

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Ward v. Lovell

Ward · No. 3:24-cv-1400-RSH-MSB · Decided September 18, 2025

SUMMARY

The United States District Court for the Southern District of California construed Wayne Ward’s letter as a First Amended Complaint and dismissed it without prejudice for failure to comply with Federal Rule of Civil Procedure 8 and failure to state a claim under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1). The court granted Ward 60 days to file a complete Second Amended Complaint addressing his Eighth Amendment excessive-force and inadequate-medical-care allegations.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Robert S. Huie
JURISDICTION	United States District Court for the Southern District of California
DECIDED	September 18, 2025
DOCKET	3:24-cv-1400-RSH-MSB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening order in a pro se prisoner civil-rights action brought under 42 U.S.C. § 1983. The court construed Plaintiff's letter as a first amended complaint and dismissed it without prejudice, granting leave to amend.
STANDARD OF REVIEW	The court applied the Federal Rule of Civil Procedure 12(b)(6) plausibility standard during mandatory screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).
PRECEDENTIAL VALUE	Unknown; district-court screening order with no reporter citation
PARTIES	Wayne Ward v. J. Lovell, E. Guevara, C. Martinez, R. Allen, J. Magnar

TOPICS

- prisoners rights
- section 1983
- motions to dismiss
- civil procedure
- cruel and unusual punishment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court properly construed Ward's letter as a first amended complaint.
2. Whether the first amended complaint complied with Federal Rule of Civil Procedure 8.
3. Whether the first amended complaint plausibly stated Eighth Amendment excessive-force and inadequate-medical-care claims under 42 U.S.C. § 1983.
4. Whether Ward should receive leave to amend.

HOLDINGS

1. A pro se letter filed after leave to amend may be construed as an amended complaint when it is the only document filed after leave to amend was granted.
2. The first amended complaint failed to comply with Rule 8 because it contained conclusory assertions and insufficient factual detail to give defendants fair notice of the claims and the grounds on which they rested.
3. The court dismissed the first amended complaint under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) for failure to comply with Rule 8 and failure to state a claim.
4. A pro se plaintiff must generally be given leave to amend unless it is absolutely clear that the pleading's deficiencies cannot be cured by amendment.

KEY QUOTATIONS

“Thus, because the FAC is not complete in itself, and contains only conclusory assertions “devoid of further factual enhancement,” it is insufficient to comply with Rule 8.” (at 2)

“Therefore, the Court DISMISSES the First Amended Complaint without prejudice and with leave to amend, for failure to comply with Rule 8 and failure to state a claim.” (at 3)

“A district court should not dismiss a pro se complaint without leave to amend unless ‘it is absolutely clear that the deficiencies of the complaint could not be cured by amendment.’” (at 5)

FACTUAL BACKGROUND

Ward, a state inmate, alleged that on January 15, 2023, Officer Lovell used excessive force by slapping him into a bench while he was complying with Lovell and Officer Guevara. Ward alleged that he hit his head and shoulder and continued to experience pain. He further alleged that prison employees Martinez, Allen, and Magnar refused him medical care by telling him he would receive care later. The amended pleading did not provide sufficient details about the incident, injuries, or each defendant's conduct.

PROCEDURAL HISTORY

Ward initially alleged Eighth Amendment excessive-force and inadequate-medical-care claims. The court granted in forma pauperis status and dismissed the original complaint without prejudice for failure to state a

claim, granting leave to amend. Ward then filed a two-page letter, which the court construed as his first amended complaint; the court dismissed that complaint without prejudice and granted one final opportunity to file a second amended complaint.

DISPOSITION

dismissed

CASES CITED

- *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)
- *Teal v. Vargo*, 9 F. App'x 718, 719 (9th Cir. 2001)
- *Watson v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)
- *Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015)
- *Ivey v. Board of Regents of University of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982)
- *Tsao v. Desert Palace, Inc.*, 698 F.3d 1128, 1138 (9th Cir. 2012)
- *Rizzo v. Goode*, 423 U.S. 362, 371-72, 377 (1976)
- *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)
- *Hudson v. McMillian*, 503 U.S. 1, 7 (1992)
- *Wilkins v. Gaddy*, 559 U.S. 34, 40 (2010)
- *Whitley v. Albers*, 475 U.S. 312, 320-21 (1986)
- *Wilson v. Seiter*, 501 U.S. 294, 302 (1991)
- *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006)
- *Estelle v. Gamble*, 429 U.S. 97, 104, 106 (1976)
- *Toguchi v. Chung*, 391 F.3d 1051, 1057, 1060 (9th Cir. 2004)
- *Rosati v. Igbino*, 791 F.3d 1037, 1039 (9th Cir. 2015)
- *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012)
- S.D. Cal. CivLR 15.1
- *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1990)
- *Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir. 2012)
- *Lira v. Herrera*, 427 F.3d 1164, 1169 (9th Cir. 2005)