

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

Cheryl D. Dresdner, et al. v. Sacramento County Jail, et al.

Dresdner v. Sacramento County Jail · No. 2:23-cv-2038 DAD CSK P · Decided November 3, 2025

SUMMARY

The United States District Court for the Eastern District of California screened plaintiffs’ second amended complaint concerning the death of Kevin Dresdner in the Sacramento County Main Jail. The court found potentially cognizable Eighth Amendment deliberate-indifference claims against Deputy Arnold and Dylan Schmidt, while dismissing other claims and defendants with leave to amend or without prejudice, including claims based on HIPAA. The court also denied plaintiffs’ motion to compel discovery and motion to file documents electronically without prejudice, while permitting electronic receipt of court orders.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 CHERYL D. DRESDNER, et al., No. 2:23-cv-2038 DAD CSK P 12
Plaintiffs, 13 v. ORDER 14 SACRAMENTO COUNTY JAIL, et al., 15 Defendants. 16 17
Plaintiffs proceed pro se and allege the wrongful death of inmate Kevin Dresdner while he 18 was
incarcerated in the Sacramento County Main Jail.

Plaintiff Cheryl D. Dresdner, decedent’s 19 widow, was granted leave to proceed in forma
pauperis. (ECF No. 6.) Plaintiffs seek relief under 20 the Eighth Amendment based on federal
question jurisdiction. This proceeding was referred to 21 this Court by Local Rule 302 pursuant to
28 U.S.C. § 636(b)(1).

On February 25, 2025, the Court 22 dismissed plaintiffs’ first amended complaint with leave to
amend. (ECF No. 12.) Following 23 extensions of time, plaintiffs filed a second amended
complaint. (ECF No. 19.) 24 I. PLAINTIFFS’ ALLEGATIONS 25 Plaintiffs name seven
defendants: Sacramento County Jail (“SCJ”); Jim Cooper, 26 Sacramento County Sheriff; Adult
Correctional Health (“ACH”); California Department of 27 Corrections and Rehabilitation
(“CDCR”); Chris Carlson, Parole Officer; Dylan Schmidt, Social 28 Worker; and Deputy Arnold.

(ECF No. 19 at 2-5.) 1 Decedent Kevin Dresdner was a parolee sentenced to ninety days in the
Sacramento 2 County Jail for a parole violation sustained on August 10, 2021. Plaintiffs aver that
decedent was 3 known to the jail facility as a high risk inmate with severe mental health issues,
with a history of 4 substance and alcohol abuse. (Id. at 7.)

On September 20, 2021, decedent was found 5 unresponsive in his cell, with seven fractured ribs, petechiae of his eyes, blood in his throat, and a 6 swollen tongue. (Id. at 8.) 7 In the first and second claims, plaintiffs allege that decedent's due process rights were 8 violated by defendant Chris Carlson's failure to provide decedent with an evidentiary hearing and 9 failure to appoint counsel at decedent's parole hearing.

(Id. at 7.) 10 In the third claim, plaintiffs allege that defendants SCJ, Dylan Schmidt, ACH, and Does 11 1-20, violated decedent's Eighth Amendment rights as well as privacy laws under the Health 12 Insurance Portability and Accountability Act of 1996 ("HIPAA") by sharing decedent's private 13 and sensitive health and mental health information over twelve times in non-confidential settings, 14 i.e. cell-side, exposing protected health information to other inmates, making decedent a 15 "vulnerable target in a hostile environment." (Id.)

16 In the fourth claim, plaintiffs allege defendants SCJ, Dylan Schmidt, Deputy Arnold, and 17 Does 1-20 were deliberately indifferent to decedent's health and safety by delaying his move and 18 returning him to an unsafe environment, ignoring his serious needs and failing to monitor and 19 observe him for his safety. (Id. at 8.) 20 In the fifth claim, plaintiffs allege that defendants SCJ, Deputy Arnold, Dylan Schmidt, 21 ACH, and "Does" failed to monitor and protect the safety of decedent, who told SCJ staff of his 22 "high level of anxiety, depression and fear" on the day he died, September 20, 2021.

(Id.) 23 Plaintiffs aver that defendants' failure to recognize suicide warning signs constituted deliberate 24 indifference to decedent's serious medical needs. (Id.) 25 In the sixth claim, plaintiffs allege that "[i]f it weren't for the inadequate monitoring, 26 supervision, customs, training and policies enacted under sheriff Jim Cooper, decedent's death 27 could have been prevented." (Id.)

