

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA**

Eric X. Murillo v. West County Detention Facility Medical

Case No. 25-cv-09541-RFL · No. 25-cv-09541-RFL · Decided December 16, 2025

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA ERIC X. MURILLO, Case No. 25-cv-09541-RFL Plaintiff, ORDER DISMISSING COMPLAINT v. WITH LEAVE TO AMEND WEST COUNTY DETENTION FACILITY MEDICAL, Defendant. INTRODUCTION Eric Murillo, a detainee at Martinez Detention Facility, proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983.

Plaintiff has been granted leave to proceed in forma pauperis. The complaint is now before the Court for review pursuant to 28 U.S.C. § 1915A(a). The complaint is DISMISSED with leave to file an amended complaint on or before January 23, 2026. Failure to file a proper amended complaint by that date, or a failure to comply in every respect with the instructions given in this order, will result in the dismissal of this suit under Rule 41(b) for failure to prosecute.

DISCUSSION A. Standard of Review A federal court must conduct a preliminary screening in any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a).

In its review, a court must identify any cognizable claims and dismiss any claims that 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. See *id.* § 1915A(b)(1), (2). Pro se pleadings must be liberally construed. See *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir.

1988). A “complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* (quoting *Twombly*, 550 U.S. at 556).

Furthermore, a court “is not required to accept legal conclusions cast in the form of factual allegations if those conclusions cannot reasonably be drawn from the facts alleged.” *Clegg v. Cult Awareness Network*, 18 F.3d 752, 754-55 (9th Cir. 1994).

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

U.S. 42, 48 (1988). B. Plaintiff's Allegations Plaintiff alleges as follows: He informed medical personnel at the jail that he had a shoulder injury and pain that was causing sleep deprivation due to the thin mattress he was provided.

(Dkt. No. 1 at 2.) The sleep deprivation caused headaches and migraines and made it difficult to complete simple tasks such as eating and exercising. (Id. at 3.) Plaintiff repeatedly sought assistance from medical personnel for his pain and medical issues, but there was never an adequate response. (Id.) Plaintiff seeks relief against the county jail, pursuant to *Monell v. Dep't of Soc.*

Servs., 436 U.S. 658 (1978). (Id. at 1.) C. Analysis To impose municipal liability under *Monell* for a violation of constitutional rights resulting from governmental inaction or omission, a plaintiff must show: "(1) that he possessed a constitutional right of which he or she was deprived; (2) that the municipality had a policy; (3) that this policy amounts to deliberate indifference to the plaintiff's constitutional rights; and (4) that the policy is the moving force behind the constitutional violation." *Oviatt By and Through Waugh v. Pearce*, 954 F.2d 1470, 1474 (9th Cir.

1992) (quoting *City of Canton v. Harris*, 489 U.S. 378, 389 (1989)) (internal quotation marks omitted). If a plaintiff cannot identify an unconstitutional policy of the government agency, the plaintiff must "produce evidence creating a triable issue of fact regarding the existence of an unconstitutional practice or custom." *Gordon v. Orange County*, 6 F.4th 961, 974 (9th Cir.

2021) (no custom or practice was shown where the record lacked evidence of any other event involving similar conduct or constitutional violations). "[A] single incident of unconstitutional activity is not sufficient to impose liability under *Monell*." *City of Oklahoma City v. Tuttle*, 471 U.S. 808, 823-24 (1985). Plaintiff presents no allegations that the county jail had a policy, practice, or custom that was a moving force behind the alleged constitutional violation.

Plaintiff cannot present a *Monell* claim, by simply stating that he received inadequate medical care. To establish that the county jail should be held liable under *Monell*, Plaintiff must identify the rights violated by that agency's policy or practice, provide details on that policy or practice, and explain how the policy or practice specifically caused his injuries.

CONCLUSION The complaint is **DISMISSED** with leave to file an amended complaint on or before January 23, 2026. The amended complaint must include the caption and civil case number used in this order (25-9541 RFL (PR)) and the words **FIRST AMENDED COMPLAINT** on the first page.

The first amended complaint must also appear on this Court's form, a copy of which will be sent to him. Because an amended complaint completely replaces the previous complaints, Plaintiff must include in his amended complaint all the claims he wishes to present and all of the Defendants he wishes to sue. See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir.

1992). Plaintiff may not incorporate material from any prior complaint by reference. Failure to file an amended complaint in accordance with this order will result in dismissal of this action under Federal Rule of Civil Procedure 41(b) without further notice to Plaintiff. It is 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." He must comply with the Court's orders in a timely fashion or ask for an extension of time to do so.

Failure to comply may result in the dismissal of this action pursuant to Federal Rule of Civil Procedure 41(b). IT IS SO ORDERED. Dated: December 16, 2025 RITA F. LIN United States District Judge