

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Davis v. Bobbla

Davis v. Bobbla · No. 3:24-cv-01276-JO-KSC · Decided July 1, 2025

SUMMARY

The United States District Court for the Southern District of California dismissed Maurice Daronte Davis’s Sixth Amended Complaint without prejudice for failure to state a claim under 28 U.S.C. §§ 1915(e)(2) and 1915A(b). The court concluded that the claims were potentially time-barred, insufficiently alleged Dr. Sangha’s personal involvement, and did not plausibly establish deliberate indifference to serious medical needs, while granting one final opportunity to amend.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Jinsook Ohta
JURISDICTION	United States District Court for the Southern District of California
DECIDED	July 1, 2025
DOCKET	3:24-cv-01276-JO-KSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of a prisoner's Sixth Amended Complaint filed in forma pauperis under 28 U.S.C. §§ 1915(e)(2) and 1915A(b).
STANDARD OF REVIEW	The Court screened the in forma pauperis complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A(b) and assessed whether it stated a claim for relief.
PRECEDENTIAL VALUE	unpublished district court order; precedential status not stated

TOPICS

- section 1983
- prisoners rights
- statute of limitations
- civil procedure
- constitutional law

PRACTICE AREAS

- civil rights
- prisoner litigation
- constitutional law
- medical care

QUESTIONS PRESENTED

1. Whether Plaintiff's § 1983 inadequate-medical-care claim based on the 2011 denial of back surgery was barred by California's two-year statute of limitations.
2. Whether Plaintiff adequately alleged Dr. Sangha's personal participation in the alleged NSAID treatment and resulting kidney injury.
3. Whether Plaintiff adequately pleaded deliberate indifference under the Eighth Amendment based on Dr. Sangha's choice to treat him with NSAIDs rather than surgery.

HOLDINGS

1. The claim based on the 2011 denial of back surgery was barred by the applicable two-year statute of limitations because Plaintiff waited until 2022 to sue and pleaded no facts supporting statutory or equitable tolling.
2. Plaintiff failed to state a § 1983 claim based on long-term NSAID treatment and kidney injury because he did not adequately allege how Dr. Sangha personally participated in placing him on or maintaining that course of treatment.
3. Plaintiff failed to state an Eighth Amendment inadequate-medical-care claim because he did not allege facts showing that Dr. Sangha's choice of NSAIDs instead of surgery was medically unacceptable under the circumstances or was made in conscious disregard of an excessive risk to Plaintiff's health.

KEY QUOTATIONS

“to prevail on an Eighth Amendment claim for inadequate medical care, a plaintiff must show deliberate indifference to his serious medical needs.” (at 2-3)

“For the foregoing reasons, the Court DISMISSES Plaintiff’s Sixth Amended Complaint [Dkt. 22] without prejudice.” (at 3)

FACTUAL BACKGROUND

Plaintiff alleged that Dr. Sangha denied back surgery in 2011 and that long-term treatment with NSAIDs resulted in kidney injury. The Court found that Plaintiff did not allege facts showing Dr. Sangha prescribed or continued the NSAID treatment, or that Dr. Sangha chose NSAID treatment in conscious disregard of an excessive risk to Plaintiff's health. Plaintiff filed suit in 2022, more than eleven years after the alleged denial of surgery.

PROCEDURAL HISTORY

Plaintiff initially sued the Chief Medical Executive of California State Prison in Sacramento and later filed several amended complaints against various defendants. The Eastern District of California dismissed the Fifth Amended Complaint because the defendants were immune from suit or insufficiently identified. After transfer and the filing of a Sixth Amended Complaint naming Dr. Sangha as the sole defendant, the Southern District of California dismissed the pleading without prejudice for failure to state a claim, while granting one final opportunity to amend.

DISPOSITION

dismissed

CASES CITED

- Wilson v. Garcia, 471 U.S. 261, 276-80 (1985)
- Pouncil v. Tilton, 704 F.3d 568, 573 (9th Cir. 2012)
- Jones v. Blanas, 393 F.3d 918, 928 (9th Cir. 2004)
- Seattle Audubon Soc. v. Robertson, 931 F.2d 590, 595 (9th Cir. 1991)
- Hinton v. Pac. Enters., 5 F.3d 391, 395 (9th Cir. 1993)
- Ashcroft v. Iqbal, 556 U.S. 662, 676-77 (2009)
- Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978)
- Colwell v. Bannister, 763 F.3d 1060, 1066 (9th Cir. 2014)
- Toguchi v. Chung, 391 F.3d 1051, 1058 (9th Cir. 2004)
- Edwards v. Marin Park, 356 F.3d 1058, 1065 (9th Cir. 2004)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 MAURICE DARONTE DAVIS, Case No.: 3:24-cv-01276-JO-KSC 12
CDCR #V-17005, 13 ORDER DISMISSING SIXTH Plaintiff, AMENDED COMPLAINT FOR
14 v. FAILING TO STATE A CLAIM 15 UNDER 28 U.S.C. § 1915(e)(2) MANJALA BOBBLA,
Chief Medical AND 28 U.S.C. § 1915A(b) 16 Executive; Dr. A. SANGHA, MAR Chairman, 17
[Dkt.

22] Defendants. 18 19 20 Because Plaintiff is proceeding in forma pauperis (“IFP”), the Court
screens his 21 complaint pursuant to 28 U.S.C. §§ 1915(e)(2) & 1915A(b). The Court finds that 22
Plaintiff’s Sixth Amended Complaint against Dr. Sangha¹ fails to state a claim for which 23 24 25
1 Plaintiff originally brought his claims against the Chief Medical Executive of the California
State 26 Prison in Sacramento, Dr. Manjala Bobbla, Dkt.