28 Plaintiffs seek money damages. (Id. at 10.) Plaintiffs provided a copy of decedent's death 1 certificate, and an affidavit pursuant to California Civil Procedure Code § 337.32. (Id. at 11-18.) 2 II. COGNIZABLE CLAIMS 3 In his third, fourth, and fifth claims, plaintiffs allege that defendants Deputy Arnold and 4 Dylan Schmidt, a social worker, were deliberately indifferent to decedent's serious medical and 5 mental health needs in violation of the Eighth Amendment.

Because decedent was a convicted 6 inmate at the time of his death, plaintiffs' claims are based on the Eighth Amendment. 7 The Eighth Amendment guarantees that inmates receive constitutionally adequate medical 8 and mental health care. *Doty v. County of Lassen*, 37 F.3d 540, 546 (9th Cir. 1994). A 9 prisoner's claim of inadequate medical care does not constitute cruel and unusual punishment in 10 violation of the Eighth Amendment unless the mistreatment rises to the level of "deliberate 11 indifference to serious medical needs." *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir.

2006) 12 (quoting *Estelle v. Gamble*, 429 U.S. 97, 104 (1976)). Deliberate indifference may be shown by 13 the denial, delay, or intentional interference with medical treatment or by the way in which 14 medical care is provided. *Hutchinson v. United States*, 838 F.2d 390, 394 (9th Cir. 1988).

The 15 two-part test for deliberate indifference requires a plaintiff to show (1) “a ‘serious medical need’ 16 by demonstrating that failure to treat a prisoner’s condition could result in further significant 17 injury or the ‘unnecessary and wanton infliction of pain,’” and (2) “the defendant’s response to 18 the need was deliberately indifferent.” *Jett*, 439 F.3d at 1096.

A defendant does not act in a 19 deliberately indifferent manner unless the defendant “knows of and disregards an excessive risk 20 to inmate health or safety.” *Farmer v. Brennan*, 511 U.S. 825, 837 (1994). A heightened suicide 21 risk or an attempted suicide is a serious medical need under the first prong. See *Conn v. City of 22 Reno*, 591 F.3d 1081, 1095 (9th Cir.

2010), cert. granted, judgment vacated sub nom. *City of 23 Reno, Nev. v. Conn*, 563 U.S. 915 (2011), and opinion reinstated, 658 F.3d 897 (9th Cir. 2011). 24 Plaintiffs allege that decedent was known to the jail facility as a high-risk inmate with 25 severe mental health issues, and on the day he died, decedent informed jail staff of his high level 26 of anxiety, depression and fear, yet defendants failed to monitor decedent and take steps to 27 prevent his death.

(ECF No. 19 at 8.) In addition, decedent had asked several times to be moved 28 from his cell after physical altercations with cellmates; however, the move was delayed, and 1 decedent was returned to an unsafe environment demonstrating defendants’ deliberate 2 indifference by ignoring this risk to his safety.

The Court reviewed plaintiffs’ second amended 3 complaint and liberally construing plaintiffs’ claims, and for the limited purposes of § 1915A 4 screening, finds that plaintiffs’ third, fourth and fifth claims state potentially cognizable Eighth 5 Amendment claims against defendants Dylan Schmidt and Deputy Arnold. See 28 U.S.C. 6 § 1915A. 7 III. NONCOGNIZABLE CLAIMS 8 For the reasons stated below, the Court finds that the second amended complaint does not 9 state a cognizable claim against defendants Chris Carlson, SCJ, ACH, Jim Cooper and CDCR, or 10 based on a violation of HIPAA.

These claims are dismissed, as set forth below. 11 A. Defendant Chris Carlson 12 Plaintiffs’ first two claims alleging due process violations by defendant Chris Carlson are 13 unclear. (ECF No. 19 at 7.) No context is provided for claim one; the Court is unable to tell 14 whether decedent was entitled to an evidentiary hearing. Similarly, it is unclear whether 15 decedent was denied counsel at the parole violation hearing or when he was seeking parole from 16 prison.

These contexts would also assist the Court in determining whether “parole officer” refers 17 to a parole agent or a member of the parole board. This distinction is important to determine 18

whether immunity applies.

For example, parole board officials enjoy absolute immunity from suit “when processing parole applications.” *Sellers v. Procunier*, 641 F.2d 1295, 1302 (9th Cir.), 20 cert. denied, 454 U.S. 1102 (1981); *Brown v. Cal. Dep’t of Corr.*, 554 F.3d 747, 751 (9th Cir. 21 2009) (“[P]arole board members are entitled to absolute immunity for parole board decisions.”).

