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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRYAN JOHNATHAN PARENT,

Plaintiff,

v.

ALTA LANGDAN ET AL.,

Defendants.

Case No. 2:22-cv-1279-TLF

ORDER GRANTING
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

This matter comes before the Court on Defendants' filing of a motion for summary judgment. Dkt. 25. Plaintiff, who proceeds pro se, brought this suit under 42 U.S.C. § 1983 alleging (1) a violation of the Fourteenth Amendment by Jose Briones, Chief of the Corrections Division of the Island County Sheriff's Office, and (2) a violation of the Fourteenth Amendment by Alta Langdan, Medical Director at the Island County Jail. Dkt. 11 at 3-5. Plaintiff did not file a response to Defendants' motion. The parties consented to the jurisdiction of the Magistrate Judge. Dkt. 14, 17. For the reasons set forth below, the Court GRANTS Defendants' motion for summary judgment and DISMISSES Plaintiff's complaint with prejudice.

FACTUAL ALLEGATIONS

At the time of his complaint, Plaintiff was a pretrial detainee at Island County Correctional Facility. Dkt. 11 (Amended Complaint) at 2. Plaintiff alleges that he was participating in a "suboxone program" prior to his arrest on October 27, 2021. Dkt. 11 at

1 4. Plaintiff states that he alerted the Jail to his prescription for suboxone upon his arrest.
2 *Id.* at 5. However, Plaintiff alleges that Defendant Langdan denied his request for the
3 medication on November 13, 2021. *Id.*

4 After contacting his attorney, Plaintiff was transferred to Skagit County Jail on
5 November 24, 2021. *Id.* See also Dkt. 26, Declaration of Jose Briones, at ¶13. Plaintiff
6 returned to Island County Jail on February 24, 2022, where his medical records show
7 that he was treated with suboxone through at least August 22, 2022. Declaration of
8 Jose Briones, at ¶13.; Dkt. 12 at 3-9, 11, 13-14. Plaintiff alleges that he uses suboxone to
9 treat substance abuse and symptoms of mental health concerns, including suicidal
10 ideation. Dkt. 11 at 5.

11 Plaintiff alleges that he suffered from inadequate medical care as a pretrial
12 detainee because he was not initially provided with suboxone. Dkt. 11 at 4. He claims
13 that the initial denial of suboxone was a violation of his Fourteenth Amendment right to
14 adequate medical care as a pretrial detainee. *Id.* As a result, he asserts that he is
15 entitled to punitive damages under 42 U.S.C. § 1983. *Id.* at 4, 9.

16 **DISCUSSION**

17 **I. Summary Judgment Standard**

18 Summary judgment is proper when the record shows that “there is no genuine
19 dispute as to any material fact and the movant is entitled to judgment as a matter of
20 law.” Fed. R. Civ. P. 56(a); *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). Facts
21 which might affect the outcome of a case are material. *Anderson v. Liberty Lobby, Inc.*,
22 477 U.S. 242, 247-48 (1986). A factual dispute is “genuine” if there is sufficient evidence
23 for a reasonable jury to return a verdict for the nonmoving party. *Id.* at 249. When
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1 deciding if a genuine issue of material fact exists, the Court must believe the evidence
2 of the non-moving party and draw reasonable inferences in their favor. *Id.* at 255; *United*
3 *States v. Johnson Controls, Inc.*, 457 F.3d 1009, 1013 (9th Cir.2006).

4 One of the purposes of summary judgment is to dispose of factually unsupported
5 claims. *Celotex*, 477 U.S. at 322. Therefore, a moving party is entitled to summary
6 judgment when a nonmoving party who bears the burden of proof at trial does not
7 sufficiently show an essential element of their case. *Id.*

8 To defeat a motion for summary judgment, the nonmoving party must go beyond
9 the pleadings to affirmatively establish a genuine issue of material fact on the merits of
10 their case. Fed. R. Civ. P. 56(e). The nonmoving may not simply deny the veracity of
11 everything offered or produce only a scintilla of evidence in hopes of creating a genuine
12 factual dispute. *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586
13 (1986); *Anderson*, 477 U.S. at 252. If the nonmoving party ultimately fails to prove an
14 essential element of their case for which they bear the burden of proof, this “necessarily
15 renders all other facts immaterial,” and the moving party is entitled to judgment as a
16 matter of law. *Celotex*, 477 U.S. at 323.

