

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA, SAN JOSE DIVISION

In re CIM-SQ Transfer Cases

No. 5:20-cv-06326-EJD, United States District Court for the Northern District of California, San Jose Division
(July 30, 2025)

SUMMARY

The United States District Court for the Northern District of California orders service of a prisoner’s First Amended Complaint alleging that prison officials were deliberately indifferent to his safety by transferring prisoners to San Quentin State Prison during the COVID-19 pandemic. The case remains stayed for purposes other than service, and the court provides procedures for electronic waiver and, if necessary, United States Marshals Service service.

CASE DETAILS

COURT	United States District Court for the Northern District of California, San Jose Division
WRITING FOR THE COURT	Edward J. Davila
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 30, 2025
DOCKET	5:20-cv-06326-EJD
DISPOSITION	other
PROCEDURAL POSTURE	A California prisoner filed a pro se civil-rights action concerning his transfer from the California Institution for Men to San Quentin State Prison and resulting COVID-19 infection. After the complaint was dismissed with leave to amend, the plaintiff filed a First Amended Complaint. The district court screened the amended complaint under 28 U.S.C. § 1915A and ordered service on the defendants while keeping the case stayed for all other purposes.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must screen a prisoner's complaint seeking redress from a governmental entity or officer and dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pro se pleadings are liberally construed, and a complaint must contain sufficient factual matter to state a plausible claim for relief.

PRECEDENTIAL VALUE

Nonprecedential district court order; precedential status is listed as unknown in the source metadata.

TOPICS

prisoners rights

section 1983

civil rights

service of process

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the First Amended Complaint stated a cognizable claim under 42 U.S.C. § 1983.
2. Whether the allegations plausibly stated an Eighth Amendment deliberate-indifference claim against the named defendants.
3. Whether the court should order service of the First Amended Complaint after screening under 28 U.S.C. § 1915A.

HOLDINGS

1. The First Amended Complaint stated a plausible claim under 42 U.S.C. § 1983 because it alleged violation of a constitutional right by defendants acting under color of state law.
2. Liberally construed, the allegations that defendants deliberately indifferently transferred 122 people from CIM to SQSP in May 2020, resulting in the plaintiff's COVID-19 infection, stated a plausible Eighth Amendment claim for deliberate indifference to the plaintiff's safety.
3. Because the First Amended Complaint stated a cognizable claim, the court ordered service on Ronald Broomfield, Ralph Diaz, Kathleen Allison, and Joseph Bink through the CDCR e-service program, with U.S. Marshals Service thereafter for defendants who did not waive service.

FACTUAL BACKGROUND

The plaintiff is a California prisoner who was transferred with approximately 121 other people from the California Institution for Men to San Quentin State Prison in May 2020. He alleges that the defendants were deliberately indifferent to his safety in arranging the transfer and that he consequently contracted COVID-19 while at San Quentin. He seeks damages for an alleged violation of his Eighth Amendment rights.

PROCEDURAL HISTORY

The action was consolidated with related prisoner-transfer cases arising from the May 2020 transfer from CIM to SQSP. The court dismissed the original complaint with leave to amend. Upon screening the First Amended Complaint, the court found a plausible Eighth Amendment deliberate-indifference claim and directed service through the CDCR e-service program, with alternative service by the U.S. Marshals Service if necessary.

DISPOSITION

CASES CITED

- *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990)
- *Erickson v. Pardus*, 127 S. Ct. 2197, 2200 (2007)
- *Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1955, 1964-65, 1974 (2007)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Farmer v. Brennan*, 511 U.S. 825, 837 (1994)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6
SAN JOSE DIVISION 7 8 9 IN RE CIM-SQ TRANSFER CASES Case No. 5:20-cv-06326-EJD
10 ORDER OF SERVICE This Document Relates To: 11 25-cv-01728; Mackey v. Broomfield 12
13 14 INTRODUCTION 15 Plaintiff, a California prisoner, filed a pro se civil rights action.

