

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Arvind Vyas Gopal v. Johnson, et al.

Gopal v. Johnson · No. 2:25-cv-1372-DAD-CKD · Decided October 10, 2025

SUMMARY

The United States District Court for the Eastern District of California grants the plaintiff's motion to proceed in forma pauperis. The court dismisses the prisoner’s 42 U.S.C. § 1983 complaint for failing to state an Eighth Amendment failure-to-protect claim against Officer Johnson. The dismissal is with leave to amend within 30 days.

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	October 10, 2025
DOCKET	2:25-cv-1372-DAD-CKD
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner proceeding pro se under 42 U.S.C. § 1983 filed a complaint and moved to proceed in forma pauperis. The court screened the complaint under 28 U.S.C. § 1915A, granted in forma pauperis status, dismissed the complaint for failure to state a claim, and granted leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner's complaint that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. For an Eighth Amendment failure-to-protect claim, the allegations must show an objectively sufficiently serious risk and deliberate indifference by the prison official.
PRECEDENTIAL VALUE	Unpublished district-court order; limited persuasive value and not binding precedent outside the case.

TOPICS

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

PRACTICE AREAS

civil rights

prisoner litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether the complaint stated an Eighth Amendment failure-to-protect claim against Officer Johnson.
2. Whether the complaint should be dismissed under the prisoner-screening requirements of 28 U.S.C. § 1915A.
3. Whether plaintiff should be granted leave to amend.

HOLDINGS

1. The complaint failed to state an Eighth Amendment failure-to-protect claim because its vague allegations did not show that Officer Johnson was deliberately indifferent to a substantial risk of serious harm.
2. Plaintiff was granted leave to amend the complaint within thirty days, subject to the requirement that the amended complaint be complete, comply with applicable rules, and concern the same case rather than new unrelated claims.

KEY QUOTATIONS

“The allegations are too vague and insufficient to state a “failure-to-protect” Eighth Amendment violation claim.” (1)

“In order to be liable under the Eighth Amendment, a prison official must have known of and disregarded a substantial risk of serious harm to the plaintiff.” (2)

“Plaintiff is granted thirty days from the date of service of this order to file an amended complaint that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules of Practice.” (3)

FACTUAL BACKGROUND

Plaintiff was incarcerated at Folsom State Prison and alleged that his cellmate assaulted him on March 8, 2024. Before the assault, plaintiff told Officer Johnson on several occasions that he was not compatible with his cellmate and requested help. The court found the allegations too vague to show that Johnson knew of and disregarded a substantial risk of serious harm.

PROCEDURAL HISTORY

Plaintiff filed a prisoner civil-rights complaint alleging that Officer Johnson failed to prevent a cellmate assault. The matter was referred to the undersigned under Local Rule 302 and 28 U.S.C. § 636(b)(1). The court granted plaintiff's motion to proceed in forma pauperis, found the complaint insufficient under the prisoner-screening statute, dismissed it with leave to amend, and allowed thirty days to file an amended complaint.

DISPOSITION

dismissed

CASES CITED

- Farmer v. Brennan, 511 U.S. 825, 834 (1994)
- Hearn v. Terhune, 413 F.3d 1036, 1040, 1042 (9th Cir. 2005)
- Berg v. Kincheloe, 794 F.2d 457, 459 (9th Cir. 1986)
- Williams v. Wood, 223 F. App'x 670, 671 (9th Cir. 2007)
- Weilburg v. Shapiro, 488 F.3d 1202, 1205 (9th Cir. 2007)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967)

OPINION

Arvind Vyas Gopal v. Johnson, et al.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 ARVIND VYAS GOPAL, 2:25-cv-1372-DAD-CKD P

12 Plaintiff, 13 v. ORDER 14 JOHNSON, et al., 15 Defendants. 16 17 18 Plaintiff Arvind Gopal, a
state prisoner, proceeds without counsel under 42 U.S.C. § 1983 19 and requests to proceed in
forma pauperis. This matter was referred to the undersigned by Local

