

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

North v. Salazar

North · No. 3:24-cv-02041 (24-CV-2041 JLS (VET)) · Decided April 16, 2025

SUMMARY

The United States District Court for the Southern District of California grants Demaruea North leave to proceed in forma pauperis but dismisses his prisoner civil-rights complaint for failure to state a claim under 28 U.S.C. §§ 1915(e)(2) and 1915A(b). The complaint alleges that prison officials failed to provide a surgical or ADA mattress after spinal surgery, resulting in alleged constitutional violations involving cruel and unusual punishment, due process, and equal protection. The court also denies as moot North’s motion to change his jury demand.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Janis L. Sammartino
JURISDICTION	United States District Court for the Southern District of California
DECIDED	April 16, 2025
DOCKET	3:24-cv-02041 (24-CV-2041 JLS (VET))
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se prisoner brought a 42 U.S.C. § 1983 action against correctional officials. The court granted leave to proceed in forma pauperis, screened the complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A(b), dismissed the complaint for failure to state a claim, denied as moot a motion to change the jury demand, and granted leave to amend.
STANDARD OF REVIEW	The court applied the Federal Rule of Civil Procedure 12(b)(6) plausibility standard during mandatory prisoner screening under 28 U.S.C. §§ 1915(e)(2) and 1915A(b). The court accepted well-pleaded factual allegations as true, construed the pro se pleading liberally, and did not supply essential elements that were not pleaded.
PRECEDENTIAL VALUE	unpublished district-court order; persuasive only
PARTIES	Demaruea North v. Sgt. Salazar, S. Steadman, James Hill

TOPICS

section 1983 prisoners rights cruel and unusual punishment equal protection motions to dismiss

PRACTICE AREAS

prisoner civil rights constitutional litigation federal civil procedure in forma pauperis proceedings
conditions of confinement

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible § 1983 claim against the supervisory defendants based on their alleged supervisory, hiring, and grievance-review roles.
2. Whether the alleged denial or handling of North's prison grievance stated a due-process claim.
3. Whether the complaint plausibly alleged intentional race- or disability-based discrimination under the Equal Protection Clause.
4. Whether the five-day deprivation of a requested surgical or ADA mattress plausibly stated an Eighth Amendment cruel-and-unusual-punishment claim.
5. Whether the complaint's conclusory law-library and RICO allegations stated cognizable claims.

HOLDINGS

1. A district court must sua sponte dismiss a prisoner's complaint, or any portion of it, that is frivolous, malicious, fails to state a claim, or seeks damages from an immune defendant; the screening standard is the same as Rule 12(b)(6).
2. A supervisor may not be held liable under § 1983 solely because of a subordinate's conduct or the supervisor's position; the plaintiff must plead personal involvement or a sufficient causal connection between the supervisor's wrongful conduct and the constitutional violation.
3. The denial, rejection, or inadequate handling of a prison grievance, without more, does not violate the Due Process Clause because prisoners have no constitutional entitlement to a prison grievance procedure.
4. A viable Equal Protection Clause claim requires facts plausibly showing that each defendant intentionally discriminated against the plaintiff because of membership in a protected class; a conclusory allegation that defendants discriminated against Black prisoners is insufficient.
5. The complaint did not plausibly state an Eighth Amendment claim because a five-day deprivation of a mattress was not, on the pleaded facts, an objectively sufficiently serious deprivation, and the complaint did not show that Salazar knew of and disregarded a substantial risk of serious harm.
6. A pro se plaintiff should ordinarily be given leave to amend unless it is clear that the pleading's deficiencies cannot be cured by additional facts.