The case was consolidated 16 with cases in this district related to the 2020 prisoner transfer from
the California Institution for 17 Men (CIM) to San Quentin State Prison (SQSP)1 in May 2020 and
related to the first case filed, 18 No. 5:20-cv-06326-EJD, which now has the caption “In Re CIM-
SQ Transfer Cases.” The Court 19 dismissed the complaint with leave to amend.

Plaintiff has filed a First Amended Complaint 20 (FAC). Dkt. No. 219 in Case No. 20-cv-06326.
The FAC is now before the Court for screening 21 pursuant to 28 U.S.C. § 1915A(a), and service
of the complaint on defendants is ordered. 22 Because the case is part of the consolidated “In Re
CIM-SQ Transfer Cases,” service shall 23 therefore proceed in plaintiff’s case as ordered below,
but the case will remain stayed for all other 24 purposes.

The docket for Case No. 25-cv-01728 and all other individual dockets have been 25 closed. If
plaintiff wishes to file any motions, he must file them in Case No. 5:20-cv-06326-EJD 26 and
include his original case number, No. 25-cv-01728, on the left side of the heading. 27 1
STANDARD OF REVIEW 2 Federal courts must engage in a preliminary screening of cases in
which prisoners seek 3 redress from a governmental entity or officer or employee of a
governmental entity.

28 U.S.C. § 4 1915A(a). The Court must identify cognizable claims or dismiss the complaint, or
any portion of 5 the complaint, if the complaint “is frivolous, malicious, or fails to state a claim
upon which relief 6 may be granted,” or “seeks monetary relief from a defendant who is immune
from such relief.” Id. 7 § 1915A(b). Pro se pleadings must be liberally construed.

Balistreri v. Pacifica Police Dep’t, 901 8 F.2d 696, 699 (9th Cir. 1990). 9 Federal Rule of Civil
Procedure 8(a)(2) requires only “a short and plain statement of the 10 claim showing that the

pleader is entitled to relief.” “Specific facts are not necessary; the statement need only give the defendant fair notice of what the.... claim is and the grounds upon 12 which it rests.” *Erickson v. Pardus*, 127 S. Ct.

2197, 2200 (2007) (citations omitted). Although to 13 state a claim a complaint “does not need detailed factual allegations,... a plaintiff’s obligation to 14 provide the grounds of his entitle[ment] to relief requires more than labels and conclusions, and a 15 formulaic recitation of the elements of a cause of action will not do.... Factual allegations must 16 be enough to raise a right to relief above the speculative level.” *Bell Atlantic Corp. v. Twombly*, 17 127 S. Ct.

1955, 1964-65 (2007) (citations omitted). A complaint must proffer “enough facts to 18 state a claim for relief that is plausible on its face.” *Id.* at 1974. 19 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two elements: (1) that a 20 right secured by the Constitution or laws of the United States was violated, and (2) that the alleged 21 violation was committed by a person acting under the color of state law.

West v. Atkins, 487 U.S. 22 42, 48 (1988). 23 If a court dismisses a complaint for failure to state a claim, it should “freely give 24 leave” to amend “when justice so requires.” Fed. R. Civ. P. 15(a) (2). A court has discretion to 25 deny leave to amend due to “undue delay, bad faith or dilatory motive on the part of the movant, 26 repeated failure to cure deficiencies by amendment previously allowed, undue prejudice to the 27 opposing party by virtue of allowance of the amendment, [and] futility of amendment.” 1 LEGAL CLAIMS 2 Plaintiff’s FAC names as defendants Ronald Broomfield, Acting Warden SQSP; CDCR 3 Secretary Ralph Diaz; Kathleen Allison, Director of CDCR, and Dr. Joseph Bink, CCHCS.