22 Further, plaintiffs have not demonstrated that such due process claims were not extinguished
23 upon the death of decedent. Indeed, under either context, the Court could not remedy either due
24 process violation by ordering a new hearing for decedent.

Thus, plaintiffs’ due process claims 25 against defendant Chris Carlson are dismissed with leave
to amend. 26 B. Defendants SCJ and ACH 27 Municipalities and other local government units are
among those “persons” to whom 28 § 1983 liability applies. See *Monell v. Dep’t of Soc. Servs.*,
436 U.S. 658, 690 (1978). Counties 1 and municipal government officials are also “persons” for
purposes of § 1983.

See *id.* at 691; see 2 also *Thompson v. City of Los Angeles*, 885 F.2d 1439, 1443 (9th Cir. 1989).
Local government 3 sub-units, however, are not generally considered “persons” within the
meaning of Section 1983. 4 See *Vance v. County of Santa Clara*, 928 F. Supp. 993, 995-96 (N.D.
Cal. 1996) (stating that 5 “naming a municipal department as a defendant is not an appropriate
means of pleading a § 1983 6 action against a municipality” and dismissing the Santa Clara
Department of Corrections from the 7 action); see also *Sanders v. Aranas*, 2008 WL 268972, at *3
(E.D.

Cal. Jan. 29, 2008) (finding 8 that the Fresno Police Department cannot be sued under Section
1983 because it is a sub-division 9 of the City of Fresno). 10 A local government, however, may
not be held responsible for the acts of its employees or 11 officials under a respondeat superior
theory of liability. See *Bd. of Cnty. Comm’rs v. Brown*, 520 12 U.S. 397, 403 (1997).

Municipal liability must rest on the actions of the municipality, and not on 13 the actions of its
employees or officers. See *id.* To assert municipal liability, the plaintiff must 14 allege that the
constitutional deprivation complained of resulted from a policy or custom of the 15 municipality.
See *id.*; *Castro v. Cnty. of L.A.*, 833 F.3d 1060, 1073 (9th Cir.

2016) (en banc). 16 Here, the Sacramento County Jail (“SCJ”) is not a proper defendant in a claim
under 17 § 1983 because it is a department of Sacramento County. *McCoy v. Sac Cnty. Jail*, 2023
WL 18 1477638, at *3 (E.D. Cal. Feb. 2, 2023). It also appears that defendant Adult Correctional
19 Healthcare (“ACH”) is a municipal department.

As such, defendant ACH is not a proper 20 defendant in a claim brought pursuant to § 1983. See
Vance, 928 F. Supp. at 996. 21 It is unclear whether plaintiffs can amend their pleading to state a

cognizable claim 22 against Sacramento County. Local governments are “persons” subject to liability under 42 U.S.C. 23 § 1983 where official policy or custom causes a constitutional tort, see *Monell*, 436 U.S. at 690; 24 however, a city or county may not be held vicariously liable for the unconstitutional acts of its 25 employees under the theory of respondeat superior.

See *Bd. of Cnty. Comm’rs. of Bryan Cnty.*, 26 520 U.S. at 403; *Monell*, 436 U.S. at 691. Local governing bodies therefore may be sued directly 27 under § 1983 for monetary, declaratory or injunctive relief for the violation of federal rights. See 28 *Monell*, 436 U.S. at 690. 1 However, to impose municipal liability under § 1983 for a violation of constitutional 2 rights resulting from governmental inaction or omission, a plaintiff must show: “(1) that he 3 possessed a constitutional right of which he or she was deprived; (2) that the municipality had a 4 policy; (3) that this policy amounts to deliberate indifference to the plaintiff’s constitutional 5 rights; and (4) that the policy is the moving force behind the constitutional violation.” *Oviatt By 6 and Through Waugh v. Pearce*, 954 F.2d 1470, 1474 (9th Cir.

1992) (quoting *City of Canton v. 7 Harris*, 489 U.S. 378, 389 (1989) (internal quotation marks omitted)). 8 Plaintiffs’ policy allegations are too vague and conclusory to determine whether plaintiffs 9 can state a cognizable claim against Sacramento County.

However, plaintiffs are granted leave to 10 amend to name Sacramento County as a defendant provided plaintiffs are able to allege specific 11 facts meeting the above standards. 12 C. Defendant Jim Cooper 13 The sole allegation as to defendant Sacramento County Sheriff Jim Cooper is that “[i]f it 14 weren’t for the inadequate monitoring, supervision, customs, training and policies enacted under 15 Sheriff Jim Cooper, decedent’s death could have been prevented.” (ECF No. 19 at 8.)

