

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Israel Rios v. Nandakumar Ravi and Joseph Dragon

Rios v. Ravi · No. 1:19-cv-01009-KES-HBK (PC); member case 2:20-cv-00146-ADA-HBK · Decided
September 15, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations concerning plaintiff Israel Rios’s claims under 42 U.S.C. § 1983 against defendant Nandakumar Ravi. The court held that Rios plausibly alleged an Eighth Amendment deliberate-indifference claim, denied Ravi’s motion for summary judgment, and denied in part his motion to dismiss. The court dismissed Rios’s medical-negligence claim against Ravi as time-barred and referred the matter for further proceedings.

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	1:19-cv-01009-KES-HBK (PC); member case 2:20-cv-00146-ADA-HBK
DISPOSITION	other
PROCEDURAL POSTURE	Order adopting a magistrate judge's findings and recommendations after de novo review of the parties' objections to recommendations concerning a motion to dismiss and a limited motion for summary judgment in a prisoner civil-rights action under 42 U.S.C. § 1983.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge's findings and recommendations.
PRECEDENTIAL VALUE	Unknown; district court order adopting findings and recommendations, with no published reporter citation in the source.
PARTIES	Israel Rios v. Nandakumar Ravi, Joseph Dragon

TOPICS

- section 1983
- prisoners rights
- cruel and unusual punishment
- motions to dismiss
- summary judgment

PRACTICE AREAS

Civil rights

Prisoner litigation

Constitutional law

Federal civil procedure

QUESTIONS PRESENTED

1. Whether Rios plausibly alleged that Ravi was deliberately indifferent to a serious medical need in violation of the Eighth Amendment.
2. Whether Ravi's failure to prescribe antibiotics constituted no more than a disagreement in medical opinion or medical negligence at the pleading stage.
3. Whether Ravi's alleged lack of knowledge that Rios had not received antibiotics defeated the deliberate-indifference claim.
4. Whether Rios's state-law medical-negligence claim against Ravi was barred by the statute of limitations.
5. Whether the negligence claim could be reinstated under Federal Rule of Civil Procedure 54(b) or relate back under Rule 15(c).
6. Whether summary judgment was appropriate on the disputed issue of whether Ravi acted under color of state law.
7. Whether punitive damages could be pursued on the plausibly pleaded deliberate-indifference claim.

HOLDINGS

1. Rios plausibly alleged both the objective and subjective components of an Eighth Amendment deliberate-indifference claim by alleging that Ravi knew of an active H. pylori infection and severe abdominal pain but failed to address the infection, make pertinent inquiries, or prescribe antibiotics.
2. At the pleading stage, the alleged failure to treat a known and active infection was not established as medically acceptable merely because Ravi recommended diagnostic scanning or provided some treatment; the allegations stated more than a simple disagreement of medical opinion.
3. Ravi's alleged lack of knowledge that Rios had not received antibiotics did not defeat the claim because Rios plausibly alleged that Ravi knew of the active infection and severe pain and failed to address the resulting risk.
4. The medical-negligence claim against Ravi was barred by the statute of limitations.
5. Rios could not reinstate the negligence claim under Rule 54(b) and failed to satisfy Rule 15(c)(1)(C)'s mistake-concerning-identity requirement for relation back.
6. Summary judgment for either party on whether Ravi acted under color of state law was inappropriate because the evidence presented a close question involving disputed facts.
7. The argument that punitive damages could not be awarded on Rios's deliberate-indifference claim was unpersuasive because the TAC plausibly alleged reckless or callous indifference to a constitutional right.

KEY QUOTATIONS

"The Court agrees with the magistrate judge that the allegations in the TAC, taken as true, support a finding that Ravi's actions were "medically unacceptable under the circumstances" and were chosen "in conscious

disregard of an excessive risk” to Rios’ health.” (at 4)

“The provision of some medical treatment . . . does not immunize officials from the Eighth Amendment’s requirements.” (at 5)

“Neither the Supreme Court nor [the Ninth Circuit] has ever required a plaintiff [asserting a deliberate indifference claim] to show a sinister prison official with improper motives.” (at 5)

“Rios fails to establish “a mistake concerning the proper party’s identity,” or that Ravi should have known that the action would have been brought him but for such a mistake, as required by Rule 15(c)(1)(C)(ii).” (at 6)

FACTUAL BACKGROUND

Rios alleged that he had an active, diagnosed *Helicobacter pylori* infection, severe abdominal pain, and related gastric risks. He alleged that defendant Ravi knew of the infection and pain but failed to make pertinent inquiries, failed to include treatment for the active infection, and failed to prescribe antibiotics, instead recommending diagnostic scanning of Rios's gallbladder. Rios alleged that his pain abated only after later antibiotic treatment and that the untreated infection may have exacerbated other gastric problems.