KEY QUOTATIONS

“Liability under § 1983 must be based on the personal involvement of the defendant.” (at 3)

“The Eighth Amendment does not mandate comfortable prisons.” (at 8)

“A prison official acts with deliberate indifference if he knows of and disregards an excessive risk to the prisoner’s health and safety.” (at 8)

“The requisite causal connection can be established . . . by setting in motion a series of acts by others or by knowingly refus[ing] to terminate a series of acts by others, which [the supervisor] knew or reasonably should have known would cause others to inflict a constitutional injury.” (at 9)

FACTUAL BACKGROUND

North, a prisoner at Richard J. Donovan Correctional Facility, alleged that after arriving at an enhanced outpatient-program building on September 30, 2022, he requested an ADA or surgical mattress because he had recently undergone spinal surgery. He alleged that unknown correctional officers refused the request and that, on October 2, 2022, he made the request to Sergeant Salazar, who did not act. North alleged that he remained without the requested mattress until October 5, 2022, causing additional spinal injury and mental anguish. The complaint contained no specific facts showing personal involvement by Warden Hill or Associate Warden Steadman, intentional race discrimination, or that Salazar knew of a substantial risk of serious harm.

PROCEDURAL HISTORY

North filed a civil-rights complaint alleging that prison officials failed to provide him a surgical or ADA mattress for approximately five days after spinal surgery. He sought damages and moved to proceed in forma pauperis and to change his jury demand. The district court granted IFP status, assessed an initial partial filing fee, dismissed the complaint sua sponte for failure to state a claim, denied the jury-demand motion as moot, and allowed 45 days to amend.

DISPOSITION

dismissed

CASES CITED

- Andrews v. Cervantes, 493 F.3d 1047, 1051 (9th Cir. 2007)
- Hymas v. U.S. Dep’t of the Interior, 73 F.4th 763, 765, 767 (9th Cir. 2023)
- Andrews v. King, 398 F.3d 1113, 1119 (9th Cir. 2005)
- Bruce v. Samuels, 577 U.S. 82, 84 (2016)
- Taylor v. Delatoore, 281 F.3d 844, 847, 850 (9th Cir. 2002)
- Lopez v. Smith, 203 F.3d 1122, 1126-27, 1130 (9th Cir. 2000) (en banc)
- Rhodes v. Robinson, 621 F.3d 1002, 1004 (9th Cir. 2010)
- Nordstrom v. Ryan, 762 F.3d 903, 920 n.1 (9th Cir. 2014)
- Long v. Sugai, 91 F.4th 1331, 1336 (9th Cir. 2024)
- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Wilhelm v. Rotman, 680 F.3d 1113, 1121 (9th Cir. 2012)

- *Ashcroft v. Iqbal*, 556 U.S. 662, 676, 678, 683 (2009)
- *Shroyer v. New Cingular Wireless Servs., Inc.*, 622 F.3d 1035, 1041 (9th Cir. 2010)
- *Navarro v. Block*, 250 F.3d 729, 732 (9th Cir. 2001)
- *Hebbe v. Pliler*, 627 F.3d 338, 342 & n.7 (9th Cir. 2010)
- *Ivey v. Bd. of Regents of the Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982)
- *Tellabs, Inc. v. Makor Issues & Rts., Ltd.*, 551 U.S. 308, 322 (2007)
- *Schneider v. Cal. Dep't of Corrs.*, 151 F.3d 1194, 1197 n.1 (9th Cir. 1998)
- *Beverly Oaks Physicians Surgical Ctr., LLC v. Blue Cross & Blue Shield of Ill.*, 983 F.3d 435, 439 (9th Cir. 2020)
- *Devereaux v. Abbey*, 263 F.3d 1070, 1074 (9th Cir. 2001)
- *Tsao v. Desert Palace, Inc.*, 698 F.3d 1128, 1138 (9th Cir. 2012)
- *West v. Atkins*, 487 U.S. 42, 49 (1988)
- *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998)
- *Leer v. Murphy*, 844 F.2d 628, 633 (9th Cir. 1988)
- *Rizzo v. Goode*, 423 U.S. 362, 370-71 (1976)
- *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)
- *Rodriguez v. County of Los Angeles*, 891 F.3d 776, 798 (9th Cir. 2018)
- *Starr v. Baca*, 652 F.3d 1202, 1207-08 (9th Cir. 2011)
- *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989)
- *Wilkinson v. Austin*, 545 U.S. 209, 221 (2005)
- *Mann v. Adams*, 855 F.2d 639, 640 (9th Cir. 1988)
- *Ramirez v. Galaza*, 334 F.3d 850, 860 (9th Cir. 2003)
- *Evans v. Skolnik*, 637 F. App'x 285, 288 (9th Cir. 2015)
- *City of Cleburne v. Cleburne Living Ctr., Inc.*, 473 U.S. 432, 439 (1985)
- *Pers. Adm'r of Mass. v. Feeney*, 442 U.S. 256, 279 (1979)
- *Maynard v. City of San Jose*, 37 F.3d 1396, 1404 (9th Cir. 1994)
- *Fields v. Legacy Health Sys.*, 413 F.3d 943, 955 (9th Cir. 2005)
- *Does 1-5 v. Chandler*, 83 F.3d 1150, 1155 (9th Cir. 1996)
- *Flores v. Morgan Hill Unified Sch. Dist.*, 324 F.3d 1130, 1134 (9th Cir. 2003)
- *Mitchell v. Las Vegas Metro. Police Dep't*, No. 2:18-cv-00646-RFB-EJY, 2021 WL 808735, at *5 (D. Nev. Mar. 3, 2021)
- *Hess v. Centurion Healthcare*, No. CV-22-01864-PHX-SPL (MTM), 2024 WL 4329673, at *12 (D. Ariz. Sept. 12, 2024)
- *Farmer v. Brennan*, 511 U.S. 825, 834, 837, 844 (1994)
- *Wilson v. Seiter*, 501 U.S. 294, 298-300, 303-04 (1991)
- *Peralta v. Dillard*, 744 F.3d 1076, 1091 (9th Cir. 2014)
- *Johnson v. Lewis*, 217 F.3d 726, 731 (9th Cir. 2000)