16 To state a claim under § 1983, a plaintiff must demonstrate: (1) the violation of a federal 17 constitutional or statutory right; and (2) that the violation was committed by a person acting under 18 the color of state law. See *West v. Atkins*, 487 U.S. 42, 48 (1988); *Jones v. Williams*, 297 F.3d 19 930, 934 (9th Cir. 2002). An individual defendant is not liable on a civil rights claim unless the 20 facts establish the defendant’s personal involvement in the constitutional deprivation or a causal 21 connection between the defendant’s wrongful conduct and the alleged constitutional deprivation.

22 See *Hansen v. Black*, 297 F.3d 930, 646 (9th Cir. 1989); *Johnson v. Duffy*, 588 F.2d 740, 743-44 23 (9th Cir. 1978). That is, plaintiffs may not sue any official on the theory that the official is liable 24 for the unconstitutional conduct of his or her subordinates. *Ashcroft v. Iqbal*, 556 U.S. 662, 679 25 (2009).

The requisite causal connection between a supervisor’s wrongful conduct and the 26 violation of the prisoner’s constitutional rights can be established in a number of ways, including 27 by

demonstrating that a supervisor's own culpable action or inaction in the training, supervision, 28 or control of his subordinates was a cause of plaintiff's injury. *Starr v. Baca*, 652 F.3d 1202, 1 1208 (9th Cir.

2011). "Section 1983 is not itself a source of substantive rights,' but merely 2 provides a method for vindicating federal rights elsewhere conferred." *Albright v. Oliver*, 510 3 U.S. 266, 271 (1994) (internal quotation marks and citation omitted). 4 Vague and conclusory allegations concerning the involvement of supervisory personnel in 5 civil rights violations or the failure to train or supervise are not sufficient to state a claim.

Ivey v. 6 Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982). "A pattern of similar constitutional 7 violations by untrained employees is 'ordinarily necessary' to demonstrate deliberate indifference 8 for purposes of failure to train." *Connick v. Thompson*, 563 U.S. 51, 61 (2011) (citation omitted). 9 A supervisor's failure to train or supervise subordinates may give rise to individual 10 liability under § 1983 where the defendant "was deliberately indifferent to the need to train 11 subordinates, and the lack of training actually caused the constitutional harm or deprivation of 12 rights." *Flores v. County of Los Angeles*, 758 F.3d 1154, 1159 (9th Cir.

2014). "Under this 13 standard, the plaintiff must allege facts to show that the official disregarded the known or obvious 14 consequence that a particular omission in their training program would cause municipal 15 employees to violate citizens' constitutional rights." *Hyde v. City of Wilcox*, 23 F.4th 863, 874 16 (9th Cir. 2022) (internal quotations, brackets, ellipsis, and citations removed).

17 Here, plaintiffs' sole allegation as to defendant Jim Cooper merely concludes he is liable, 18 without setting forth specific facts or identifying particular policies. Such conclusory statement is 19 insufficient to state a cognizable Eighth Amendment violation or policy or failure to train theory 20 of supervisor liability. Plaintiffs' claims are dismissed with leave to amend.

21 D. Defendant CDCR 22 Plaintiffs included no specific charging allegations against the CDCR. In any event, based 23 on plaintiffs' allegations, a claim against the CDCR would be barred. The Eleventh Amendment 24 serves as a jurisdictional bar to suits brought by private parties against a state or state agency 25 unless the state or the agency consents to such suit.

See *Quern v. Jordan*, 440 U.S. 332 (1979); 26 *Alabama v. Pugh*, 438 U.S. 781 (1978) (per curiam); *Jackson v. Hayakawa*, 682 F.2d 1344, 1349- 27 50 (9th Cir. 1982). In the instant case, the State of California has not consented to suit.

Thus, 28 plaintiffs' claims against the CDCR are legally frivolous and must be dismissed. 1 E. HIPAA Claim 2 Plaintiffs challenge the disclosure of decedent's medical and mental health information 3 under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

Plaintiffs are 4 correct that decedent's medical and mental health information is private, or confidential.¹ 5 However, HIPAA does not provide any private right of action.