PROCEDURAL HISTORY

Rios, a state prisoner represented by counsel, proceeded on a third amended complaint asserting constitutional and negligence claims. The magistrate judge recommended granting in part Ravi's motion to dismiss, denying Ravi's limited motion for summary judgment on whether he acted under color of state law, and dismissing Rios's negligence claim as time-barred. After both parties objected, the district court conducted de novo review, adopted the findings and recommendations in full, denied summary judgment, granted the motion to dismiss as to Count 3, denied it as to Counts 1 and 2, and referred the matter back to the magistrate judge.

DISPOSITION

other

REMAND INSTRUCTIONS

The matter was referred back to the magistrate judge for further proceedings.

CASES CITED

- *Porretti v. Dzurenda*, 11 F.4th 1037, 1047 (9th Cir. 2021)
- *Edmo v. Corizon, Inc.*, 935 F.3d 757, 793 (9th Cir. 2019)
- *Lopez v. Smith*, 203 F.3d 1122, 1132 (9th Cir. 2000)
- *Colwell v. Bannister*, 763 F.3d 1060, 1068 (9th Cir. 2014)
- *Albino v. Baca*, 747 F.3d 1162, 1166 (9th Cir. 2014)
- *Jackson v. Fong*, 870 F.3d 928, 933 (9th Cir. 2017)
- *Dang v. Cross*, 422 F.3d 800, 807 (9th Cir. 2005)

OPINION

Spearman

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 ISRAEL RIOS, Lead Case No. 1:19-cv-01009-KES-HBK (PC) 12 Plaintiff, Member Case
No. 2:20-cv-00146-ADA-HBK 13 v.

ORDER ADOPTING FINDINGS AND

14 NANDAKUMAR RAVI and JOSEPH RECOMMENDATIONS

DRAGON,

15 Docs. 47, 61, 66

Defendants. 16 17 Plaintiff Israel Rios is a state prisoner represented by counsel and proceeds on his third 18 amended complaint (“TAC”) filed pursuant to 42 U.S.C. § 1983. Doc. 36. The matter was 19 referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 20 302. 21 On June 14, 2024, the assigned magistrate judge issued findings and recommendations to 22 grant in part defendant Ravi’s motion to dismiss and deny Ravi’s limited motion for summary 23 judgment.¹ Doc. 66. The parties were notified that any objections to the findings and 24 recommendations were due within 14 days after service. *Id.* at 30. Ravi and Rios each filed 25 objections and responses to the other party’s objections. Docs. 67, 68, 69, 70. 26 1 “Finding that whether Defendant Ravi is a state actor potentially dispositive of the case, the 27 Court converted the MTD into a limited motion for summary judgment on the state actor issue only, reserving its ruling on the other aspects of the MTD, and ordered the parties to submit 28 additional briefing related to the state actor issue.” Doc. 66 at 2. 1 In his objections, defendant Ravi contends that the findings and recommendations are 2 erroneous to the extent they recommend denying his motion to dismiss the Eighth Amendment 3 deliberate indifference claim asserted against him in the TAC. Specifically, Ravi contends that 4 the allegation that he failed to prescribe antibiotics to Rios reflects a difference of medical 5 opinion, which at most supports a claim for medical negligence, not one under the Eighth 6 Amendment for deliberate indifference.² Doc. 67 at 8. Ravi disputes the magistrate judge’s 7 finding that his proposed course of treatment—i.e., a diagnostic scan of Rios’ gallbladder—may 8 have been medically unacceptable under the circumstances and contends that Rios alleges no 9 facts to support such a conclusion. *Id.* at 9; see also Doc. 66 at 24–25. Ravi also argues that his 10 failure to take a more extensive medical history from Rios is insufficient to support an Eighth 11 Amendment deliberate indifference claim. Doc. 67 at 9–10. Finally, Ravi argues that he could 12 not be deliberately indifferent to Rios’ serious medical needs because he was unaware that Rios 13 had not received antibiotics for his condition.³ *Id.* at 11–13. 14 In response, Rios argues the magistrate judge correctly found a cognizable Eighth 15 Amendment claim against Ravi. Doc. 70. He asserts that the TAC contains

