

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Deshawn Leavell Green v. State of California

Green v. State of California · No. 2:23-cv-2243 KJM SCR P · Decided March 28, 2025

SUMMARY

The United States District Court for the Eastern District of California screened Deshawn Leavell Green’s first amended complaint under 28 U.S.C. § 1915A. The court dismissed the complaint with leave to amend because High Desert State Prison is not a proper defendant under 42 U.S.C. § 1983 and the pleading did not state an Eighth Amendment deliberate-indifference claim.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 28, 2025
DOCKET	2:23-cv-2243 KJM SCR P
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of a state prisoner’s first amended complaint under 28 U.S.C. § 1915A in a 42 U.S.C. § 1983 action.
STANDARD OF REVIEW	The court screened the prisoner complaint under 28 U.S.C. § 1915A and applied the Rule 12(b)(6)-type plausibility standard, accepting factual allegations as true and construing them in the light most favorable to the plaintiff.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Deshawn Leavell Green v. State of California

TOPICS

- section 1983
- prisoners rights
- civil rights
- pleadings
- cruel and unusual punishment

PRACTICE AREAS

- civil rights
- prisoner civil rights
- constitutional law
- civil procedure

QUESTIONS PRESENTED

1. Whether High Desert State Prison is a suable person or entity under 42 U.S.C. § 1983.
2. Whether the first amended complaint plausibly alleged an Eighth Amendment deliberate-indifference claim concerning plaintiff's medical needs.
3. Whether the first amended complaint should be dismissed at screening under 28 U.S.C. § 1915A, with leave to amend.

HOLDINGS

1. A state prison is not a person within the meaning of 42 U.S.C. § 1983 and therefore is not an appropriate defendant in a § 1983 action.
2. The first amended complaint failed to state a cognizable Eighth Amendment deliberate-indifference claim because it did not identify an individual defendant or allege facts showing that any person purposefully failed to respond to a serious medical need with the required subjective deliberate indifference.
3. The first amended complaint was dismissed at screening because it failed to state a claim upon which relief could be granted, but plaintiff was granted leave to file a second amended complaint within sixty days.

KEY QUOTATIONS

"Section 1983 requires plaintiff to identify a "person" and explain what that person or persons have done to violate his constitutional rights." (at 3)

"The test for deliberate indifference to serious medical needs consists of two parts." (at 4)

"A difference of opinion about the proper course of treatment is not deliberate indifference, nor does a dispute between a prisoner and prison officials over the necessity for or extent of medical treatment amount to a constitutional violation." (at 5)

"There can be no liability under 42 U.S.C. § 1983 unless there is some affirmative link or connection between a defendant's actions and the claimed deprivation." (at 6)

FACTUAL BACKGROUND

Plaintiff was a state prisoner housed at the California Medical Facility and classified as having high medical needs. Because he used a wheelchair and had an elevation restriction ordered by an outside doctor, he was allegedly supposed to be transferred to the Stockton Medical Facility, but instead was sent to High Desert State Prison in April 2023. He was transferred to the California Medical Facility in August 2023 after an outside hospital submitted a medical chrono, and he alleged pain, suffering, and difficulty breathing while at High Desert State Prison.

PROCEDURAL HISTORY

Plaintiff previously filed an original complaint that the court found failed to state a claim and the court granted leave to amend. Plaintiff then filed a first amended complaint naming High Desert State Prison as the sole defendant and alleging medical-care-related constitutional violations arising from his placement and continued confinement there. On screening, the court found that the amended complaint failed to state a cognizable § 1983 claim, declined to order service, dismissed the first amended complaint with leave to file a second amended complaint, and directed the Clerk to provide specified forms and prior orders.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand. Plaintiff may file a second amended complaint within sixty days from service of the order. The amended complaint must be labeled “Second Amended Complaint,” bear the assigned docket number, and comply with the Federal Rules of Civil Procedure and the court’s Local Rules.

CASES CITED

- *Neitzke v. Williams*, 490 U.S. 319, 325, 327 (1989)
- *Jackson v. Arizona*, 885 F.2d 639, 640 (9th Cir. 1989)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-57, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Erickson v. Pardus*, 551 U.S. 89, 93-94 (2007)
- *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974)
- *Benavidez v. County of San Diego*, 993 F.3d 1134, 1144 (9th Cir. 2021)
- *Allison v. Cal. Adult Auth.*, 419 F.2d 822, 822-23 (9th Cir. 1969)
- *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006)
- *McGuckin v. Smith*, 974 F.2d 1050, 1059-60 (9th Cir. 1992)
- *WMX Techs., Inc. v. Miller*, 104 F.3d 1133 (9th Cir. 1997) (en banc)
- *Estelle v. Gamble*, 429 U.S. 97, 104-06 (1976)
- *Lopez v. Smith*, 203 F.3d 1122, 1131-32 (9th Cir. 2000) (en banc)
- *Farmer v. Brennan*, 511 U.S. 825, 837, 839 (1994)
- *Frost v. Agnos*, 152 F.3d 1124, 1130 (9th Cir. 1998)
- *Hamby v. Hammond*, 821 F.3d 1085, 1092 (9th Cir. 2016)
- *Toguchi v. Chung*, 391 F.3d 1051, 1058 (9th Cir. 2004)
- *Sanchez v. Vild*, 891 F.2d 240, 242 (9th Cir. 1989)
- *Monell v. Dep’t of Soc. Services*, 436 U.S. 658, 691-92 (1978)
- *May v. Enomoto*, 633 F.2d 164, 167 (9th Cir. 1980)
- *Rizzo v. Goode*, 423 U.S. 362, 370-71 (1976)
- *Arnold v. Int’l Bus. Machs. Corp.*, 637 F.2d 1350, 1355 (9th Cir. 1981)

- Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978)
- Ivey v. Bd. of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967)

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