U.S. v. Streich, 560 F.3d 926 (9th Cir. 2009); Webb v. Smart Document Solutions, LLC, 499 F.3d 1078, 1081 (9th Cir. 2007) 7 ("HIPAA itself provides no right of action."). Accordingly, plaintiffs' HIPAA claim is barred. 8 IV. PLAINTIFF'S OPTIONS 9 Plaintiffs may proceed forthwith to serve defendants Deputy Arnold and Dylan Schmidt 10 based on plaintiffs' third, fourth, and fifth claims that defendants Deputy Arnold and Dylan 11 Schmidt were deliberately indifferent to decedent's serious medical and mental health needs in 12 violation of the Eighth Amendment and pursue their claims against only those defendants or 13 plaintiffs may delay serving any defendant and attempt again to state a cognizable claim against 14 defendants Chris Carlson and Sheriff Jim Cooper, as well as Sacramento County.

If plaintiffs 15 elect to proceed forthwith against defendants Deputy Arnold and Dylan Schmidt, against whom 16 plaintiffs stated potentially cognizable claims for relief, then within thirty days plaintiffs must so 17 elect on the appended form.

In this event the Court will construe plaintiff's election as consent to 18 dismissal of the noncognizable claims and the remaining defendants without prejudice. Under 19 this option, plaintiffs do not need to file a third amended complaint. 20 Or, plaintiffs may delay serving any defendant and attempt again to state a cognizable 21 claim against defendants Chris Carlson and Jim Cooper, as well as Sacramento County.

If 22 plaintiffs elect to attempt to amend the second amended complaint to state a cognizable claim 23 against defendants Chris Carlson and Jim Cooper, as well as Sacramento County, plaintiffs have 24 thirty days to do so. 25 Any third amended complaint must show the federal court has jurisdiction, the action is 26 1 "A provider of health care, health care service plan, or contractor shall not disclose medical 27 information regarding a patient of the provider of health care or an enrollee or subscriber of a health care service plan without first obtaining an authorization...." California Civil Code 28 § 56.10(a) (exceptions provided in subdivision (b) or (c) not applicable here).

1 brought in the right place, and plaintiffs are entitled to relief if plaintiffs' allegations are true. It 2 must contain a request for particular relief. Plaintiffs must identify as a defendant only persons 3 who personally participated in a substantial way in depriving decedent of a federal constitutional 4 right. Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir.

1978) (a person subjects another to the 5 deprivation of a constitutional right if he does an act, participates in another's act or omits to 6 perform an act he is legally required to do that causes the alleged deprivation). 7 A district court must construe a pro se pleading "liberally" to determine if

it states a claim 8 and, prior to dismissal, tell a plaintiff of deficiencies in his complaint and give plaintiff an 9 opportunity to cure them.

See *Lopez v. Smith*, 203 F.3d 1122, 1130-31 (9th Cir. 2000). While 10 detailed factual allegations are not required, “[t]hreadbare recitals of the elements of a cause of 11 action, supported by mere conclusory statements, do not suffice.” *Ashcroft*, 556 U.S. at 678 12 (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). Plaintiffs must set forth 13 “sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” 14 *Ashcroft*, 556 U.S. at 678 (quoting *Bell Atlantic Corp.*, 550 U.S. at 570).

15 A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the 16 defendant is liable for the misconduct alleged. The plausibility standard is not akin to a “probability requirement,” but it asks for 17 more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are merely consistent with a 18 defendant’s liability, it stops short of the line between possibility and plausibility of entitlement to relief.

19 20 *Ashcroft*, 556 U.S. at 678 (citations and quotation marks omitted). Although legal conclusions 21 can provide the framework of a complaint, they must be supported by factual allegations, and are 22 not entitled to the assumption of truth. *Id.* 23 Any amended complaint must be complete in itself without reference to any prior 24 pleading. Local Rule 220; see *Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th 25 Cir.

2015) (“an ‘amended complaint supersedes the original, the latter being treated thereafter as 26 non-existent.’” (internal citation omitted)). Once plaintiffs file a third amended complaint, the 27 original pleading is superseded. 28 /// 1 V. MOTION TO COMPEL 2 On August 27, 2025, plaintiffs filed a motion to compel discovery. (ECF No. 18.)

The 3 Court finds that plaintiff’s motion to compel discovery is premature. Plaintiffs did not file their 4 second amended complaint until September 15, 2025, and the Court had not yet screened the 5 second amended complaint to determine whether the pleading was sufficient to state a cognizable 6 § 1983 claim.