facts sufficient to satisfy both the objective and subjective prongs of an Eighth Amendment deliberate indifference claim. *Id.* at 1–2. Rios asserts that the cases cited by Ravi for the proposition that a failure to prescribe antibiotics amounts at best to medical negligence, are distinguishable. *Id.* at 2–3. And Rios suffered from an active and diagnosed *Helicobacter pylori* infection. Doc. 36 at ¶ 21. He alleges that “*H. Pylori* is a stomach bacteria that can cause gastritis (stomach inflammation), peptic ulcers, duodenitis (small intestine inflammation), and bleeding peptic ulcers” and that “[a]n untreated *H. Pylori* infection puts a patient at elevated risk for gastric cancers.” *Id.* at ¶ 22. In his objections, Ravi briefly notes that Rios’ deliberate indifference claim fails for failure to plead exhaustion of administrative remedies. Doc. 67 at 4 n.1. As that argument was not raised in the motion to dismiss or in the limited motion for summary judgment, it is not properly fit for consideration here. “In the rare event that a failure to exhaust is clear on the face of the complaint, a defendant may move for dismissal under Rule 12(b)(6). Otherwise, defendants must produce evidence proving failure to exhaust in order to carry their burden.” *Albino v. Baca*, 747 F.3d 1162, 1166 (9th Cir. 2014); *Jackson v. Fong*, 870 F.3d 928, 933 (9th Cir. 2017) (“In most circumstances, the appropriate procedural mechanism is a motion for summary judgment under Federal Rule of Civil Procedure 56, with the defendant attaching the evidence necessary to demonstrate a failure to exhaust.”).¹ he cites to other cases for the contention that a failure to prescribe medication can constitute deliberate indifference to serious medical needs. *Id.* at 2. Rios’ objections address entirely different aspects of the findings and recommendations.

4 Doc. 68. First, Rios contends that his negligence claim against Ravi—which the magistrate judge

5 found was time-barred—should be reinstated under Federal Rule of Civil Procedure 54(b). *Id.* at 6 2–3. Alternatively, Rios argues that his negligence claim meets the requirements for relation back under Rule 15(c). *Id.* at 3–5. According to Rios, certain representations made by Ravi in a motion to strike a prior complaint demonstrate that “Ravi clearly received such notice of the action that he will not be prejudiced in defending it, and knew or should have known that the action would have continued to be maintained against him but for [Rios’] mistake in naming” a different defendant. *Id.* at 4. Rios maintains that the magistrate judge incorrectly inferred that his decision to omit Ravi from the second amended complaint was strategic and that the “more reasonable inference to draw is that Mr. Rios misunderstood the requirements of pleading both in a civil rights action and a medical negligence action that the treating physician, not the referring physician, should be named.” *Id.* at 5. Finally, Rios argues that the magistrate judge was incorrect in merely finding a genuine dispute of material fact as to whether Ravi was acting under color of state law and that the Court should sua sponte grant summary judgment to Rios on this issue. *Id.* at 5–7. In response, Ravi argues that the magistrate judge was correct in (1) finding that the statute of limitations barred Rios’ negligence claim and (2) declining to sua sponte grant summary judgment in Rios’ favor on the color of state law issue. Doc. 69. Ravi also