1, and subsequently filed several amended complaints against various defendants. Dkts. 11–14, 19.
Prior to transfer to this district, the court in the Eastern 27 District of California dismissed
Plaintiff’s Fifth Amended Complaint on the grounds that the defendants named in that pleading
were either immune from suit or insufficiently identified, and ordered Plaintiff to 28 1 relief can be
granted for three reasons.

2 First, to the extent that Plaintiff’s 42 U.S.C. § 1983 claim for inadequate medical 3 care against
Dr. Sangha is based on the 2011 denial of back surgery, that claim is barred 4 by the two-year
statute of limitations. Wilson v. Garcia, 471 U.S. 261, 276–80 (1985) 5 (relevant state’s personal
injury statute of limitations applies to § 1983 claims); Pouncil v. 6 Tilton, 704 F.3d 568, 573 (9th
Cir.

2012) (California’s personal injury statute has a two- 7 year statute of limitations). From his own allegations, Plaintiff waited until 2022—more 8 than eleven years after Dr. Sangha denied his surgery—to file his complaint.

Moreover, 9 Plaintiff has not pled any facts to establish that he would be eligible for either statutory or 10 equitable tolling. See Cal. Civ. Proc. Code § 352.1(a) (statutory tolling suspends the statute 11 of limitations while a plaintiff is incarcerated for up to two years); *Jones v. Blanas*, 393 12 F.3d 918, 928 (9th Cir. 2004) (equitable tolling further “suspend[s] or extend[s] a statute 13 of limitations as necessary to ensure fundamental practicality and fairness”) (internal 14 quotation and citation omitted); *Seattle Audubon Soc. v. Robertson*, 931 F.2d 590, 595 (9th 15 Cir.

1991) (courts have applied equitable tolling where a defendant’s “wrongful conduct” 16 or other “extraordinary circumstances” prevent plaintiff from timely filing); *Hinton v. Pac. 17 Enters.*, 5 F.3d 391, 395 (9th Cir. 1993) (plaintiff bears burden of pleading facts to support 18 equitable tolling). 19 Second, to the extent that Plaintiff’s claim is based on his long-term treatment with 20 NSAIDs and resulting kidney injury, he has failed to adequately plead how Dr. Sangha was 21 involved in placing him on this course of treatment.

See *Ashcroft v. Iqbal*, 556 U.S. 662, 22 676–77 (2009) (to sustain § 1983 claim, plaintiff must allege how “each Government- 23 official defendant, through the official’s own individual actions” violated their 24 constitutional rights); *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978) (pleadings must 25 show each defendant “[performed] an affirmative act, participate[d] in another’s 26 27 subsequently named Dr. Sangha as the sole defendant in the current operative pleading, his Sixth Amended 28 1 affirmative acts, or omit[ted] to perform an act which he is legally required to do that causes 2 the deprivation of which [the plaintiff complains]”).

For instance, Plaintiff’s complaint 3 fails to specify whether it was Dr. Sangha who prescribed NSAIDs in 2011, or to allege 4 that Dr. Sangha was responsible for keeping Plaintiff on this course of treatment for the 5 next seven years. 6 Third, even if Plaintiff’s claim were not deficient for the above reasons, the Court 7 finds that Plaintiff has failed to state an Eighth Amendment claim for inadequate medical 8 care because he has not shown that Dr. Sangha was deliberately indifferent in his medical 9 decisions.

Colwell v. Bannister, 763 F.3d 1060, 1066 (9th Cir. 2014) (“[T]o prevail on an 10 Eighth Amendment claim for inadequate medical care, a plaintiff must show deliberate 11 indifference to his serious medical needs.”) (internal quotation and citation omitted). 12 While it is clear from his pleading that “sufficiently serious” medical needs were at stake— 13 Plaintiff’s serious back conditions and the risk of severe kidney injury—he alleges no facts 14 showing that Dr. Sangha’s decision to treat Plaintiff with NSAIDs instead of surgery was 15 medically unacceptable under the circumstances or that he made this decision in conscious 16 disregard of the risks of kidney injury or a deteriorating back condition.

Toguchi v. Chung, 17 391 F.3d 1051, 1058 (9th Cir. 2004) (when an Eighth Amendment claim involves choices 18 between alternative courses of treatment, a plaintiff must allege facts to show that the 19 “chosen course of treatment ‘was medically unacceptable under the circumstances,’ and 20 was chosen ‘in conscious disregard of an excessive risk to [the prisoner’s] health’”) 21 (internal citation omitted, alteration in original).

22 For the foregoing reasons, the Court DISMISSES Plaintiff’s Sixth Amended 23 Complaint [Dkt. 22] without prejudice. Given Plaintiff’s pro se status, the Court will allow 24 him one last chance to cure the deficiencies in his pleading and file a Seventh Amended 25 Complaint against Dr. Sangha only by August 1, 2025. If Plaintiff fails to do so, this case 26 will be dismissed in its entirety based both on his failure to state a claim and his failure to 27 prosecute in compliance with this order.

See Edwards v. Marin Park, 356 F.3d 1058, 1065 28 (9th Cir. 2004) (“The failure of the plaintiff eventually to respond to the court’s 1 || ulttmatum—either by amending the complaint or by indicating to the court that [he] will 2 do so—is properly met with the sanction of a Rule 41(b) dismissal.”). 3 4 IT IS SO ORDERED. Qe 5 ll Dated: July 1, 2025 6 Hon. Jinsook Ohta 7 United States District Judge 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 4