He 4 alleges that his Eighth Amendment rights were violated during his time at SQSP by the 5 defendants’ deliberate indifference in transferring 122 people from CIM to SQSP in May of 2020 6 and plaintiff’s resulting COVID-19 infection. He seeks damages. 7 Liberally construed, plaintiff’s allegations state a plausible claim for deliberate 8 indifference to plaintiff’s safety against defendants, in violation of the Eighth Amendment.

9 *Farmer v. Brennan*, 511 U.S. 825, 837 (1994). 10 CONCLUSION 11 1. The Court orders that service on the following defendants shall proceed under the 12 California Department of Corrections and Rehabilitation’s (“CDCR”) e-service program for civil 13 rights cases from prisoners in the CDCR’s custody: 14 a. Ronald Broomfield 15 b. Ralph Diaz 16 c. Kathleen Allison 17 d. Joseph Bink 18 In accordance with the program, the clerk is directed to serve on the CDCR via email the 19 following documents: the operative complaint (Dkt.

No. 209 in case No. 20-cv-06326), this Order 20 of Service, a CDCR Report of E-Service Waiver form, and a summons. The clerk also shall serve 21 a copy of this order on the plaintiff. 22 No later than 40 days after service of this order via email on the CDCR, the CDCR shall 23 provide

the court a completed CDCR Report of E-Service Waiver advising the court which 24 defendant(s) listed in this order will be waiving service of process without the need for service by 25 the USMS and which defendant(s) decline to waive service or could not be reached.

The CDCR 26 also shall provide a copy of the CDCR Report of E-Service Waiver to the California Attorney 27 General's Office which, within 21 days, shall file with the Court a waiver of service of process for 1 Upon receipt of the CDCR Report of E-Service Waiver, the clerk shall prepare for each 2 defendant who has not waived service according to the CDCR Report of E-Service Waiver a 3 USM-285 Form.

The clerk shall provide to the USMS the completed USM-285 forms and copies 4 of this order, the summons and the operative complaint for service upon each defendant who has 5 not waived service. The clerk also shall provide to the USMS a copy of the CDCR Report of E- 6 Service Waiver. 7 2. All defendants are cautioned that Rule 4 of the Federal Rules of Civil Procedure 8 requires them to cooperate in saving unnecessary costs of service of the summons and complaint.

9 Pursuant to Rule 4, if defendants, after being notified of this action and asked by the Court, on 10 behalf of plaintiff, to waive service of the summons, fail to do so, they will be required to bear the 11 cost of such service unless good cause can be shown for their failure to sign and return the 12 waiver 13 form. 13 3. All communications by plaintiff with the Court must be served on 14 defendants' 15 counsel by mailing a true copy of the document to defendants' counsel.

The Court may disregard 15 any document which a party files but fails to send a copy of to his opponent. Until defendants' 16 counsel has been designated, plaintiff may mail a true copy of the document directly to 17 defendants, but once defendants are represented by counsel, all documents must be mailed to 18 counsel rather than directly to defendants. 19 4.

Plaintiff is responsible for prosecuting this case. Plaintiff must promptly keep the 20 Court informed of any change of address and must comply with the Court's orders in a timely 21 fashion. Failure to do so may result in the dismissal of this action for failure to prosecute pursuant 22 to Federal Rule of Civil Procedure 41(b). Plaintiff must file a notice of change of address in every 23 pending case every time he is moved to a new facility.

24 5. Any motion for an extension of time must be filed no later than the deadline sought 25 to be extended and must be accompanied by a showing of good cause. Plaintiff is cautioned that 26 he must include the case name and case number for this case on any document he submits to the 27 Court for consideration in this case.] 6.

The case will remain stayed for all purposes other than service of the complaint on 2 || defendants. 3 IT IS SO ORDERED. 4 5 || Dated: July 30, 2025 EDWARD J. DAVILA 6 United States District Judge 7 8 9 10 1] as 12 13 «14 16 17 Oo Z 18 19 20 21 22 23 24 25 26 27 28

