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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER QUARLES,  
Plaintiff,  
v.  
COUNTY OF CONTRA COSTA,  
Defendant.

Case No. [23-cv-06636-SVK](#)

**ORDER OF DISMISSAL WITH LEAVE  
TO AMEND**

**INTRODUCTION**

Plaintiff, an inmate at the Contra Costa County Jail, filed this pro se civil rights complaint under 42 U.S.C. § 1983 against the County of Contra Costa.<sup>1</sup> Plaintiff’s application to proceed *in forma pauperis* is granted in a separate order. For the reasons explained below, the complaint is dismissed with leave to amend.

**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). The Court must identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint “is frivolous, malicious, or fails to state a claim upon which relief may be granted,” or “seeks monetary relief from a defendant who is immune from such relief.” *Id.* § 1915A(b). 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.” “Specific facts are not necessary; the statement need only give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.” *Erickson v. Pardus*, 127 S. Ct. 2197, 2200 (2007) (citations omitted). Although to state a claim 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

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<sup>1</sup> Plaintiff consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (ECF No. 3.)

1 formulaic recitation of the elements of a cause of action will not do. . . . Factual allegations must  
2 be enough to raise a right to relief above the speculative level.” *Bell Atlantic Corp. v. Twombly*,  
3 127 S. Ct. 1955, 1964-65 (2007) (citations omitted). A complaint must proffer “enough facts to  
4 state a claim for relief that is plausible on its face.” *Id.* at 1974.

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

### 9 LEGAL CLAIMS

10 The only allegation Plaintiff makes is that he did not receive adequate medical care when  
11 he was in custody.

12 A claim for a violation of a pretrial detainee’s right to adequate medical care arises under  
13 the Fourteenth Amendment rather than the Eighth Amendment. *See Gordon v. County of Orange*,  
14 888 F.3d 1118, 1122 & n.4 (9th Cir. 2018). The claim is evaluated under an objective deliberate  
15 indifference standard.

16 [T]he elements of a pretrial detainee’s medical care claim against an  
17 individual defendant under the due process clause of the Fourteenth  
18 Amendment are: (i) the defendant made an intentional decision with  
19 respect to the conditions under which the plaintiff was confined; (ii)  
20 those conditions put the plaintiff at substantial risk of suffering  
21 serious harm; (iii) the defendant did not take reasonable available  
measures to abate that risk, even though a reasonable official in the  
circumstances would have appreciated the high degree of risk  
involved—making the consequences of the defendant’s conduct  
obvious; and (iv) by not taking such measures, the defendant caused  
the plaintiff’s injuries.

22 *Id.* at 1125. With regard to the third element, the defendant’s conduct must be objectively  
23 unreasonable – “a test that will necessarily turn[] on the facts and circumstances of each particular  
24 care.” *Id.* (citations and internal quotation marks omitted). **To state a valid claim, Plaintiff must**  
25 **allege facts about his medical needs and the care or lack thereof he received while he was in**  
26 **custody. He must allege sufficient facts regarding his needs and care that, if true, plausibly**  
27 **establish each of the four elements set forth in the passage quoted above.** He has not done so  
28 in his complaint, but he will be given an opportunity to fix this problem in an amended complaint.

