

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Moffitt v. Winslow

No. 22-cv-04852-JD (N.D. Cal. Mar. 14, 2023) · No. 22-cv-04852-JD · Decided March 14, 2023

SUMMARY

The United States District Court for the Northern District of California screens Brian Moffitt’s amended 42 U.S.C. § 1983 complaint alleging inadequate medical care and denial of a lower bunk. The court finds the allegations sufficient to proceed against Dr. D. Winslow, dismisses the other defendants, and orders electronic service and an expedited dispositive-motion schedule.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	James Ato
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 14, 2023
DOCKET	22-cv-04852-JD
DISPOSITION	other
PROCEDURAL POSTURE	Screening order on an amended pro se prisoner civil-rights complaint under 42 U.S.C. § 1983; the court allowed claims against Dr. D. Winslow to proceed, dismissed the other defendants, and ordered service.
STANDARD OF REVIEW	Mandatory preliminary screening under 28 U.S.C. § 1915A; the court liberally construed the pro se pleading and evaluated whether it stated a plausible claim under Federal Rule of Civil Procedure 8(a)(2).
PRECEDENTIAL VALUE	Unknown; unpublished district-court order
PARTIES	Brian Moffitt v. D. Winslow, et al.

TOPICS

- service of process
- prisoners rights
- section 1983
- cruel and unusual punishment
- civil procedure

PRACTICE AREAS

- prisoner civil rights
- constitutional law
- civil procedure

QUESTIONS PRESENTED

1. Whether the amended complaint stated a cognizable Eighth Amendment claim for deliberate indifference to serious medical needs.
2. Whether the amended complaint adequately alleged a claim under 42 U.S.C. § 1983 against Dr. Winslow.
3. Which defendants should be served or dismissed following preliminary screening under 28 U.S.C. § 1915A.

HOLDINGS

1. The allegations that Moffitt suffered severe lower-back pain, had difficulty climbing to a top bunk, and was denied proper treatment and a lower bunk were sufficient to allow the deliberate-indifference claim against Dr. Winslow to proceed.
2. The amended complaint sufficiently alleged a § 1983 claim against Dr. Winslow by alleging the violation of a constitutional right by a person acting under color of state law.
3. Dr. D. Winslow was ordered to be served electronically, while all other defendants were dismissed.

KEY QUOTATIONS

“A prison official is deliberately indifferent if he or she knows that a prisoner faces a substantial risk of serious harm and disregards that risk by failing to take reasonable steps to abate” (at 2)

“These allegations are sufficient to proceed against Dr. Winslow.” (at 2)

FACTUAL BACKGROUND

Moffitt alleged that he suffered severe lower-back pain and difficulty climbing to a top bunk. He alleged that Dr. Winslow, his primary-care physician for sixteen months, denied proper treatment, including an orthopedic consultation, and denied him a lower bunk. The court concluded that these allegations were sufficient to support an Eighth Amendment deliberate-indifference claim against Dr. Winslow.

PROCEDURAL HISTORY

Moffitt, a state prisoner proceeding pro se, filed a civil-rights complaint under 42 U.S.C. § 1983. The original complaint was dismissed with leave to amend, and Moffitt filed an amended complaint. After screening the amended complaint under 28 U.S.C. § 1915A, the court found claims against Dr. Winslow sufficient to proceed, dismissed the remaining defendants, and directed electronic service.

DISPOSITION

other

CASES CITED

- *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990)

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Estelle v. Gamble, 429 U.S. 97, 104 (1976)
- McGuckin v. Smith, 974 F.2d 1050, 1059-60 (9th Cir. 1992)
- WMX Technologies, Inc. v. Miller, 104 F.3d 1133, 1136 (9th Cir. 1997) (en banc)
- Gibson v. County of Washoe, 290 F.3d 1175, 1188 (9th Cir. 2002)
- Franklin v. Oregon, 662 F.2d 1337, 1344 (9th Cir. 1981)
- Shapely v. Nevada Bd. of State Prison Comm'rs, 766 F.2d 404, 407 (9th Cir. 1985)
- Rand v. Rowland, 154 F.3d 952, 953-54, 960 (9th Cir. 1998) (en banc)
- Wyatt v. Terhune, 315 F.3d 1108, 1120 n. 4 (9th Cir. 2003)
- Woods v. Carey, 684 F.3d 934, 940-41 (9th Cir. 2012)