

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Otis Clifford Paezboyd v. Kaiser Foundation Hospital, et al.

Otis Clifford Paezboyd v. Kaiser Foundation Hospital, et al. · No. 2:25-cv-1690-DJC-CKD PS · Decided June 25, 2025

SUMMARY

The United States District Court for the Eastern District of California grants plaintiff’s application to proceed in forma pauperis. The court dismisses the pro se complaint alleging wrongful death, medical malpractice, negligence, constitutional violations, and related claims because it fails to provide fair notice or sufficient factual content to state a claim. Plaintiff is granted 30 days to file an amended complaint, and failure to do so may result in a recommendation of dismissal.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 25, 2025
DOCKET	2:25-cv-1690-DJC-CKD PS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff proceeding pro se and in forma pauperis filed a civil complaint. On screening under 28 U.S.C. § 1915(e), the magistrate judge dismissed the complaint for failure to state a claim, with leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court screens an in forma pauperis complaint and must dismiss it if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The court accepts well-pleaded factual allegations as true, construes them in the light most favorable to the plaintiff, and liberally construes pro se pleadings. A complaint must contain sufficient factual matter to state a claim that is plausible on its face and must satisfy Federal Rule of Civil Procedure 8(a)(2).
PRECEDENTIAL VALUE	unpublished trial-court order

PARTIES

Otis Clifford Paezboyd v. Kaiser Foundation Hospital, et al.

TOPICS

pleadings

subject matter jurisdiction

civil procedure

fourteenth amendment

civil rights

PRACTICE AREAS

civil procedure

civil rights

constitutional law

health law

torts

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim for relief under Federal Rule of Civil Procedure 8(a)(2) and the pleading standard applicable during screening under 28 U.S.C. § 1915(e).
2. Whether the complaint adequately alleged a federal claim or otherwise established federal subject matter jurisdiction.
3. Whether dismissal should be with leave to amend.

HOLDINGS

1. The complaint failed to state a claim because it did not provide fair notice of any cognizable claim, identify the specific conduct of any defendant, or contain sufficient factual content to support a reasonable inference that a defendant violated plaintiff's rights.
2. The complaint did not adequately plead a Fourteenth Amendment equal protection claim because it did not allege facts showing that plaintiff was treated differently from similarly situated persons on the basis of a suspect classification.
3. Dismissal was without prejudice and with leave to amend because it was not absolutely clear that the pleading defects could not be cured.

KEY QUOTATIONS

"A claim is legally frivolous when it lacks an arguable basis either in law or in fact." (at 1)

"To state a claim on which relief may be granted, the plaintiff must allege enough facts "to state a claim to relief that is plausible on its face."" (at 1)

"The complaint must be dismissed because it does not contain any factual content to allow the court to draw the reasonable inference that a defendant has violated plaintiff's rights." (at 3)

"Your complaint is being dismissed because it fails to state a claim. However, you are being given the chance to fix the problems identified in this order by filing an amended complaint." (at 3)

FACTUAL BACKGROUND

Plaintiff alleged wrongful death, medical malpractice, negligence, professional negligence, a Fourteenth Amendment violation, a survival action, racial discrimination, and bad faith. The allegations appeared to concern

the failure to follow his wife's advance health care directives and medical treatment that allegedly caused her death. The complaint did not identify specific conduct by any defendant that violated plaintiff's rights or provide sufficient facts supporting a cognizable claim.

PROCEDURAL HISTORY

Plaintiff filed a complaint on June 17, 2025, and applied to proceed in forma pauperis. The court granted in forma pauperis status, screened the complaint, and dismissed it with leave to amend because it did not provide fair notice of cognizable claims, identify the defendants' specific conduct, or adequately allege a basis for federal jurisdiction. Plaintiff was given thirty days to file an amended complaint.

