

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kern v. Edar

No. 2:24-cv-2104 DC CSK P (E.D. Cal. Apr. 9, 2025) · No. 2:24-cv-2104 DC CSK P · Decided April 10, 2025

SUMMARY

The Eastern District of California grants James Curtis Kern leave to proceed in forma pauperis but assesses the statutory filing fee. The court dismisses his § 1983 complaint alleging inadequate medical care and forceful range-of-motion examinations by jail medical staff, finding the allegations insufficient to state a Fourteenth Amendment claim. The dismissal is with leave to amend within thirty days, and the requested injunctive relief is deemed moot because Kern was transferred to state custody.

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	April 10, 2025
DOCKET	2:24-cv-2104 DC CSK P
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se filed a 42 U.S.C. § 1983 action concerning medical care received while he was a pretrial detainee and sought leave to proceed in forma pauperis. The court screened the complaint under 28 U.S.C. § 1915A and dismissed it with leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner's complaint or claim that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The court accepts well-pleaded allegations as true and construes the complaint in the plaintiff's favor, while requiring factual allegations sufficient to provide fair notice and raise the claim above the speculative level.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	James Curtis Kern v. Dr. Corwin Edar, Dr. Fadaki, et al.

TOPICS

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section 1983

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the complaint stated a Fourteenth Amendment deliberate-indifference claim based on the defendants' medical treatment of a pretrial detainee.
2. Whether the allegations that the defendants misdiagnosed the forearm mass, moved plaintiff's arm during examination, failed to order a biopsy, and provided allegedly problematic medication stated more than medical malpractice or negligence.
3. Whether plaintiff's requests for unspecified injunctive and declaratory relief were moot after his transfer from the county jail to state custody.
4. Whether the complaint satisfied Federal Rule of Civil Procedure 8(a)(2) and sufficiently alleged each defendant's personal involvement.

HOLDINGS

1. Because plaintiff was a pretrial detainee when the alleged conduct occurred, his medical-care claim arises under the Fourteenth Amendment and is evaluated under the objective deliberate-indifference standard.
2. The allegations concerning the alleged misdiagnosis, range-of-motion testing, failure to obtain a biopsy, and blood-pressure medication did not state a cognizable Fourteenth Amendment deliberate-indifference claim on the facts pleaded.
3. Plaintiff's requests for unspecified injunctive relief against the county-jail defendants were moot because he had been transferred to state custody and alleged no reasonable expectation of returning to the county jail.
4. The complaint was dismissed with leave to amend because it failed to provide a short and plain statement, did not adequately identify the constitutional deprivation or each defendant's involvement, and might be cured by amendment.

KEY QUOTATIONS

"Mere negligence and a simple lack of due care do not violate the Fourteenth Amendment." (at 3)

"Because plaintiff failed to comply with the requirements of Fed. R. Civ. P. 8(a)(2), the complaint must be dismissed. The Court will, however, grant leave to file an amended complaint." (at 4)

FACTUAL BACKGROUND

While housed as a pretrial detainee in the Sacramento County Jail, Kern complained to Dr. Edar and Dr. Fadaki about severe left-arm pain, restricted range of motion, and a forearm mass that medical staff believed was a

lipoma. Kern alleged that each doctor forcefully moved his arm beyond the painful range of motion and that the doctors failed to obtain a biopsy or otherwise provide what he believed was appropriate treatment. He also alleged that Dr. Fadaki gave him an allegedly intolerable blood-pressure medication and told him to take it or refuse it.

PROCEDURAL HISTORY

Plaintiff submitted a complaint naming Dr. Corwin Edar and Dr. Fadaki and requested in forma pauperis status. The court granted in forma pauperis status, assessed the statutory filing fee and initial partial fee, screened the complaint, found that it failed to state a cognizable constitutional claim and did not comply with Federal Rule of Civil Procedure 8(a)(2), and dismissed it with thirty days to amend.

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 (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)
- Bell v. Wolfish, 441 U.S. 520, 535 n.16 (1979)
- Est. of Nelson v. Chelan Cnty., 2024 WL 1705923, at *9 (E.D. Wash. Apr. 19, 2024)
- Russell v. Lumitap, 31 F.4th 729, 738 (9th Cir. 2022)
- Gordon v. Cnty. of Orange, 888 F.3d 1118, 1120, 1124-25 (9th Cir. 2018)
- Castro v. Cnty. of Los Angeles, 833 F.3d 1060, 1071 (9th Cir. 2016)
- Stine v. Von Blankensee, 2024 WL 1406428, at *1 (9th Cir. Apr. 2, 2024)
- Andrews v. Cervantes, 493 F.3d 1047, 1053 n.5 (9th Cir. 2007)
- Johnson v. Moore, 948 F.2d 517, 519 (9th Cir. 1991) (per curiam)
- Greer v. KCSO Administration, 2021 WL 3857677, at *1 (E.D. Cal. Aug. 30, 2021), recommendation adopted, 2021 WL 4502818 (E.D. Cal. Oct. 1, 2021)
- Jones v. Cmty. Redev. Agency, 733 F.2d 646, 649 (9th Cir. 1984)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Rizzo v. Goode, 423 U.S. 362, 371 (1976)
- May v. Enomoto, 633 F.2d 164, 167 (9th Cir. 1980)

- Ivey v. Bd. of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Ramirez v. Cnty. of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015)

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