17 **II. Section 1983 Standard**

18 To state a claim under 42 U.S.C. § 1983, a complaint must allege: (a) the
19 conduct complained of was committed by a person acting under color of state law, and
20 (b) the conduct deprived a person of a right, privilege, or immunity secured by the
21 Constitution or laws of the United States. See *Parratt v. Taylor*, 451 U.S. 527, 535
22 (1981), overruled on other grounds, *Daniels v. Williams*, 474 U.S. 327 (1986).

1 Government officials are entitled to qualified immunity in suits against them for an
2 alleged violation of a constitutional right unless a plaintiff makes a two-part showing.
3 *Saucier v. Katz*, 533 U.S. 194, 200 (2001). The plaintiff must show that officials violated
4 a constitutional right *and* that this right was “clearly established.” *Id.* A court may
5 consider the two prongs in whatever order it chooses. *Pearson v. Callahan*, 555 U.S.
6 223, 236 (2009).

7 When qualified immunity is reviewed in the context of a defense motion for
8 summary judgment, the evidence must be considered in the light most favorable to the
9 plaintiff with respect to central facts. *Tolan v. Cotton*, 572 U.S. 650, 657 (2014) (per
10 curiam). If there is a genuine issue of material fact concerning both: (1) Whether the
11 defendant’s conduct violated a constitutional right and (2) Whether it would be clear to a
12 reasonable officer that their conduct was unlawful under the circumstances they
13 confronted, then summary judgment granting qualified immunity is not appropriate.
14 *Bonivert v. City of Clarkston*, 883 F.3d 865, 871-72 (9th Cir. 2018).

15 As discussed below, viewed in light most favorable to the Plaintiff, the facts do
16 not show that the Defendants’ acts violated Plaintiff’s Constitutional rights. Accordingly,
17 the Defendants are entitled to qualified immunity because the first prong of the qualified
18 immunity test is not satisfied.

19 **III. Plaintiff’s Fourteenth Amendment Claim**

20 The Due Process Clause of the Fourteenth Amendment prohibits the government
21 from punishing pretrial detainees “prior to an adjudication of guilt in accordance with the
22 due process of law.” *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). Plaintiff asserts that
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1 Defendants violated the Fourteenth Amendment by providing inadequate medical care.
2 Dkt. 11 at 4.

3 Both the Fourteenth and Eight Amendment provide a minimum standard of care
4 for determining the rights of a pretrial detainee to medical treatment. *Gordon v. Cnty. of*
5 *Orange*, 888 F.3d 1118, 1122 (9th Cir. 2018). Inadequate medical care claims are
6 treated as claims challenging a pretrial detainee’s “conditions of confinement” and are
7 judged under an “objective deliberate indifference standard.” *Id.* at 1125.

8 When bringing an inadequate medical care claim against an individual defendant
9 under the Due Process Clause of the Fourteenth Amendment, a plaintiff must show: “(i)
10 the defendant made an intentional decision with respect to the conditions under which
11 the plaintiff was confined; (ii) those conditions put the plaintiff at substantial risk of
12 suffering serious harm; (iii) the defendant did not take reasonable available measures to
13 abate that risk, even though a reasonable official in the circumstances would have
14 appreciated the high degree of risk involved—making the consequences of the
15 defendant's conduct obvious; and (iv) by not taking such measures, the defendant
16 caused the plaintiff's injuries.” *Id.* at 1125.

17 The “mere lack of due care” by an official does not violate the Fourteenth
18 Amendment; the plaintiff must prove “more than negligence but less than subjective
19 intent—something akin to reckless disregard.” *Id.* (quoting *Daniels*, 474 U.S. at 330-31).
20 Thus, while a plaintiff need not show that a prison official intended to harm them, they
21 must show that the official “knew of and disregard[ed]” the substantial risk of harm to
22 plaintiff’s health. *Edmo v. Corizon, Inc.*, 935 F.3d 757 (9th Cir. 2019) (quoting *Lemire v.*

1 *Cal. Dep't of Corr. & Rehab.*, 726 F.3d 1062, 1074 (9th Cir. 2013) (alterations in
2 original)).

3 To survive Defendants' motion for summary judgment, Plaintiff must establish a
4 genuine issue of material fact as to the existence of the *Gordon* elements—against
5 each defendant— in his case.

6 **a. Plaintiff's Claim Against Defendant Briones**

7 As the non-moving party, Plaintiff must present evidence showing a genuine
8 issue of material fact as to each of the *Gordon* factors. Beyond naming him as a
9 defendant, Plaintiff does not allege any decision made by Defendant Briones regarding
10 Plaintiff's medical care. Dkt. 11 at 4-5. At the time of Plaintiff's complaint, Defendant
11 Briones was the Chief of the Corrections Division of the Island County Sheriff's Office.
12 See Declaration of Jose Briones, at ¶2. Defendant Briones denies any involvement in
13 Plaintiff's medical treatment. See Declaration of Jose Briones, at ¶5.