Thus, plaintiffs’ motion to compel discovery is premature. Once a discovery and 7 scheduling order has issued, plaintiffs may propound discovery requests to defendants. 8 Therefore, plaintiff’s motion to compel discovery is denied without prejudice. 9 VI. MOTION TO FILE DOCUMENTS ELECTRONICALLY 10 On September 15, 2025, plaintiff Cheryl D. Dresdner filed a motion for permission to file 11 documents electronically.

(ECF No. 22.) Plaintiff Cheryl D. Dresdner states that she has access 12 to the necessary technology, including a computer with internet access, and a valid email address, 13 and has a PACER account and is aware of the requirements and is willing to follow them. (*Id.* at 14 2.) She

states that she understands and will comply with the requirements of the Court's electronic filing system, including local rules and guidelines, and acknowledges that electronic filings must be in a format specified by the Court and be compliant with all applicable regulations.

(Id.) Plaintiff Cheryl D. Dresdner, who lives in Santee, California, far from the Court, states that she would benefit from electronic filing for the convenience, efficiency and cost effectiveness it would offer due to "time constraints and the distance." (Id.) Generally, "any person appearing pro se may not utilize electronic filing except with permission of the assigned Judge or Magistrate Judge." E.D.

Cal. L.R. 133(b)(2). "Requests to use paper or electronic filing as exceptions from these Rules shall be submitted as stipulations as provided in L.R. 143 or, if a stipulation cannot be had, as written motions setting out an explanation of reasons for the exception." E.D. Cal. L.R. 133(b)(3). At this juncture, the Court does not find good cause to depart from the normal filing procedure for unrepresented litigants, and will deny plaintiff Cheryl D. Dresdner's request without prejudice to renewal at a later date.

In the meantime, the Court will grant permission for plaintiff Cheryl D. Dresdner to receive Court orders and findings and recommendations by email. 1 | She should notify this Court's courtroom deputy, Alexandra Waldrop, 2 | awaldrop@caed.uscourts.gov, of the appropriate e-mail address for Court orders to be sent to 3 | plaintiff Cheryl D. Dresdner. 4 | VII.

CONCLUSION 5 Accordingly, IT IS HEREBY ORDERED that: 6 1. Claims against defendants Chris Carlson and Jim Cooper are dismissed with leave to 7 | amend. Within thirty days of service of this order, plaintiffs may amend the second amended 8 | complaint to attempt to state cognizable claims against these defendants, as well as Sacramento 9 | County. Plaintiffs are not obligated to amend their pleading.

10 2. The allegations in the second amended complaint are sufficient at least to state 11 | potentially cognizable claims against defendants Deputy Arnold and Dylan Schmidt. See 12 | U.S.C. § 1915A. If plaintiffs choose to proceed solely as to such claims, plaintiffs shall so 13 | indicate on the attached form and return it to the Court within thirty days from the date of this 14 | order.

In this event, the Court will construe plaintiffs' election to proceed forthwith as consent to 15 | an order dismissing the defective claims without prejudice. 16 3. Failure to comply with this order will result in a recommendation that the 17 | noncognizable claims be dismissed, and this action proceed on plaintiffs' Eighth Amendment 18 | claims against defendants Deputy Arnold and Dylan Schmidt.

19 4. Plaintiff's motion to compel discovery (ECF No. 18) is denied without prejudice. 20 5. Plaintiffs motion to file electronically (ECF No. 220 is denied without prejudice, but 21 | plaintiff

Cheryl D. Dresdner is granted permission to receive Court orders and findings and 22 || recommendations electronically as set forth above. 23 24 || Dated: November 03, 2025 A aA Aan Spe | CHI SOO KIM 26 UNITED STATES MAGISTRATE JUDGE 27 || /1/dres2038.140 28 1] 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 CHERYL D. DRESDNER, et al, No. 2:23-cv-2038 DAD CSK P 12 Plaintiffs, 13 v. NOTICE OF ELECTION 14 SACRAMENTO COUNTY JAIL, et al., 15 Defendants.

16 17 18 Plaintiffs elect to proceed as follows: 19 _____ Plaintiffs opt to proceed with their Eighth Amendment claims against 20 defendants Deputy Arnold and Dylan Schmidt. Under this option, plaintiff consents to dismissal of the HIPAA claim and defendants CDCR, SCJ, and 21 ACH with prejudice, and consents to dismissal of defendants Chris Carlson and Jim Cooper without prejudice.

22 OR 23 _____ Plaintiffs opt to file a third amended complaint and delay service of 24 process. 25 DATED: 26 _____ 27 Plaintiff 28