

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Armenta v. Shah

Armenta · No. 2:22-cv-0415-TLN-JDP (P) · Decided July 30, 2025

SUMMARY

A magistrate judge recommends denying the defendant’s motion for judgment on the pleadings in a prisoner’s Eighth Amendment deliberate-indifference action. The court concludes that the pleadings do not establish that the alleged delay in informing plaintiff that his appendix was not removed precludes liability, and declines to resolve a disputed discovery issue concerning requests for admission at this stage.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 30, 2025
DOCKET	2:22-cv-0415-TLN-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on defendant's motion for judgment on the pleadings in a prisoner civil-rights action.
STANDARD OF REVIEW	A motion for judgment on the pleadings is evaluated under the same standard as a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). The court considers the pleadings, attached exhibits, and matters subject to judicial notice; accepts well-pleaded factual allegations as true; construes them in the nonmoving party's favor; and asks whether the complaint states a facially plausible claim.
PRECEDENTIAL VALUE	unknown

TOPICS

- motion for judgment on the pleadings
- prisoners rights
- civil rights
- civil procedure
- discovery dispute

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the pleadings and attached discharge summary establish as a matter of law that the alleged delay was too short to support an Eighth Amendment deliberate-indifference claim.
2. Whether plaintiff's alleged failure to timely respond to requests for admission warranted judgment on the pleadings.
3. What standard governs a motion for judgment on the pleadings.

HOLDINGS

1. A motion for judgment on the pleadings is adjudicated under the same standard as a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), including whether the complaint alleges enough facts to state a facially plausible claim.
2. The discharge summary did not establish as a matter of law that the alleged delay was insufficient to support a finding of deliberate indifference, and the motion for judgment on the pleadings should therefore be denied on that ground.
3. The alleged failure to timely respond to requests for admission did not warrant judgment on the pleadings because plaintiff disputed the timeliness issue and resolution of the discovery dispute was inappropriate at that stage.

KEY QUOTATIONS

“enough facts to state a claim to relief that is plausible on its face.” (1)

“This single line, in a medical report authored by the defendant, does not warrant judgment on the pleadings.” (2)

FACTUAL BACKGROUND

Plaintiff alleges that Shah performed an appendectomy on January 16, 2022, but failed to remove the appendix. Plaintiff further alleges that Shah knowingly waited approximately two or three weeks to inform him that the appendix had not been removed. Defendant relied on a discharge summary and a pathology report to argue that any delay was shorter and that plaintiff's untimely responses to requests for admission established the absence of an excessive risk to plaintiff's health or safety.

PROCEDURAL HISTORY

Plaintiff, a pro se prisoner, brought an Eighth Amendment claim against defendant Sanjay Shah concerning an appendectomy and an alleged delay in informing plaintiff that the appendix had not been removed. Defendant moved for judgment on the pleadings. The magistrate judge recommended that the motion be denied and advised the parties of their right to object within fourteen days.

DISPOSITION

CASES CITED

- Cafasso v. General Dynamics C4 Systems, Inc., 637 F.3d 1047, 1055 n.4 (9th Cir. 2011)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Chubb Custom Insurance Co. v. Space Systems/Loral, Inc., 710 F.3d 946, 956 (9th Cir. 2013)
- Akhtar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 2012)
- Franklin v. Murphy, 745 F.2d 1221, 1228-1229 (9th Cir. 1984)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 RICHARD ARMENTA, Case No. 2:22-cv-0415-TLN-JDP (P) 12 Plaintiff,
13 v. FINDINGS AND RECOMMENDATIONS 14 SANJAY SHAH, 15 Defendant. 16 17 18
Plaintiff, a prisoner proceeding pro se, alleges that defendant Sanjay Shah performed an 19
appendectomy on him and, afterwards, violated his Eighth Amendment rights by waiting an 20
extended period (two or three weeks) to inform him that the appendix had not actually been 21
removed.

Defendant has now moved for judgment on the pleadings, ECF No. 71. Defendant's 22 motion
should be denied. 23 I. Legal Standards 24 The standard for adjudicating a motion for judgment on
the pleadings is identical to the 25 one used for deciding a motion to dismiss under Rule 12(b)(6).
See Cafasso v. General Dynamics 26 C4 Sys., Inc., 637 F.3d 1047, 1055 n.4 (9th Cir.