14 Defendant Briones did not violate Plaintiff's Fourteenth Amendment rights
15 because he did not make any intentional decisions with respect to Plaintiff's medical
16 care. Plaintiff has not presented any additional evidence beyond the pleadings to
17 establish a genuine issue of material fact as to how Defendant Briones personally
18 participated in Plaintiff's alleged constitutional violation. Thus, summary judgment is
19 GRANTED as to Plaintiff's claim against Defendant Briones.

20 **b. Plaintiff's Claim Against Defendant Langdan**

21 Plaintiff further claims that Defendant Langdan violated his Fourteenth
22 Amendment right to medical care as a pretrial detainee when Langdan allegedly denied
23 Plaintiff suboxone. Plaintiff, however, must present evidence beyond his own conclusory
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1 allegations that Defendant Langdan’s decision to deny suboxone put him at substantial
2 risk of suffering serious harm *and* that Defendant Langdan knew and disregarded this
3 risk. *See Taylor v. List*, 880 F.2d 1040, 1045-46 (9th Cir. 1989) (“A summary judgment
4 motion cannot be defeated by relying solely on conclusory allegations unsupported by
5 factual data.”); *see also Quintana v. Santa Fe Cnty. Bd. of Commissioners*, 973 F.3d
6 1022, 1032 (10th Cir. 2020) (affirming dismissal of inadequate medical treatment claim
7 when plaintiff, a pretrial detainee, did not exhibit any symptoms of illness or medical
8 emergency related to heroin withdrawal).

9 Plaintiff does not claim that he suffered any harm because of Defendant
10 Langdan’s initial denial of suboxone. Plaintiff states in his amended complaint that he
11 was treated with suboxone for suicidal ideation in January of 2020, over one and a half
12 years before the events giving rise to this claim. Dkt. 11 at 5. Even if the Court inferred
13 that denial of suboxone placed Plaintiff at serious risk of suicide, Plaintiff has not shown
14 that Defendant Langdan knew that he was previously treated with suboxone for his
15 mental health.

16 Further, Plaintiff does not claim or show that he suffered from suicidal ideation or
17 any other injuries as a result of Defendant Langdan’s actions. Finally, Plaintiff does not
18 provide evidence that a reasonable medical provider in the same circumstances would
19 have made a different decision from Defendant Langdan.

20 Construed liberally, Plaintiff’s complaint appears to allege that Defendant
21 Langdan’s delay in prescribing suboxone constituted objective deliberate indifference to
22 his medical needs. Deliberate indifference may manifest as a delay in medical
23 treatment. *Hutchinson v. United States*, 838 F.2d 390, 394 (9th Cir. 1988). Delay would
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1 only amount to a possible violation of the Fourteenth Amendment when the delay is
2 harmful. *Shapley v. Nevada Bd. of State Prison Comm'rs*, 766 F.2d 404, 407 (9th Cir.
3 1985); *cf.*, *Jett v. Penner*, 439 F.3d 1091, 1097 (9th Cir. 2006) (reversing district court's
4 grant of summary judgment under the Eighth Amendment standard, when months-long
5 delay in treatment of plaintiff's finger fracture—despite his multiple requests for medical
6 attention—directly resulted in deformity, pain, and malalignment).

7 As stated above, Plaintiff has not alleged any harm related to Defendant
8 Langdan's initial and temporary denial of suboxone. Therefore, Defendant Langdan's
9 delay in medical treatment does not amount to deliberate indifference.

10 For the purposes of summary judgment, Plaintiff has not provided additional
11 evidence beyond the pleadings to establish a genuine issue of material fact as to
12 whether Defendant Langdan violated plaintiff's Fourteenth Amendment rights. Thus, the
13 Court GRANTS summary judgment as to Plaintiff's claim against Defendant Langdan.

1 **CONCLUSION**

2 Based on the foregoing discussion, the Court GRANTS Defendants' motion for
3 summary judgment and DISMISSES Plaintiff's complaint. Viewed in the light most
4 favorable to Plaintiff on the Defendants' motion for summary judgment, the facts do not
5 show a genuine dispute of material facts. Accordingly, Defendants are entitled to
6 qualified immunity because the first prong of the qualified immunity test is not satisfied.

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9 Dated this 29th day of November, 2023.

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13 Theresa L. Fricke
14 Theresa L. Fricke
15 United States Magistrate Judge
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