- *Hearns v. Terhune*, 413 F.3d 1036, 1042 (9th Cir. 2005)
- *Jones v. Neven*, 678 F. App'x 490, 493 (9th Cir. 2017)
- *Chappell v. Mandeville*, 706 F.3d 1052, 1060 (9th Cir. 2013)
- *Presti v. Telefoni*, No. 21-00405 LEK-WRP, 2021 WL 4824107, at *7 (D. Haw. Oct. 15, 2021)
- *Hirano v. Williams*, No. EDCV 13-2371-DMG (AGR), 2017 WL 11632461, at *12 (C.D. Cal. Mar. 24, 2017)
- *Gordon v. Cate*, No. 11-cv-03593-JST (PR), 2014 WL 848212, at *4 (N.D. Cal. Feb. 28, 2014)
- *Centeno v. Wilson*, No. 1:08-CV-1435-FJM, 2011 WL 836747, at *3 (E.D. Cal. Mar. 4, 2011), *aff'd*, 479 F. App'x 101 (9th Cir. 2012)
- *Faunce v. Gomez*, 163 F.3d 605, at *1 (9th Cir. 1998) (unpublished)
- *Bryant v. Madigan*, 84 F.3d 246, 249 (7th Cir. 1996)
- *Duvall v. County of Kitsap*, 260 F.3d 1124, 1135 (9th Cir. 2001)
- *Muhammad v. Cal. Dep't of Corr. & Rehab.*, No. 2:23-cv-00756-JDP (PC), 2024 WL 2274839, at *2 (E.D. Cal. May 20, 2024)
- *Millare v. Cal. Dep't of Corr. & Rehab.*, No. 2:22-cv-1862 KJM KJN P, 2023 WL 2760908, at *4 (E.D. Cal. Apr. 3, 2023)
- *Thomas v. Ogbehi*, No. 1:15-cv-01059-LJO-BAM (PC), 2018 WL 3198063 (E.D. Cal. June 27, 2018)
- *Lewis v. Casey*, 518 U.S. 343, 351 (1996)
- *Bowen v. Oistead*, 125 F.3d 800, 806 (9th Cir. 1997)
- *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1990)
- *Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir. 2012)
- *Lira v. Herrera*, 427 F.3d 1164, 1169 (9th Cir. 2005)

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