

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kelly Beau Davis v. Khuong Phui and G. Ugwueze

Davis v. Phui · No. No. 1:20-cv-00276-KES-HBK (PC) · Decided September 15, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations granting defendants Khuong Phui and G. Ugwueze’s motion for summary judgment in a 42 U.S.C. § 1983 prisoner medical-care action. The court rejected plaintiff’s arguments concerning deliberate indifference, personal involvement, and qualified immunity, finding that the evidence did not establish a constitutional violation. The court directed the Clerk to enter judgment for defendants and close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 15, 2025
DOCKET	No. 1:20-cv-00276-KES-HBK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's findings and recommendations granting defendants' motion for summary judgment. After de novo review, the district court adopted the findings and recommendations, granted summary judgment to defendants, directed entry of judgment, and closed the case.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	unpublished
PARTIES	Kelly Beau Davis v. Khuong Phui, G. Ugwueze

TOPICS

- summary judgment
- section 1983
- qualified immunity
- prisoners rights
- health law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Davis presented sufficient evidence to create a genuine dispute of material fact that Phui acted with deliberate indifference to Davis's serious medical condition.
2. Whether Davis presented sufficient evidence of Ugwueze's personal involvement in the alleged constitutional violation.
3. Whether defendants were entitled to qualified immunity because the alleged failure to diagnose endocarditis sooner did not violate a clearly established constitutional right.

HOLDINGS

1. Davis failed to establish a genuine dispute of material fact that Phui acted with deliberate indifference. The evidence did not show that a reasonable physician would have diagnosed or suspected endocarditis before January 30, 2019, and Phui provided ongoing medical care and followed specialist recommendations.
2. Davis failed to raise sufficient evidence that Ugwueze was personally involved in Davis's medical care; speculation that Ugwueze may have observed deficient care was insufficient to create a triable issue of fact.
3. Defendants were entitled to qualified immunity because Davis did not show that the alleged failure to diagnose endocarditis sooner violated a clearly established constitutional right under the circumstances presented.

KEY QUOTATIONS

“fail[ed] to establish that he presented sufficient Duke Criteria that any reasonable physician would have diagnosed or suspected endocarditis prior to January 30, 2019.” (at 2)

“Phui ordered every test, prescription, and referral that was recommended by specialists and Adventist Bakersfield Hospital physicians” (at 2)

“the mere existence of a scintilla of evidence in support of the plaintiff’s position will be insufficient” (at 3)

“In sum, McDonald does not support plaintiff’s argument and would not place defendants on notice that failing to diagnose plaintiff’s condition sooner was unconstitutional, where even a specialist failed to diagnose endocarditis, and where adequate medical care was continually provided.” (at 4)

FACTUAL BACKGROUND

Davis alleged that defendants were deliberately indifferent to his endocarditis by failing to diagnose the condition sooner, including after a December 6, 2018 x-ray showed an enlarged heart. The record reflected that Phui ordered the tests, prescriptions, and referrals recommended by specialists and hospital physicians and referred Davis to an outside hospital on an emergency basis once clear symptoms appeared. The record also showed that Ugwueze was not directly involved in Davis's medical care and that, once endocarditis was diagnosed, Davis was immediately transferred for life-saving heart surgery.

PROCEDURAL HISTORY

Davis brought a prisoner civil-rights action under 42 U.S.C. § 1983 against Phui and Ugwueze, alleging deliberate indifference to a serious medical condition. The assigned magistrate judge recommended granting defendants' motion for summary judgment based on the absence of a genuine dispute regarding deliberate indifference and on qualified immunity. Davis timely objected, but the district court found the recommendations supported by the record, adopted them in full, granted summary judgment, and directed the clerk to enter judgment for defendants.

DISPOSITION

other

CASES CITED

- Fraher v. Mitchell, 667 F. App'x 628, 630 (9th Cir. 2016)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252 (1986)
- McDonald v. Macabuhay, No. CV 07-1022-PHX-GMS (MHB), 2009 U.S. Dist. LEXIS 73851 (D. Ariz. Aug. 10, 2009)