2011). A complaint may be dismissed under that 27 rule for "failure to state a claim upon which
relief may be granted." Fed. R. Civ. P. 12(b)(6). To 28 survive a motion to dismiss for failure to
state a claim, a plaintiff must allege "enough facts to 1 state a claim to relief that is plausible on its
face." Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 2 570 (2007).

A claim has "facial plausibility when the plaintiff pleads factual content that allows 3 the court to
draw the reasonable inference that the defendant is liable for the misconduct alleged." 4 Ashcroft
v. Iqbal, 556 U.S. 662, 678 (2009) (citing Twombly, 550 U.S. at 556).

The plausibility 5 standard is not akin to a "probability requirement," but it requires more than a
sheer possibility 6 that a defendant has acted unlawfully. Iqbal, 556 U.S. at 678. 7 For purposes of
dismissal under Rule 12(b)(6), the court generally considers only 8 allegations contained in the
pleadings, exhibits attached to the complaint, and matters properly 9 subject to judicial notice, and

construes all well-pleaded material factual allegations in the light most favorable to the nonmoving party.

Chubb Custom Ins. Co. v. Space Sys./Loral, Inc., 710 F.3d 946, 956 (9th Cir. 2013); *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012). Dismissal under Rule 12(b)(6) may be based on either: (1) lack of a cognizable legal theory, or (2) insufficient facts under a cognizable legal theory. *Chubb Custom Ins. Co.*, 710 F.3d 14 at 956. Dismissal also is appropriate if the complaint alleges a fact that necessarily defeats the claim.

Franklin v. Murphy, 745 F.2d 1221, 1228-1229 (9th Cir. 1984). II. Analysis Plaintiff alleges that defendant performed an appendectomy on January 16, 2022. ECF 18 No. 31 at 8. He claims that Shah failed to remove the appendix, however, and knowingly failed to apprise him of this fact for three weeks. *Id.* at 22-23. Defendant raises two arguments in support of his motion for judgment on the pleadings.

First, he argues that a document attached to the complaint demonstrates that, at the earliest, he was aware that the appendix had not been removed on January 18, 2022, when he received the pathologist report. ECF No. 71-1 at 5.

Thus, there was an approximately eight-day period, between January 19 and January 27, 2022, during which plaintiff was unaware that his appendix had not been removed. *Id.* Second, defendant contends that plaintiff's failure to file timely responses to his requests for admission renders automatic an admission that there was no excessive risk to his health or safety caused by defendant.

Id. at 8. Neither argument is availing. As to the first argument, the document in question is a discharge summary that provides, as its discharge diagnosis: "[a]cute appendicitis, pathology report awaited." ECF No. 31 at 32. This single line, in a medical report authored by the defendant, does not warrant judgment on the pleadings. I cannot say, based solely on the pleadings, that an eight-day delay, rather than a three-week delay, precludes a finding that defendant was deliberately indifferent.

Moreover, the fact that a pathology report was pending does not, without more, establish that defendant was unaware that he had failed to remove plaintiff's appendix. To be sure, that is a possible and, perhaps, intuitive conclusion, but it is not obvious or automatic.

As in a motion to dismiss, however, I must draw all inferences in favor of the non-moving party, and that precludes judgment on the pleadings based on this argument. I also reject defendant's argument that plaintiff's failure to timely respond to defendant's requests for admission warrant judgment on the pleadings. Plaintiff disputes that he did not timely respond to the requests.

ECF No. 72 at 2. I find resolution of this discovery dispute 14 inappropriate at this juncture. Additionally, plaintiff's pro se status warrants a degree of leniency 15 and cautions against awarding judgment on the pleadings based on a failure to timely respond to 16 requests for admission. 17 Accordingly, it is RECOMMENDED that defendant's motion for judgment on the 18 pleadings, ECF No. 71, be DENIED.

19 These findings and recommendations are submitted to the United States District Judge 20 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of 21 service of these findings and recommendations, any party may file written objections with the 22 court and serve a copy on all parties. Any such document should be captioned "Objections to 23 Magistrate Judge's Findings and Recommendations," and any response shall be served and 24 filed within fourteen days of service of the objections.

The parties are advised that failure to file 25 objections within the specified time may waive the right to appeal the District Court's order. See 26 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 27 1991). 28 1 | 1718 SO ORDERED. 3 (— Dated: __July 30,2025 ssn (aioe 4 JEREMY D. PETERSON UNITED STATES MAGISTRATE JUDGE 7 g 9 10 il 12 3 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28