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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL A. WILLIAMS,  
Plaintiff,  
v.  
CORIZON MEDICAL PROVIDER, et al.,  
Defendants.

Case No. [15-cv-01593-JD](#)

**ORDER OF DISMISSAL WITH LEAVE  
TO AMEND**

Plaintiff, a state prisoner, has filed a pro se civil rights complaint under 42 U.S.C. § 1983. He has been granted leave to proceed in forma pauperis.

**DISCUSSION**

**I. STANDARD OF REVIEW**

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). In its review, the Court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. *Id.* at 1915A(b)(1),(2). Pro se pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990).

Federal Rule of Civil Procedure 8(a)(2) requires only “a short and plain statement of the claim showing that the pleader is entitled to relief.” Although a complaint “does not need detailed factual allegations, . . . a plaintiff’s obligation to provide the ‘grounds’ of his ‘entitle[ment] to relief’ requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do. . . . Factual allegations must be enough to raise a right to relief above

1 the speculative level.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (citations  
2 omitted). A complaint must proffer “enough facts to state a claim to relief that is plausible on its  
3 face.” *Id.* at 570. The United States Supreme Court has explained the “plausible on its face”  
4 standard of *Twombly*: “While legal conclusions can provide the framework of a complaint, they  
5 must be supported by factual allegations. When there are well-pleaded factual allegations, a court  
6 should assume their veracity and then determine whether they plausibly give rise to an entitlement  
7 to relief.” *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009).

8 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege that: (1) a right secured by  
9 the Constitution or laws of the United States was violated, and (2) the alleged deprivation was  
10 committed by a person acting under the color of state law. *West v. Atkins*, 487 U.S. 42, 48 (1988).

11 **II. LEGAL CLAIMS**

12 Plaintiff alleges that defendants were deliberately indifferent to his serious medical needs.  
13 Deliberate indifference to serious medical needs violates the Eighth Amendment’s proscription  
14 against cruel and unusual punishment. *Estelle v. Gamble*, 429 U.S. 97, 104 (1976); *McGuckin v.*  
15 *Smith*, 974 F.2d 1050, 1059 (9th Cir. 1992), *overruled on other grounds*, *WMX Technologies, Inc.*  
16 *v. Miller*, 104 F.3d 1133, 1136 (9th Cir. 1997) (en banc). A determination of “deliberate  
17 indifference” involves an examination of two elements: the seriousness of the prisoner’s medical  
18 need and the nature of the defendant’s response to that need. *Id.* at 1059.

19 A serious medical need exists if the failure to treat a prisoner’s condition could result in  
20 further significant injury or the “unnecessary and wanton infliction of pain.” *Id.* The existence of  
21 an injury that a reasonable doctor or patient would find important and worthy of comment or  
22 treatment, the presence of a medical condition that significantly affects an individual’s daily  
23 activities, or the existence of chronic and substantial pain are examples of indications that a  
24 prisoner has a serious need for medical treatment. *Id.* at 1059-60.

25 A prison official is deliberately indifferent if he or she knows that a prisoner faces a  
26 substantial risk of serious harm and disregards that risk by failing to take reasonable steps to abate  
27 it. *Farmer v. Brennan*, 511 U.S. 825, 837 (1994). The prison official must not only “be aware of  
28 facts from which the inference could be drawn that a substantial risk of serious harm exists,” but

1 also “must also draw the inference.” *Id.* If a prison official should have been aware of the risk,  
2 but did not actually know, the official has not violated the Eighth Amendment, no matter how  
3 severe the risk. *Gibson v. County of Washoe*, 290 F.3d 1175, 1188 (9th Cir. 2002). “A difference  
4 of opinion between a prisoner-patient and prison medical authorities regarding treatment does not  
5 give rise to a § 1983 claim.” *Franklin v. Oregon*, 662 F.2d 1337, 1344 (9th Cir. 1981). In  
6 addition “mere delay of surgery, without more, is insufficient to state a claim of deliberate medical  
7 indifference.... [Prisoner] would have no claim for deliberate medical indifference unless the  
8 denial was harmful.” *Shapely v. Nevada Bd. Of State Prison Comm’rs*, 766 F.2d 404, 407 (9th  
9 Cir. 1985).

10 Plaintiff states that he complained to medical staff that he was experiencing nerve damage,  
11 headaches, muscle cramps, and muscle spasms. Plaintiff requested an MRI and to see a  
12 neurologist, but his requests were denied. Plaintiff names as defendants medical staff for Corizon  
13 Medical Provider in Dublin, CA and SRJ Medical Staff. Corizon appears to be a company that  
14 provides contract healthcare for the California Prison System. SRJ may refer to Santa Rita Jail in  
15 Dublin, CA. Plaintiff is currently incarcerated at San Quentin State Prison but it is not clear where  
16 the events giving rise to this complaint occurred.

17 The complaint is dismissed with leave to amend to provide more information regarding  
18 plaintiff’s medical problems and the defendants. Plaintiff must identify the specific defendants  
19 and describe how their actions were deliberately indifferent to his serious medical needs. He must  
20 provide more information regarding his condition and the treatment he received and how it  
21 violated the Eighth Amendment. He should also indicate where the events occurred.

22 **CONCLUSION**

23 1. The complaint is **DISMISSED** with leave to amend. The amended complaint must  
24 be filed within **twenty-eight (28) days** of the date this order is filed and must include the caption  
25 and civil case number used in this order and the words AMENDED COMPLAINT on the first  
26 page. Because an amended complaint completely replaces the original complaint, plaintiff must  
27 include in it all the claims he wishes to present. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th  
28 Cir. 1992). He may not incorporate material from the original complaint by reference. Failure to


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amend within the designated time will result in the dismissal of this action.

2. It is the plaintiff's responsibility to prosecute this case. Plaintiff must keep the Court informed of any change of address by filing a separate paper with the clerk headed "Notice of Change of Address," and must comply with the Court's orders in a timely fashion. Failure to do so may result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

**IT IS SO ORDERED.**

Dated: July 29, 2015

  
\_\_\_\_\_  
JAMES DONATO  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 MICHAEL A. WILLIAMS,  
4 Plaintiff,

5 v.

6 CORIZON MEDICAL PROVIDER, et al.,  
7 Defendants.  
8

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**CERTIFICATE OF SERVICE**

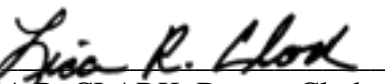
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11  
12 That on July 29, 2015, I SERVED a true and correct copy(ies) of the attached, by placing  
13 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.  
16

17 Michael A. Williams  
18 Correctional Training Facility  
19 C44000  
20 P.O. Box 690  
21 Soledad, CA 93960-0690

22 Dated: July 29, 2015

23 Richard W. Wieking  
24 Clerk, United States District Court

25  
26 By:   
27 LISA R. CLARK, Deputy Clerk to the  
28 Honorable JAMES DONATO