DISPOSITION

dismissed

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1126-27, 1130-31 (9th Cir. 2000) (en banc)
- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Hebbe v. Pliler, 627 F.3d 338, 342 & n.7 (9th Cir. 2010)
- Cahill v. Liberty Mutual Insurance Co., 80 F.3d 336, 339 (9th Cir. 1996)
- United Investors Life Insurance Co. v. Waddell & Reed Inc., 360 F.3d 960, 967 (9th Cir. 2004)
- City of Cleburne v. Cleburne Living Center, Inc., 473 U.S. 432, 439-40 (1985)
- Obergefell v. Hodges, 576 U.S. 644, 673-74 (2015)
- Rui One Corp. v. City of Berkeley, 371 F.3d 1137, 1154 (9th Cir. 2004)
- Walgreen Co. v. City & County of San Francisco, 185 Cal. App. 4th 424, 434 n.7 (2010)
- Jones v. Community Redevelopment Agency, 733 F.2d 646, 649 (9th Cir. 1984)
- McHenry v. Renne, 84 F.3d 1172, 1178-80 (9th Cir. 1996)
- Lucas v. Department of Corrections, 66 F.3d 245, 248 (9th Cir. 1995)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 OTIS CLIFFORD PAEZBOYD, No. 2:25-cv-1690-DJC-CKD PS 12
Plaintiff, 13 v. ORDER 14 KAISER FOUNDATION HOSPITAL, et. 15 al., 16 Defendants. 17 18
19 This action was referred to the undersigned pursuant to Local Rule 302(c)(21). See 28 20
U.S.C. § 636(b)(1). Plaintiff filed an application in support of his request to proceed in forma 21
pauperis.

(ECF No. 2.) Plaintiff's application makes the showing required by 28 U.S.C. § 1915, 22 so the motion to proceed in forma pauperis will be granted. Plaintiff's pro se complaint filed on 23 June 17, 2025, is now before the court for screening. (ECF No. 1.) 24 I. SCREENING REQUIREMENT 25 Pursuant to 28 U.S.C. § 1915(e), the court must screen every in forma pauperis 26 proceeding, and must order dismissal of the case if it is "frivolous or malicious," "fails to state a 27 claim on which relief may be granted," or "seeks monetary relief against a defendant who is 28 1 immune from such relief." 28 U.S.C. § 1915(e)(2)(B); *Lopez v. Smith*, 203 F.3d 1122, 1126-27 2 (2000).

A claim is legally frivolous when it lacks an arguable basis either in law or in fact. 3 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). In reviewing a complaint under this standard, the 4 court accepts as true the factual allegations contained in the complaint, unless they are clearly 5 baseless or fanciful, and construes those allegations in the light most favorable to the plaintiff.

6 See *Neitzke*, 490 U.S. at 327; *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 7 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011). 8 To state a claim on which relief may be granted, the plaintiff must allege enough facts "to 9 state a claim to relief that is plausible on its face." *Twombly*, 550 U.S. at 570. "A claim has facial 10 plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable 11 inference that the defendant is liable for the misconduct alleged." *Iqbal*, 556 U.S. at 678 12 Pro se pleadings are to be liberally construed.

Hebbe v. Pliler, 627 F.3d 338, 342 & fn. 7 (9th 13 Cir. 2010) (liberal construction appropriate even post-*Iqbal*). Prior to dismissal, the court is to tell 14 the plaintiff of deficiencies in the complaint and provide an opportunity to cure—if it appears at 15 all possible the defects can be corrected. See *Lopez v. Smith*, 203 F.3d 1122, 1130-31 (9th Cir. 16 2000) (en banc).

However, if amendment would be futile, no leave to amend need be given. 17 *Cahill v. Liberty Mut. Ins. Co.*, 80 F.3d 336, 339 (9th Cir. 1996). 18 The federal courts are courts of limited jurisdiction, and a federal court has an independent 19 duty to assess whether federal subject matter jurisdiction exists, whether or not the parties raise 20 the issue. See *United Investors Life Ins.*

Co. v. Waddell & Reed Inc., 360 F.3d 960, 967 (9th Cir. 21 2004). The court must sua sponte dismiss the case if, at any time, it determines that it lacks 22 subject matter jurisdiction. Fed. R. Civ. P. 12(h)(3). A federal district court generally has 23 original jurisdiction over a civil action when: (1) a federal question is presented in an action 24 "arising under the Constitution, laws, or treaties of the United States" or (2) there is complete 25 diversity of citizenship and the amount in controversy exceeds \$75,000.

See 28 U.S.C. §§ 1331, 26 1332(a). 27 II. THE COMPLAINT MUST BE DISMISSED 28
Plaintiff has filed a complaint alleging “wrongful death,” “medical malpractice,” “acts of 1
negligence,” “professional negligence,” “violation of the fourteenth amendment,” “survival 2
action, “racial discrimination,” “acted in bad faith,” “failed to keep a Kaiser patient safe,” “etc.” 3
(ECF No. 1.)