contends 21 that the negligence claim cannot be reinstated as the statute of limitations has run. *Id.* at 6–7. 22 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de 23 novo review of this case. Having carefully reviewed the file, the Court finds the findings and 24 recommendations to be supported by the record and by proper analysis. 25 The parties’ objections are not persuasive and do not undermine the findings and 26 recommendations. In recommending that Ravi’s motion to dismiss be denied in part, the 27 magistrate judge correctly concluded that the TAC alleges a cognizable Eighth Amendment 28 deliberate indifference claim against Ravi. Rios plausibly alleged that Ravi was aware of his 1 serious medical condition but failed to include treatment for the active infection, failed to make 2 pertinent inquiries as to the infection, and failed to prescribe antibiotics despite knowing that Rios 3 was suffering from abdominal pain. The Court agrees with the magistrate judge that the 4 allegations in the TAC, taken as true, support a finding that Ravi’s actions were “medically 5 unacceptable under the circumstances” and were chosen “in conscious disregard of an excessive 6 risk” to Rios’ health. *Porretti v. Dzurenda*, 11 F.4th 1037, 1047 (9th Cir. 2021); *Doc.* 66 at 24– 7 25. 8 Ravi does not dispute that he did not address the active infection. Ravi’s recommendation 9 for diagnostic scanning of Rios’ gallbladder does not change this fact or undermine the 10 allegations that Rios experienced severe abdominal pain which abated only through subsequent 11 antibiotic treatment months later, and that his stomach infection may have exacerbated other 12 existing gastric problems. “The provision of some medical treatment . . . does not immunize 13 officials from the Eighth Amendment’s requirements.” *Edmo v. Corizon, Inc.*, 935 F.3d 757, 793 14 (9th Cir. 2019) (citing *Lopez v. Smith*, 203 F.3d 1122, 1132 (9th Cir. 2000)). Although a mere 15 disagreement of medical opinion is insufficient to establish a claim for deliberate indifference, the 16 cases Ravi cites in his objections do not establish that the failure to treat a known and active 17 infection is medically acceptable under circumstances akin to those present here. *Cf. Colwell v. 18 Bannister*, 763 F.3d 1060, 1068 (9th Cir. 2014) (recognizing that “as long as the [condition] 19 remains untreated, [the prisoner] continues to suffer . . . , which is harm in and of itself, along 20 with all of the other harms and dangers that flow from that” untreated condition). 21 Similarly, Ravi’s argument that he was unaware that Rios had not received antibiotics is 22 also unavailing in light of what he did know: that Rios had an active *H. Pylori* infection and was 23 experiencing severe pain. “Neither the Supreme Court nor [the Ninth Circuit] has ever required a 24 plaintiff [asserting a deliberate indifference claim] to show a sinister prison official with improper 25 motives.” *Edmo v. Corizon, Inc.*, 935 F.3d 757, 793 (9th Cir. 2019) (internal quotation marks and 26 brackets omitted). Plaintiff plausibly alleges at this stage that Ravi knew of and showed 27 deliberate indifference to an excessive risk to Rios’ health by failing to address the known 28 1 infection.⁴ 2 As to Rios’ objections that his negligence claim against Ravi should be reinstated or found 3 to relate back, the findings and recommendations appropriately found that the statute of 4 limitations had run on the negligence claim and that Rios failed to satisfy the elements for relation 5 back under Rule 15. Rios cites no binding authority to support his argument that a time-barred 6 claim

against a defendant can be reinstated, as relating back to an earlier-filed complaint, after the plaintiff has voluntarily omitted that defendant from an amended complaint. Rios sought leave to bring a second amended complaint to pursue allegations against his primary care physician only, noting correctly that Ravi was not that individual. See Doc. 23. Ravi arguably had notice of the action, satisfying the requirement of Rule 15(c)(1)(C)(i). However, Rios fails to establish “a mistake concerning the proper party’s identity,” or that Ravi should have known that the action would have been brought him but for such a mistake, as required by Rule 15(c)(1)(C)(ii). Additionally, Rios’s reliance on Rule 54(b)—which provides for the revision of adjudicative orders and decisions before the entry of final judgment—is not persuasive in this context. See Fed. R. Civ. P. 54(b). The Court did not previously grant a motion to dismiss Ravi from this case; Rios voluntarily chose not to pursue a claim against him in his second amended complaint. The findings and recommendations also correctly rejected Rios’ argument on the color of state law issue. Given that the evidence shows that Ravi’s status as a state actor is a close question and involves disputed facts, the Court agrees with the magistrate judge that summary judgment for either party on this issue would be inappropriate. In his motion to dismiss, Ravi briefly argued that punitive damages cannot be awarded for Rios’ deliberate indifference claim. Doc 47-1 at 27. The findings and recommendations did not specifically address this point; however, Ravi implicitly recognizes that “‘reckless or callous indifference’ to [a] plaintiff’s constitutional right to be free from cruel and unusual punishment” can support a punitive damages award in a 42 U.S.C. § 1983 action. *Id.* (quoting *Dang v. Cross*, 422 F.3d 800, 807 (9th Cir. 2005)). As Rios has plausibly alleged a deliberate indifference claim, Ravi’s argument that punitive damages may not be awarded under a reckless indifference standard is unpersuasive. To this extent, that portion of the motion to dismiss is denied. Accordingly: 1. The findings and recommendations issued on June 14, 2024, Doc. 66, are adopted in full; 2. Defendant Ravi’s motion for summary judgment, Doc. 61, is denied; 3. Defendant Ravi’s motion to dismiss, Doc. 47, is granted as to Count 3 of the TAC, the claim for medical negligence against Defendant Ravi, and denied as to Counts 1 and 2 of the TAC; and 4. The matter is referred back to the magistrate judge for further proceedings.

11 | TPIS SO ORDERED. _

12 Dated: _ September 14, 2025 4h

3 UNITED STATES DISTRICT JUDGE

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