

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Plett v. Tucker

Plett · No. 2:24-cv-2870-DAD-CKD · Decided May 23, 2025

SUMMARY

The United States District Court for the Eastern District of California grants the plaintiff’s application to proceed in forma pauperis. The court dismisses the prisoner’s complaint for failure to allege sufficient facts supporting an Eighth Amendment deliberate-indifference claim based on an alleged denial or delay of medical care, but grants 30 days to amend.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 23, 2025
DOCKET	2:24-cv-2870-DAD-CKD
DISPOSITION	dismissed
PROCEDURAL POSTURE	A self-represented state prisoner filed a civil-rights complaint and moved to proceed in forma pauperis. The court screened the complaint under 28 U.S.C. § 1915A and dismissed it for failure to state a claim, granting leave to amend.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915A; the complaint must contain sufficient factual allegations to state a plausible claim for relief under Federal Rule of Civil Procedure 8(a)(2).
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order

TOPICS

- prisoners rights
- section 1983
- civil rights
- pleadings
- civil procedure

PRACTICE AREAS

- prisoner civil rights
- constitutional law
- pleading and screening

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable Eighth Amendment deliberate-indifference claim based on the alleged denial or delay of medical care and medication.
2. Whether the complaint should be dismissed under the prisoner-screening statute for failure to state a claim.
3. Whether plaintiff should be granted leave to amend.

HOLDINGS

1. The complaint failed to state an Eighth Amendment deliberate-indifference claim because its sparse allegations did not establish that Tucker acted with deliberate indifference to plaintiff's health or safety or explain why Tucker was responsible for the alleged deprivations.
2. The complaint was dismissed because it failed to state a claim upon which relief may be granted.
3. Plaintiff was granted leave to amend the complaint within thirty days.

KEY QUOTATIONS

"Mere delay of medical treatment, "without more, is insufficient to state a claim of deliberate medical indifference."" (at 1)

"Your complaint is being dismissed with leave to amend because you have not alleged sufficient facts to state a claim based on the alleged denial or delay of medical care." (at 2)

FACTUAL BACKGROUND

Plaintiff, a state prisoner at CSP-Sacramento, alleged that he has transgender dysphoria and was interviewed regarding hormonal therapy. He alleged that more than six months passed after the interview while defendant Tucker denied him medical treatment and medications. The complaint sought monetary damages but did not allege specific facts showing Tucker's deliberate indifference, responsibility for the alleged deprivations, or harm caused by the delay.

PROCEDURAL HISTORY

Plaintiff filed a complaint alleging denial or delay of medical treatment and medication by defendant J. Tucker, a psychologist, and requested monetary damages. The magistrate judge granted in forma pauperis status, screened the complaint, dismissed it with leave to amend, and allowed thirty days to file a first amended complaint.

DISPOSITION

dismissed

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007)

- Estelle v. Gamble, 429 U.S. 97, 104-05 (1976)
- Jett v. Penner, 439 F.3d 1091, 1096 (9th Cir. 2006)
- Shapley v. Nevada Board of State Prison Commissioners, 766 F.2d 404, 407 (9th Cir. 1985)
- Hallett v. Morgan, 296 F.3d 732, 745-46 (9th Cir. 2002)
- Noll v. Carlson, 809 F.2d 1446, 1448-49 (9th Cir. 1987)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967)