

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Juan Carlos Calderon v. J. Campos

Calderon v. Campos · No. 2:23-cv-2049 WBS CSK P · Decided March 3, 2025

SUMMARY

The document contains findings and recommendations in a prisoner civil-rights action under 42 U.S.C. § 1983 in the Eastern District of California. The magistrate judge recommends denying the defendant's Rule 12(b)(6) motion because the allegations adequately support Eighth Amendment excessive-force and inadequate-medical-care claims. The recommendation also denies a motion for injunctive relief concerning unrelated prison conditions and requests for transfer.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 3, 2025
DOCKET	2:23-cv-2049 WBS CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on defendant's Rule 12(b)(6) motion to dismiss and plaintiff's motion for injunctive relief in a prisoner civil-rights action under 42 U.S.C. § 1983.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded allegations as true, construes the pleading in the plaintiff's favor, and determines whether the complaint states a facially plausible claim. The court may consider documents attached to or incorporated by reference into the complaint and matters subject to judicial notice without converting the motion into one for summary judgment.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Juan Carlos Calderon v. J. Campos

TOPICS

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

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether Calderon's amended complaint plausibly alleged that Campos used excessive force in violation of the Eighth Amendment.
2. Whether Calderon's amended complaint plausibly alleged deliberate indifference to serious medical needs based on the alleged failure to provide medical care or decontamination after the chemical grenade incident.
3. Whether Calderon's failure, as a pro se litigant, to address the merits of the motion to dismiss constituted abandonment or waiver of the entire action.
4. Whether Calderon's request for transfer or other injunctive relief, raised in an opposition and concerning conduct unrelated to the claims against Campos, was properly before the court.

HOLDINGS

1. The amended complaint plausibly alleged that Campos used force maliciously and sadistically rather than in a good-faith effort to maintain or restore discipline, and therefore the excessive-force claim should not be dismissed under Rule 12(b)(6).
2. The amended complaint plausibly alleged an Eighth Amendment claim for deliberate indifference to serious medical needs, and the claim should not be dismissed.
3. The court declined to treat Calderon's failure to address the motion to dismiss as abandonment or waiver of the entire action, particularly because he was proceeding pro se and the cited authorities involved abandonment of particular claims or preservation of an issue on appeal.
4. The request for transfer and other relief raised in Calderon's opposition was disregarded and should be denied because it was not made by motion and concerned alleged conduct unrelated to the claims proceeding against Campos.

KEY QUOTATIONS

"Although plaintiff's oppositions do not address the merits of the pending motion to dismiss, for the reasons discussed below, this Court recommends that defendant's motion to dismiss be denied because defendant failed to meet his burden of showing that plaintiff's amended complaint fails to state a claim upon which relief may be granted." (at 7)

"Based on these allegations, this Court finds that plaintiff pled sufficient facts supporting his claim that defendant Campos did not act to restore security when he rolled the grenade bomb under plaintiff's cell door." (at 8)

"Taking into consideration plaintiff's allegations and the statement by inmate Azpera that both he and plaintiff suffered burning torture all over their bodies for several days after defendant Campos allegedly failed to provide medical care, this Court finds that plaintiff's amended complaint adequately pleads harm in support of the Eighth Amendment inadequate medical care claim." (at 10)

FACTUAL BACKGROUND

Calderon alleged that on June 7, 2023, Campos placed or exploded a chemical grenade under Calderon's cell door after allegedly staging or responding to an altercation between inmates. Calderon alleged that the cell was contaminated, the door was not opened for approximately twenty minutes, and no decontamination or medical care was provided. Declarations from fellow inmates stated that the cell was away from the altercation, that no immediate decontamination occurred, and that Calderon and his cellmate suffered burning and related effects for several days.

PROCEDURAL HISTORY

Calderon, a state prisoner proceeding pro se, filed an amended complaint alleging that correctional officer Campos used a chemical grenade under his cell door and failed to provide medical care afterward. The court ordered service of Eighth Amendment excessive-force and inadequate-medical-care claims. Campos moved to dismiss under Rule 12(b)(6); Calderon did not meaningfully address the motion in his oppositions. The magistrate judge recommended denying the motion to dismiss and denying Calderon's separate motion for injunctive relief, with an answer due within thirty days after adoption of the recommendations.

DISPOSITION

other

CASES CITED

- Erickson v. Pardus, 551 U.S. 89 (2007)
- Jenkins v. McKeithen, 395 U.S. 411, 421 (1969)
- Meek v. County of Riverside, 183 F.3d 962, 965 (9th Cir. 1999)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Hishon v. King & Spaulding, 467 U.S. 69, 73 (1984)
- Van Buskirk v. Cable News Network, Inc., 284 F.3d 977, 980 (9th Cir. 2002)
- United States v. Ritchie, 342 F.3d 903, 907-908 (9th Cir. 2003)
- Tellabs, Inc. v. Makor Issues & Rights, Ltd., 551 U.S. 308, 322 (2007)
- Farmer v. Brennan, 511 U.S. 825, 832 (1994)
- Hudson v. McMillian, 503 U.S. 1, 6-9 (1992)
- Whitley v. Albers, 475 U.S. 312, 321 (1986)
- Estelle v. Gamble, 429 U.S. 97, 104 (1976)
- Jett v. Penner, 439 F.3d 1091, 1096 (9th Cir. 2006)
- Shull v. Ocwen Loan Serv., LLC, 2014 WL 1404877, at *2-5 (S.D. Cal. Apr. 10, 2014)
- Silva v. U.S. Bancorp, 2011 WL 7096576, at *2-6 (C.D. Cal. Oct. 6, 2011)
- Qureshi v. Countrywide Home Loans, Inc., 2010 WL 841669, at *5-11 (N.D. Cal. Mar. 10, 2010)
- In re TFT-LCD (Flat Panel) Antitrust Litig., 586 F. Supp. 2d 1109, 1115-1132 (N.D. Cal. 2008)

- Walsh v. Nev. Dep't of Human Res., 471 F.3d 1033, 1037 (9th Cir. 2006)
- Avalanche Funding, LLC v. Five Dot Cattle Company, 2017 WL 6040293, at *3 (E.D. Cal. Dec. 6, 2017)
- Pac. Radiation Oncology, LLC v. Queen's Medical Center, 810 F.3d 631, 636 (9th Cir. 2015)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

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