and then ground his pelvis into  
19 plaintiff's face until Nguyen obtained an erection, causing plaintiff mental and physical harm.  
20 *See Doe*, 35 F. Supp. 3d at 1210 (outlining the elements of sexual battery and sexual assault).

21 However, plaintiff does not sufficiently allege an assault claim against Freriks, because  
22 there is no indication that Freriks attempted to harm plaintiff such that plaintiff's fear of offensive  
23 contact was the basis of his claim. *See Tekle*, 511 F.3d at 855 (explaining that the elements of an  
24 assault claim under California law includes (1) defendant threatening to touch the plaintiff in a  
25 harmful or offensive manner, (2) plaintiff reasonably believed the plaintiff was going to carry out  
26 the threat, (3) plaintiff did not consent to the conduct, (4) plaintiff was harmed, and  
27 (5) defendant's action was a substantial factor in causing the harm).

28

1           Additionally, plaintiff fails to state a claim against Collinsworth and John Does 28  
2 through 40. Plaintiff's claim hinges on Collinsworth and John Does 28 through 40 forcing  
3 plaintiff to strip naked and to put on women's underwear for the purposes of their sexual  
4 gratification and to humiliate plaintiff. ECF No. 5 at 39. Plaintiff does not allege what  
5 intentional tort these defendants allegedly committed, rather simply alleging that they violated his  
6 "right to be free from Intentional Torts." *See generally id.* Such an allegation fails to sufficiently  
7 state a claim. *See Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982) ("Vague and  
8 conclusory allegations of official participation in civil rights violations are not sufficient to  
9 withstand a motion to dismiss.").

10           Plaintiff alleges that defendants were negligent in providing him medical care after each  
11 defendant witnessed plaintiff in medical distress for days, including plaintiff threatening to  
12 commit suicide, and no defendants took action to abate this risk. *Id.* at 39-41. He alleges that  
13 each defendant owed him a duty of care, but they breached that duty by failing to provide him  
14 medical care, and he suffered injuries as a result. *Id.* Based on these allegations, plaintiff also  
15 states a cognizable state law negligence claim against all defendants. *See Corales v. Bennett*, 567  
16 F.3d 554, 572 (9th Cir. 2009) (noting the elements of a negligence claim under California law are  
17 (1) defendant had a duty to plaintiff; (2) defendant breached that duty; (3) there was a connection  
18 between the breach and plaintiff's injuries; and (4) damages).

19           Lastly, plaintiff alleges that each defendant intentionally inflicted emotional distress upon  
20 him by forcing him to ensure psychological torture, sexual abuse, humiliation, and retaliation. *Id.*  
21 at 41. He alleges he was continuously harmed, defendants engaged in harming him, and he has  
22 suffered serious mental and emotional injuries as a result. *Id.* Plaintiff has sufficiently alleged an  
23 intentional infliction of emotional distress claim against the defendants. *See Voss v. Baker*, No.  
24 1:17-cv-00626-DAD-EPG-PC, 2017 WL 6406044, at \*6 (E.D. Cal. Dec. 15, 2017) (an intentional  
25 infliction of emotional distress claim requires: (1) outrageous conduct by the defendant; (2) the  
26 defendant's intention of causing or reckless disregard of the probability of causing emotional  
27 distress; (3) the plaintiff's suffering severe or extreme emotional distress; and (4) actual and  
28 proximate causation of the emotional distress by the defendant's outrageous conduct.").

1           Based on the above, plaintiff may either notify the court that he wishes to proceed on the  
2 cognizable claims that I have identified in this order, in which case I will direct service, or he may  
3 elect to amend his complaint. If plaintiff amends his complaint, I will delay serving any  
4 defendant and will screen his amended complaint in due course. Plaintiff is reminded that any  
5 amended complaint will supersede the current complaint. *See Lacey v. Maricopa Cnty.*, 693 F.3d  
6 896, 907 n.1 (9th Cir. 2012) (en banc). The amended complaint should be titled “Second  
7 Amended Complaint” and refer to the appropriate case number.

8           Accordingly, it is hereby ORDERED that:

- 9           1. Within thirty days from the service of this order, plaintiff must indicate his intent to  
10 proceed only with the claims identified as cognizable in this order, or he must file an amended  
11 complaint. If he selects the latter, no defendants will be served until the new complaint is  
12 screened.
- 13           2. The Clerk of Court shall send plaintiff a § 1983 complaint form with this order.
- 14           3. Defendants’ request for screening, ECF No. 5, is DENIED as unnecessary.

15  
16 IT IS SO ORDERED.

17 Dated: March 6, 2025

18   
19 \_\_\_\_\_  
20 JEREMY D. PETERSON  
21 UNITED STATES MAGISTRATE JUDGE  
22  
23  
24  
25  
26  
27  
28