

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Blanton v. Fajardo

Blanton v. Fajardo · No. 1:25-cv-01083-EPG (PC) · Decided October 16, 2025

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA
9 10 KENNETH WAYNE BLANTON, Case No. 1:25-cv-01083-EPG (PC) 11 Plaintiff, ORDER
DIRECTING CLERK OF COURT 12 v. TO REVISE DOCKET AND CASE CAPTION
REGARDING FORMER 13 HENRY D. FAJARDO, DEFENDANTS TYSON POGUE AND B.
MENDOZA 14 Defendant. ORDER ALLOWING CASE TO PROCEED 15 ON PLAINTIFF’S
CLAIM THAT DEFENDANT FAJARDO VIOLATED 16 PLAINTIFF’S FOURTEENTH
AMENDMENT RIGHT TO ADEQUATE 17 MEDICAL CARE 18 (ECF No. 8) 19 20 21
Plaintiff Kenneth Wayne Blanton is currently incarcerated at the Madera County Jail 22 and
proceeds pro se and in forma pauperis in this civil rights action filed under 42 U.S.C. 23 § 1983.

(ECF Nos. 1, 6, 8). As amended, his complaint alleges that his Fourteenth Amendment 24 right to
medical care was violated because a dentist, Henry D. Fajardo, broke his tooth during a 25 dental
appointment. 26 Upon review of the amended complaint, the Court will allow this case to proceed
on 27 Plaintiff’s claim that Defendant Fajardo violated Plaintiff’s Fourteenth Amendment right to
28 adequate medical care concerning the incident where Defendant broke Plaintiff’s tooth.

1 I. SCREENING REQUIREMENT 2 The Court is required to screen complaints brought by
prisoners seeking relief against a 3 governmental entity or officer or employee of a governmental
entity. 28 U.S.C. § 1915A(a). 4 The Court must dismiss a complaint, or a portion of it, if the
prisoner has raised claims that are 5 frivolous or malicious, that fail to state a claim upon which
relief may be granted, or that seek 6 monetary relief from a defendant who is immune from such
relief.

28 U.S.C. § 1915A(b)(1), 7 (2). 8 Additionally, as Plaintiff is proceeding in forma pauperis (ECF
No. 6), the Court may 9 screen the complaint under 28 U.S.C. § 1915. “Notwithstanding any filing
fee, or any portion 10 thereof, that may have been paid, the court shall dismiss the case at any time
if the court 11 determines that the action or appeal fails to state a claim upon which relief may be
granted.” 12 28 U.S.C. § 1915(e)(2)(B)(ii).

13 A complaint is required to contain “a short and plain statement of the claim showing 14 that the
pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are not 15
required, but “[t]hreadbare recitals of the elements of a cause of action, supported by mere 16

conclusory statements, do not suffice.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell 17 Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).

A plaintiff must set forth “sufficient 18 factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Id.* 19 (quoting *Twombly*, 550 U.S. at 570). The mere possibility of misconduct falls short of meeting 20 this plausibility standard. *Id.* at 679. While a plaintiff’s allegations are taken as true, courts 21 “are not required to indulge unwarranted inferences.” *Doe I v. Wal-Mart Stores, Inc.*, 572 F.3d 22 677, 681 (9th Cir.

2009) (citation and internal quotation marks omitted). Additionally, a 23 plaintiff’s legal conclusions are not accepted as true. *Iqbal*, 556 U.S. at 678. 24 Pleadings of pro se plaintiffs “must be held to less stringent standards than formal 25 pleadings drafted by lawyers.” *Hebbe v. Piler*, 627 F.3d 338, 342 (9th Cir. 2010) (holding that 26 pro se complaints should continue to be liberally construed after *Iqbal*).

27 28 1 II. SUMMARY OF PLAINTIFF’S AMENDED COMPLAINT1 2 The amended complaint names a single Defendant, Henry Fajardo, the Facilities Dentist 3 at the Madera County Jail.2 (ECF No. 8, p. 2). 4 Plaintiff brings a single claim alleging the denial of his “right to medical care.” (*Id.* at 5 3). 6 Dr. Henry Fajardo is the dentist at Madera County Jail.

On 7-18-25, I went to Dental for a temporary filling. While inspecting my tooth, Dr. Fajardo was using 7 a mirror attached to a solid metal object. Dr. Jardo wedged the mirror in between the tooth I was supposed to be getting filled & the molar behind it. I tried to 8 notify him to stop but he continued to apply unreasonably amounts of pressure 9 and torque, causing immense pain & ultimately breaking the molar behind the tooth I was there to get filled.

Dental and Medical has been aware of my need 10 for surgery & I have still not had the issue treated as of 10-3-25. I have suffered 11 serious harm including, but not limited to exposed nerves, extreme pain, mental & emotional distress, loss of sleep, physical discomfort, infection, sensitivity. I 12 am a pretrial detainee. I now require a root canal & surgery to fix Dr. Fajardo’s reckless disregard to my wellbeing.

