

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Vargas v. Santa Clara County Office of Sheriff Custody, et al.

Vargas · No. 24-cv-04768-EKL · Decided June 2, 2025

SUMMARY

The court screens a pro se prisoner’s amended 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915A. The court allows claims to proceed against Deputy Stock for allegedly requiring plaintiff to use van steps after testicular surgery and against Nurse Javier Bambi for alleged unwanted sexual contact. All other defendants and claims are dismissed without prejudice, subject to plaintiff’s ability to file a second amended complaint.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Eumi K. Lee
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 2, 2025
DOCKET	24-cv-04768-EKL
DISPOSITION	other
PROCEDURAL POSTURE	Order screening a pro se prisoner civil-rights amended complaint under 28 U.S.C. § 1915A and ordering service on two defendants.
STANDARD OF REVIEW	The court conducted preliminary screening under 28 U.S.C. § 1915A, dismissing claims that were frivolous, malicious, failed to state a claim, or sought monetary relief from an immune defendant. Pro se pleadings were liberally construed, and the complaint was evaluated under Federal Rule of Civil Procedure 8(a)(2) and the plausibility standard of Bell Atlantic Corp. v. Twombly and Ashcroft v. Iqbal.
PRECEDENTIAL VALUE	Unknown; district court order of service

TOPICS

- section 1983
- prisoners rights
- fourteenth amendment
- substantive due process
- pleadings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the amended complaint stated a cognizable Fourteenth Amendment medical-care claim against Deputy Stock.
2. Whether the alleged unwanted sexual contact by Nurse Bambi stated a Fourteenth Amendment substantive-due-process or anti-punishment claim.
3. Whether the claims against unidentified defendants should be dismissed when plaintiff failed to identify specific defendants and describe their actions.
4. Whether service should be ordered on Deputy Stock and Nurse Bambi.

HOLDINGS

1. A pretrial detainee states a Fourteenth Amendment medical-care claim against an individual defendant by alleging that the defendant intentionally made a decision concerning the conditions of confinement, those conditions created a substantial risk of serious harm, the defendant failed to take objectively reasonable available measures to abate the risk despite the obviousness of the risk, and that failure caused injury. Liberally construed, plaintiff stated such a claim against Deputy Stock based on requiring him to climb vehicle steps after surgery.
2. Allegations of sexual harassment and unwanted sexual contact by a government official may state a Fourteenth Amendment substantive-due-process claim when the conduct is sufficiently egregious and outrageous to shock the contemporary conscience, and may also state a claim based on punishment when the conduct significantly exceeds or is independent of the inherent discomforts of confinement and is imposed for a punitive rather than legitimate governmental purpose.
3. Claims against other defendants were dismissed without prejudice because plaintiff failed to identify specific defendants and describe their actions in connection with the alleged failure to provide proper post-surgical medical supplies and care.

KEY QUOTATIONS

“The four-part test articulated in Gordon requires the plaintiff to “prove more than negligence but less than subjective intent – something akin to reckless disregard.”” (at 3)

“The threshold question is ‘whether the behavior of the governmental official is so egregious, so outrageous, that it may fairly be said to shock the contemporary conscience.’” (at 4)

“Liberally construed, plaintiff states a claim against defendant Stock for making him walk steps into and out of the van which exacerbated his injury.” (at 5)

FACTUAL BACKGROUND

Plaintiff, a former detainee and current state prisoner, underwent testicular surgery on July 17, 2024, and was taken to an emergency room several days later because of swelling. He alleged that Deputy Stock failed to provide wheelchair-accessible transportation, forcing plaintiff to climb painful steps and disturbing his surgical

wound. Plaintiff also alleged that Nurse Bambi refused to let him hold a towel over the wound and instead repeatedly rubbed his testicles, which plaintiff characterized as sexual abuse.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint under 42 U.S.C. § 1983. The court dismissed the original complaint with leave to amend, and plaintiff filed an amended complaint on April 10, 2025. The court found cognizable claims against Deputy Stock and Nurse Javier Bambi, dismissed all other defendants and claims without prejudice, and ordered service and further case-management procedures.

DISPOSITION

other

CASES CITED

- *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Lemire v. Cal. Dep't of Corrections & Rehabilitation*, 726 F.3d 1062, 1074 (9th Cir. 2013)
- *Leer v. Murphy*, 844 F.2d 628, 633-34 (9th Cir. 1988)
- *Gordon v. Cnty. of Orange*, 888 F.3d 1118, 1122, 1125 (9th Cir. 2018)
- *Alexander v. Nguyen*, 78 F.4th 1140, 1144-46 (9th Cir. 2023)
- *Castro v. Cnty. of Los Angeles*, 833 F.3d 1060, 1071 (9th Cir. 2016)
- *Vazquez v. Cnty. of Kern*, 949 F.3d 1153, 1160-64 (9th Cir. 2020)
- *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 848 n.8 (1998)
- *Demery v. Arpaio*, 378 F.3d 1020, 1030 (9th Cir. 2004)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992)
- *Rand v. Rowland*, 154 F.3d 952, 953-54, 960 (9th Cir. 1998) (en banc)
- *Wyatt v. Terhune*, 315 F.3d 1108, 1120 n.4 (9th Cir. 2003)
- *Woods v. Carey*, 684 F.3d 934, 940-41 (9th Cir. 2012)
- *Klingele v. Eikenberry*, 849 F.2d 409, 411-12 (9th Cir. 1988)

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