

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Grzeslo v. Phillips

Grzeslo · No. 1:24-cv-0615 JLT SAB (PC) · Decided February 26, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and dismissed James Grzeslo’s second amended complaint without leave to amend. The court held that the complaint did not allege sufficient facts to establish deliberate indifference to serious medical needs and noted that Plaintiff had no private right of action under California law for the alleged unauthorized practice of medicine. The court directed the Clerk of Court to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 26, 2025
DOCKET	1:24-cv-0615 JLT SAB (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations de novo after plaintiff objected to the recommendation that his second amended prisoner civil-rights complaint be dismissed at screening for failure to state a cognizable claim.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1); pleading sufficiency at screening is evaluated under the standards applicable to Rule 12(b)(6).
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.
PARTIES	James Grzeslo v. Bryan D. Phillips, Idalberto Zaldivar-Galves

TOPICS

- prisoners rights
- section 1983
- motions to dismiss
- civil procedure
- health law

PRACTICE AREAS

prisoner civil rights

constitutional torts

medical care litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether the second amended complaint alleged sufficient facts to state a cognizable deliberate-indifference claim concerning medical care.
2. Whether the plaintiff's California-law claim concerning the alleged unauthorized practice of medicine was legally viable.
3. Whether further leave to amend should be granted.

HOLDINGS

1. The complaint failed to state a cognizable deliberate-indifference claim because it alleged unsupported conclusions and disagreement with treatment, but did not allege facts showing that the defendant acted with deliberate indifference to plaintiff's medical needs.
2. At the screening stage, the court determines whether the plaintiff stated a claim based on the allegations of the complaint, applying the standards of Rule 12(b)(6).
3. Further leave to amend was denied because amendment would be futile after plaintiff had already received specific instructions and failed to provide facts curing the deficiencies.
4. The court adopted the finding that plaintiff had no private right of action under California law for the alleged unauthorized practice of medicine.

KEY QUOTATIONS

“despite previous advisement and amendment, Plaintiff continues to present unsupported conclusory assertions of denial of medical treatment and/or assistance.” (at 1)

“The allegations merely suggest that Plaintiff disagrees with the medication and treatment being provided or not provided,” (at 1)

“the Court concludes the Findings and Recommendations are supported by the record and by proper analysis.” (at 2)

FACTUAL BACKGROUND

Grzeslo, an incarcerated person housed at the Substance Abuse Treatment Facility and State Prison, alleged that Dr. Idalberto Zaldivar-Galves was deliberately indifferent to his serious medical needs. He described numerous medical conditions and asserted that he disagreed with medication, treatment, recommendations, or lack of treatment. He also sought to assert a California-law claim based on the alleged unauthorized practice of medicine.

PROCEDURAL HISTORY

James Grzeslo filed a second amended complaint alleging deliberate indifference to serious medical needs and an unauthorized-practice-of-medicine claim. The magistrate judge screened the complaint under 28 U.S.C. § 1915A(a), found the allegations insufficient, concluded further amendment would be futile, and recommended dismissal. After Grzeslo objected, the district court conducted de novo review, adopted the findings and recommendations, dismissed the complaint without leave to amend, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- *Toguchi v. Chung*, 391 F.3d 1051, 1057 (9th Cir. 2004)
- *Estelle v. Gamble*, 429 U.S. 97, 107 (1977)
- *Wilhelm v. Rotman*, 680 F.3d 1113, 1121 (9th Cir. 2012)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)

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