

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

OPINION

(PC) Davis v. Bobbla

PER CURIAM.

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