

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Edward Roy Welch v. Jeff Macomber, et al.

Welch v. Macomber · No. 2:25-cv-0735 WBS CSK P · Decided September 23, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Edward Roy Welch leave to proceed in forma pauperis and assesses the statutory filing fee. The court finds potentially cognizable Eighth Amendment claims against Christensen, Lieutenant Clay, and Sergeant Beckham, while dismissing claims against other defendants with leave to amend. The order gives Welch thirty days either to proceed on the specified claims or file an amended complaint, and includes a notice of election.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 23, 2025
DOCKET	2:25-cv-0735 WBS CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Screening order in a prisoner civil-rights action under 42 U.S.C. § 1983, addressing in forma pauperis status and whether the complaint stated cognizable claims under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	The court screened the prisoner complaint under 28 U.S.C. § 1915A, accepting well-pleaded allegations as true and construing the pro se pleading liberally. Claims were assessed for frivolousness, failure to state a claim, and immunity from monetary relief.
PRECEDENTIAL VALUE	Unknown; district court screening order with no reporter citation.
PARTIES	Edward Roy Welch v. Jeff Macomber, Christensen, Lt. Clay, Sgt. Beckham, Perez, Miss Miranda, Sgt. Prather, C/O Kerschener

TOPICS

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

PRACTICE AREAS

prisoner civil rights

constitutional law

federal civil procedure

QUESTIONS PRESENTED

1. Whether Welch's request to proceed in forma pauperis satisfied the requirements of 28 U.S.C. § 1915(a).
2. Whether the complaint stated potentially cognizable Eighth Amendment claims against Christensen for failure to protect and conditions of confinement and against Lt. Clay and Sgt. Beckham for conditions of confinement.
3. Whether the complaint stated cognizable claims against the remaining named defendants when it lacked specific allegations tying those defendants to the alleged constitutional deprivations.
4. What opportunity to amend or proceed should be provided after screening a pro se prisoner's complaint.

HOLDINGS

1. Welch satisfied the showing required to proceed in forma pauperis, so the court granted his request subject to payment of the statutory filing fee and an initial partial filing fee.
2. The complaint stated potentially cognizable Eighth Amendment claims against Christensen for failure to protect and conditions of confinement and against Lt. Clay and Sgt. Beckham for conditions of confinement.
3. The complaint failed to state cognizable claims against the remaining defendants because it did not connect them to specific conduct causing the alleged constitutional violations.
4. Before dismissing the deficient claims, the court was required to construe the pro se pleading liberally, identify its deficiencies, and provide an opportunity to amend.

KEY QUOTATIONS

"The court must dismiss a complaint or portion thereof if the prisoner raised claims that are legally 'frivolous or malicious,' that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief." (1)

"To state a claim under § 1983, a plaintiff must demonstrate: (1) the violation of a federal constitutional or statutory right; and (2) that the violation was committed by a person acting under the color of state law." (2)

"Plaintiff may proceed forthwith to serve defendants Christensen, Lt. Clay and Sgt. Beckham, and pursue plaintiff's potentially cognizable Eighth Amendment claims against only those defendants, or he may delay serving any defendant and attempt to state cognizable claims against defendants Perez, Jeff Macomber, 'Miss Miranda,' Sgt. Prather, and C/O Kerschener." (3)

FACTUAL BACKGROUND

Welch alleged that he experienced undocumented in-cell violence and that inmate Raymond Stipp repeatedly threatened to kill him. After Welch alerted Christensen and identified an available cell, Stipp allegedly struck Welch's left arm with a metal cane when Welch returned to the cell. Welch further alleged that he was held

overnight for approximately sixteen hours in a holding cage instead of being moved to the available cell, causing continued harassment and worsening degenerative disc disease.

PROCEDURAL HISTORY

Welch, a state prisoner proceeding pro se, filed a § 1983 complaint and moved to proceed in forma pauperis. The matter was referred under Eastern District of California Local Rule 302 and 28 U.S.C. § 636(b)(1). The court granted in forma pauperis status, found potentially cognizable Eighth Amendment claims against Christensen, Lt. Clay, and Sgt. Beckham, dismissed claims against the remaining named defendants with leave to amend, and gave Welch thirty days either to proceed on the cognizable claims or file an amended complaint.

DISPOSITION

other

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Franklin v. Murphy, 745 F.2d 1221, 1227-28 (9th Cir. 1984)
- Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989)
- Lopez v. Smith, 203 F.3d 1122, 1130-31 (9th Cir. 2000)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Davis v. Scherer, 468 U.S. 183 (1984)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Jones v. Williams, 297 F.3d 930, 934 (9th Cir. 2002)
- Hansen v. Black, 885 F.2d 642, 646 (9th Cir. 1989)
- Johnson v. Duffy, 588 F.2d 740, 743-44 (9th Cir. 1978)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Ramirez v. County of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015)