Although the allegations are difficult to follow, it appears that plaintiff alleges that 4 his wife’s
advance health care directives were not followed, and that the medical treatment caused 5 her
death. (Id. at 5.) Plaintiff requests that “Kaiser shall use best efforts to remedy promptly any 6
unsatisfactory condition related to the care of member[s] and nonmembers and all patients.” (Id.

7 at 7-8.) 8 The only possible federal claim included in the complaint is plaintiff’s inclusion of a 9
“violation of fourteenth amendment” in his list of wrongs committed by Kaiser. (Id. at 2.) The 10
Equal Protection Clause of the Fourteenth Amendment requires that similarly situated people be
11 treated alike. *City of Cleburne v. Cleburne Living Ctr., Inc.*, 473 U.S. 432, 439 (1985).

Equal 12 protection requirements restrict state legislative action that is inconsistent with bedrock
13 constitutional guarantees, such as equality in treatment. See *Obergefell v. Hodges*, 576 U.S.
644, 14 673-74 (2015). An equal protection claim is established when a plaintiff shows he was
treated 15 differently than other similarly situated people on the basis of a suspect classification.

City of 16 Cleburne, 473 U.S. at 439-40. “The equal protection analysis under the California
Constitution is 17 ‘substantially similar’ to analysis under the federal Equal Protection Clause.”
Rui One Corp. v. 18 City of Berkeley, 371 F.3d 1137, 1154 (9th Cir. 2004); *Walgreen Co. v. City*
& County of San 19 Francisco, 185 Cal.App.4th 424, 434 n. 7 (2010). 20 The complaint fails to
give fair notice of any cognizable claims and the grounds on which 21 they rest.

Although the Federal Rules adopt a flexible pleading policy, even a pro se litigant’s 22 complaint
must give fair notice and state the elements of a claim plainly and succinctly. *Jones v. 23*
Community Redev. Agency, 733 F.2d 646, 649 (9th Cir. 1984).

Here, the complaint does not 24 contain a short and plain statement of a claim as required by Fed.
R. Civ. P. 8(a)(2). The 25 complaint does not describe the specific conduct any defendant is
alleged to have engaged in that 26 violated plaintiff’s rights.

The complaint must be dismissed because it does not contain any 27 factual content to allow the
court to draw the reasonable inference that a defendant has violated 28 plaintiff’s rights. See
McHenry v. Renne, 84 F.3d 1172, 1178-80 (9th Cir. 1996) (affirming 1 | dismissal of complaint
where “one cannot determine from the complaint who is being sued, for 2 || what relief, and on
what theory, with enough detail to guide discovery”).

3 I. PLAIN LANGUAGE SUMMARY FOR A PRO SE PARTY 4 The following information is meant to explain this order in plain English and is not 5 || intended as legal advice. 6 Your complaint is being dismissed because it fails to state a claim.

However, you are 7 || being given the chance to fix the problems identified in this order by filing an amended 8 | complaint. If you wish to file an amended complaint you must clearly explain what happened, 9 || why the court has jurisdiction over your complaint, and what remedy you are seeking. 10 IV. CONCLUSION AND ORDER 11 The complaint must be dismissed, but plaintiff is granted leave to file an amended 12 || complaint.

See *Lucas v. Dep't of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995) (“Unless it is absolutely 13 || clear that no amendment can cure the defect... a pro se litigant is entitled to notice of the 14 || complaint’s deficiencies and an opportunity to amend prior to dismissal of the action.”). An 15 || amended complaint should be titled “First Amended Complaint.” Local Rule 220 requires that an 16 || amended complaint be complete by itself without reference to any prior pleading.

17 For the reasons set forth above, IT IS ORDERED as follows: 18 1. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is GRANTED. 19 2. Plaintiff's complaint (ECF No. 1) is dismissed with leave to amend; 20 3.

The Clerk’s Office is directed to send plaintiff the civil form complaint used in this 21 district; 22 4. Plaintiffis granted thirty days from the date of service of this order to file an amended 23 complaint that complies with the requirements of the Federal Rules of Civil Procedure 24 and the Local Rules of Practice. Failure to file an amended complaint in accordance 25 with this order will result in a recommendation that this action be dismissed.

26 | Dated: June 24, 2025 ☐☐ I / dle ae CKD.1690.screen CAROLYNK.DELANEY 28 UNITED STATES MAGISTRATE JUDGE