20 Rule 302. See 28 U.S.C. § 636(b)(1). Plaintiff's complaint fails to state a claim and must be
21 dismissed. Plaintiff will have a chance to amend. 22 I. In Forma Pauperis 23 Plaintiff's
declaration in support of the motion to proceed in forma pauperis makes the 24 showing required
by 28 U.S.C. § 1915(a). The motion is granted. By separate order, plaintiff will 25 be assessed an
initial partial filing fee in accordance with the provisions of 28 U.S.C. § 26 1915(b)(1). The order
will direct the appropriate agency to collect the initial partial filing fee 27 from plaintiff's trust
account and forward it to the Clerk of the Court. Thereafter, plaintiff will be 28 obligated for
monthly payments of twenty percent of the preceding month's income credited to 1 plaintiff's
prison trust account. These payments will be forwarded by the appropriate agency to 2 the Clerk of
the Court each time the amount in plaintiff's account exceeds \$10.00 until the filing 3 fee is paid
in full. 28 U.S.C. § 1915(b)(2). 4 II. Screening Requirement 5 The court is required to screen
complaints brought by prisoners seeking relief against a 6 governmental entity or officer or
employee of a governmental entity. 28 U.S.C. § 1915A(a). The 7 court must dismiss a complaint
or portion thereof if the prisoner has raised claims that are legally 8 "frivolous or malicious," that
fail to state a claim upon which relief may be granted, or that seek 9 monetary relief from a

defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1), (2). 10 III. Allegations in the Complaint 11 Plaintiff alleges Officer Johnson failed to prevent an assault by his cell mate on March 8, 12 2024, at Folsom State Prison. (ECF No. 1 at 1, 3.) Plaintiff had informed C/O Johnson on several 13 occasions he was “not compatible” with his cellmate but C/O Johnson ignored plaintiff’s 14 “request” and “plea for help.” (Id. at 3.) 15 IV. Discussion 16 The allegations are too vague and insufficient to state a “failure-to-protect” Eighth 17 Amendment violation claim. To do so, plaintiff must allege facts showing that (1) a prison 18 official’s act or omission was objectively, sufficiently serious, and (2) the official was 19 deliberately indifferent to plaintiff’s health or safety. *Farmer v. Brennan*, 511 U.S. 825, 834 20 (1994); *Hearns v. Terhune*, 413 F.3d 1036, 1042 (9th Cir. 2005). Here, the facts alleged do not 21 show deliberate indifference. Instead, plaintiff’s allegations establish that C/O Johnson had no 22 “more than a mere suspicion that an attack will occur[.]” *Berg v. Kincheloe*, 794 F.2d 457, 459 23 (9th Cir. 1986). In order to be liable under the Eighth Amendment, a prison official must have 24 known of and disregarded a substantial risk of serious harm to the plaintiff. See *Farmer*, 511 U.S. 25 at 847; *Hearns*, 413 F.3d at 1040. “[S]peculative and generalized fears of harm at the hands of 26 other prisoners do not rise to a sufficiently substantial risk of serious harm to [an inmate’s] future 27 health.” *Williams v. Wood*, 223 F. App’x 670, 671 (9th Cir. 2007) (citation omitted). 28 //// 1 V. Leave to Amend 2 Plaintiff is granted leave to amend. See *Weilburg v. Shapiro*, 488 F.3d 1202, 1205 (9th 3 || Cir. 2007) (“Dismissal of a pro se complaint without leave to amend is proper only if it is 4 | absolutely clear that the deficiencies of the complaint could not be cured by amendment.”). This 5 || opportunity to amend is not for the purposes of adding new and unrelated claims. See *George v. 6 || Smith*, 507 F.3d 605, 607 (7th Cir. 2007). Local Rule 220 requires that an amended complaint be 7 || complete without reference to any prior pleading. See *Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 8 | 1967). In the alternative, if plaintiff does not wish to pursue this case further or cannot fix the 9 || problem identified in this order, then plaintiff may file a notice of voluntary dismissal. 10 VI. — Plain Language Summary for Pro Se Party 11 The following information is meant to explain this order in plain English. This summary 12 | is not intended as legal advice. 13 Your complaint is being dismissed because the facts you alleged do not state a failure to 14 | protect claim. If you choose to file an amended complaint, include more facts showing how each 15 || defendant knew of and disregarded a substantial risk of serious harm to your safety. 16 VU. Conclusion 17 In accordance with the above, IT IS ORDERED as follows: 18 1. Plaintiff’s motion to proceed in forma pauperis (ECF No. 7) is GRANTED. 19 2. Plaintiff’s complaint is dismissed with leave to amend. 20 3. Plaintiff is granted thirty days from the date of service of this order to file an amended 21 complaint that complies with the requirements of the Civil Rights Act, the Federal 22 Rules of Civil Procedure, and the Local Rules of Practice. The amended complaint 23 must bear the docket number assigned this case and must be labeled “Amended 24 Complaint.” Failure to file an amended complaint in accordance with this order will 25 result in a recommendation that

this action be dismissed. 26 | Dated: October 10, 2025 □□ I / dle ae 28 || 8, gopal372.scrn UNITED STATES MAGISTRATE JUDGE

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