X-rays were taken before the tooth was 13 broken showing it intact & an incident report was filed by an officer with a 14 picture showing the damages when I returned from dental. (*Id.* at 3-4). 15 As for relief, Plaintiff asks for monetary damages, including \$1 million from Defendant. 16 (*Id.* at 4). 17 III. ANALYSIS OF PLAINTIFF’S AMENDED COMPLAINT 18 Plaintiff alleges that he was denied the “right to medical care” and states that he is a 19 pretrial detainee.

Thus, for purposes of screening, the Court will assume that Plaintiff was a 20 pretrial detainee—as opposed to a convicted prisoner—at the time of the incident, as the legal 21 standards differ somewhat based on this distinction. See *Gordon v. Cnty. of Orange*, 888 F.3d 22 1118, 1125 n.4

(9th Cir. 2018) (noting difference between medical-care standards for pretrial detainees and convicted prisoners).

For readability, minor alterations to some of Plaintiff's quotations, like changing capitalization and punctuation, have been made without indicating each change. Because Plaintiff has omitted from his amended complaint the two former Defendants named in his initial complaint—Tyson Pogue and B. Mendoza—the Court will direct the Clerk of Court to terminate them from the docket and revise the case caption.

For pretrial detainees complaining about the denial of the right to adequate medical care, the following legal standards apply: 3 [C]laims for violations of the right to adequate medical care “brought by pretrial detainees against individual defendants under the Fourteenth Amendment” must 4 be evaluated under an objective deliberate indifference standard.

Castro, 833 F.3d at 1070. Based thereon, the elements of a pretrial detainee's medical care 5 claim against an individual defendant under the due process clause of the 6 Fourteenth Amendment are: (i) the defendant made an intentional decision with respect to the conditions under which the plaintiff was confined; (ii) those 7 conditions put the plaintiff at substantial risk of suffering serious harm; (iii) the 8 defendant did not take reasonable available measures to abate that risk, even though a reasonable official in the circumstances would have appreciated the 9 high degree of risk involved—making the consequences of the defendant's conduct obvious; and (iv) by not taking such measures, the defendant caused the 10 plaintiff's injuries. “With respect to the third element, the defendant's conduct 11 must be objectively unreasonable, a test that will necessarily ‘turn[] on the facts and circumstances of each particular case.’” Id. at 1071 (quoting Kingsley, 135 12 S.Ct. at 2473; *Graham v. Connor*, 490 U.S. 386, 396, 109 S.Ct.

1865, 104 L.Ed.2d 443 (1989)). The “‘mere lack of due care by a state official’ does not 13 deprive an individual of life, liberty, or property under the Fourteenth 14 Amendment.” Id. (quoting *Daniels*, 474 U.S. at 330-31, 106 S.Ct. 662).

Thus, the plaintiff must “prove more than negligence but less than subjective intent— 15 something akin to reckless disregard.” Id. 16 Id. at 1124-25 (9th Cir. 2018) (footnotes omitted). 17 Summarized, Plaintiff alleges that during a dental appointment for a filling, despite him 18 trying “to notify [Dr. Fajardo] to stop,” Dr. Fajardo “continued to apply unreasonable amounts 19 of pressure & torque [with a dental instrument to his molar, the tooth that was not being filled] 20 causing immense pain and ultimately breaking the molar.” Elsewhere, Plaintiff indicates that 21 his tooth was otherwise healthy, i.e., a prior X-ray showed it to be intact.

Further, Plaintiff has 22 suffered greatly from the broken tooth, including extreme pain, loss of sleep, and infection.³ 23 Liberally construed for the purposes of screening, the Court concludes that Plaintiff 24 states a claim, i.e., that Defendant violated Plaintiff's Fourteenth Amendment

right to adequate 25 26 3 The Court notes that Plaintiff states that “Dental & Medical has been aware of [his] need for surgery” 27 but he still has “not had the issue treated as of 10-3-25.” (ECF No. 8, p. 4).

The Court construes these as background allegations, as Dr. Fajardo, the only Defendant, is not alleged to have been directly involved 28 in any lack of treatment following the breaking of Plaintiff’s broken tooth. Thus, the Court does not consider whether such allegations state any claim. 1 || medical care concerning the incident where Defendant broke Plaintiffs tooth.

2 ||IV. CONCLUSION AND ORDER 3 The Court has screened Plaintiff’s amended complaint and concludes that his only claim 4 || should proceed past screening. 5 Accordingly, IT IS ORDERED as follows: 6 1. As the amended complaint no longer names Tyson Pogue and B. Mendoza as 7 Defendants, the Clerk of Court is directed to terminate them from the docket and to 8 revise the case caption to Blanton vy.

Fajardo, or some similar styling according to the 9 Clerk of Court’s standard practices. 10 2. This case shall proceed on Plaintiff’s claim that Defendant Fajardo violated Plaintiff’s 11 Fourteenth Amendment right to adequate medical care concerning the incident where 12 Defendant Fajardo broke Plaintiffs tooth. 13 3.

As the Court has concluded that Plaintiffs only claims should proceed past screening, 14 the Court will, in due course, issue an order authorizing service of process on Defendant 15 Fajardo. 16 IT IS SO ORDERED. 18 || Dated: _ October 16, 2025 ☐☐☐ hey 19 UNITED STATES MAGISTRATE JUDGE 20 21 22 23 24 25 26 27 28