

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Luis Salazar Juarez v. Sergeant Y. Abdi and Correctional Officer F.
Perez

Juarez v. Abdi · No. 25-cv-1432-WQH-JLB · Decided January 20, 2026

SUMMARY

The United States District Court for the Southern District of California screened a pro se prisoner’s First Amended Complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A(b). The court dismissed the Eighth Amendment claim against Nurse Chernish for failure to plausibly allege deliberate indifference, while allowing the Eighth Amendment excessive-force claim against Sergeant Abdi and Correctional Officer Perez to proceed and directing the U.S. Marshals Service to serve them.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	William Q. Hayes
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 20, 2026
DOCKET	25-cv-1432-WQH-JLB
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se state-prisoner First Amended Complaint filed in an action under 42 U.S.C. § 1983 by a plaintiff proceeding in forma pauperis.
STANDARD OF REVIEW	Under 28 U.S.C. §§ 1915(e)(2) and 1915A(b), the Court must sua sponte dismiss a prisoner’s in forma pauperis complaint, or any portion of it, that is frivolous, malicious, fails to state a claim, or seeks damages from an immune defendant. The failure-to-state-a-claim standard is the same as the Federal Rule of Civil Procedure 12(b)(6) plausibility standard.
PRECEDENTIAL VALUE	unpublished
PARTIES	Luis Salazar Juarez v. Sergeant Y. Abdi, Correctional Officer F. Perez, Nurse Chernish

TOPICS

prisoners rights

section 1983

pleadings

civil procedure

cruel and unusual punishment

PRACTICE AREAS

prisoner civil rights

constitutional litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's allegations that Abdi and Perez pinned him against a hot metal plate without justification plausibly state an Eighth Amendment excessive-force claim sufficient to survive screening under 28 U.S.C. §§ 1915(e)(2) and 1915A(b).
2. Whether Plaintiff's allegations that Nurse Chernish inadequately treated and documented his burns plausibly state an Eighth Amendment deliberate-indifference claim.
3. Whether the Court should dismiss the claim against Chernish without granting another opportunity to amend and direct service of the First Amended Complaint on Abdi and Perez.

HOLDINGS

1. Allegations that Abdi and Perez held Plaintiff against a hot metal plate without reason or justification, causing severe injuries, plausibly state an Eighth Amendment claim and are sufficient to survive prisoner screening.
2. Plaintiff failed to plausibly allege that Chernish knew of and disregarded a substantial risk of serious harm; allegations of inadequate, negligent, or medically disputed treatment did not state an Eighth Amendment claim.
3. Because the First Amended Complaint plausibly stated an Eighth Amendment claim against Abdi and Perez and Plaintiff was proceeding in forma pauperis, the Court directed the U.S. Marshal Service to issue and serve the summons and First Amended Complaint.

KEY QUOTATIONS

"The 'standard for determining whether a plaintiff has failed to state a claim upon which relief can be granted under § 1915(e)(2)(B)(ii) is the same as the Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a claim.'" (Opinion at 3)

"'[W]henever prison officials stand accused of using excessive physical force . . . , the core judicial inquiry is that set out in Whitley: whether force was applied in a good-faith effort to maintain or restore discipline, or maliciously and sadistically to cause harm.'" (Opinion at 4)

"'In order to prevail on an Eighth Amendment claim for inadequate medical care, a plaintiff must show 'deliberate indifference' to his 'serious medical needs.'" (Opinion at 6)

FACTUAL BACKGROUND

While incarcerated at Richard J. Donovan Correctional Facility, Plaintiff experienced a severe mental-health crisis and allegedly told Correctional Officer Perez that he felt homicidal and suicidal. Plaintiff alleges that Perez and Correctional Officer Abdi then slammed him and pinned him against a hot metal plate despite his lack of threat, causing second-degree burns, skin peeling, a ruptured hernia, and severe pain. Plaintiff also alleges that Nurse Chernish mischaracterized the burns, delayed treatment, and failed to provide appropriate medication or follow-up care, resulting in infection and additional suffering.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 complaint in the Eastern District of California, which transferred the action to the Southern District of California. After granting in forma pauperis status, the Court screened the original complaint, dismissed claims against several defendants, found a plausible Eighth Amendment claim against Abdi and Perez, and permitted Plaintiff either to proceed on that claim or amend to cure other pleading defects. Plaintiff filed a First Amended Complaint naming Abdi, Perez, and Chernish. The Court again found a plausible Eighth Amendment claim against Abdi and Perez, dismissed the claim against Chernish for failure to state a claim, and directed the U.S. Marshal Service to serve Abdi and Perez.

DISPOSITION

other

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc)
- Rhodes v. Robinson, 621 F.3d 1002, 1004 (9th Cir. 2010)
- Nordstrom v. Ryan, 762 F.3d 903, 920 n.1 (9th Cir. 2014)
- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Wilhelm v. Rotman, 680 F.3d 1113, 1121, 1123 (9th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Devereaux v. Abbey, 263 F.3d 1070, 1074 (9th Cir. 2001)
- Graham v. Connor, 490 U.S. 386, 393-94 (1989)
- Farmer v. Brennan, 511 U.S. 825, 832, 834-37 (1994)
- Wilson v. Seiter, 501 U.S. 294, 298, 302-03 (1991)
- Hudson v. McMillian, 503 U.S. 1, 6-7 (1992)
- Whitley v. Albers, 475 U.S. 312, 319, 327 (1986)
- Rhodes v. Chapman, 452 U.S. 337, 347 (1981)
- Colwell v. Bannister, 763 F.3d 1060, 1066 (9th Cir. 2014)
- Estelle v. Gamble, 429 U.S. 97, 104-07 (1976)
- Hutchinson v. United States, 838 F.2d 390, 394 (9th Cir. 1988)
- Wood v. Housewright, 900 F.2d 1332, 1334 (9th Cir. 1990)

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