

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

In re CIM-SQ Transfer Cases

No. 5:20-cv-06326-EJD (N.D. Cal. May 8, 2025) · No. 5:20-cv-06326-EJD · Decided May 8, 2025

SUMMARY

The United States District Court for the Northern District of California screens a prisoner civil-rights complaint arising from the May 2020 transfer of inmates from California Institution for Men to San Quentin State Prison during the COVID-19 pandemic. The court dismisses the California Department of Corrections and Rehabilitation as immune from damages claims, finds a cognizable Eighth Amendment deliberate-indifference claim against former warden Ronald Broomfield, orders service, and keeps the case stayed for purposes other than service.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Edward J. Davila
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 8, 2025
DOCKET	5:20-cv-06326-EJD
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se prisoner's civil-rights complaint under 28 U.S.C. § 1915A(a).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must identify cognizable claims or dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pro se pleadings are liberally construed, and a complaint must contain enough factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	Unknown; district court order of service with no reporter citation.
PARTIES	Plaintiff v. Ronald Broomfield, California Department of Corrections and Rehabilitation

TOPICS

- prisoners rights
- section 1983
- civil rights
- sovereign immunity
- service of process

PRACTICE AREAS

prisoner civil rights

constitutional litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether the damages claims against the California Department of Corrections and Rehabilitation were barred by Eleventh Amendment sovereign immunity.
2. Whether the complaint plausibly alleged an Eighth Amendment deliberate-indifference claim against Ronald Broomfield.
3. Whether the complaint should be screened under 28 U.S.C. § 1915A and served on the surviving defendant.

HOLDINGS

1. The California Department of Corrections and Rehabilitation is immune from a § 1983 damages action because it is a state agency and the action operates as a suit against the State.
2. Liberally construed, the allegations stated a plausible Eighth Amendment claim for deliberate indifference to plaintiff's health and safety against Broomfield.
3. The complaint survived screening as to Broomfield because it alleged sufficient facts to state a plausible claim, while the claim against CDCR was dismissed as barred by immunity.

KEY QUOTATIONS

"Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity." (at 2)

"Liberally construed, plaintiff's allegations state a plausible claim for deliberate indifference to plaintiff's safety against Broomfield, in violation of the Eighth Amendment." (at 3)

FACTUAL BACKGROUND

Plaintiff, a California prisoner, alleged that more than 100 inmates, some infected with COVID-19, were transferred from California Institution for Men to San Quentin State Prison in May 2020 without testing or quarantine procedures. He sued former San Quentin warden Ronald Broomfield and the California Department of Corrections and Rehabilitation for damages, alleging deliberate indifference to his health and safety.

PROCEDURAL HISTORY

A California prisoner filed a pro se action alleging that officials violated his constitutional rights by transferring inmates from California Institution for Men to San Quentin State Prison without adequate testing or quarantine procedures. The action was consolidated into the CIM-SQ transfer cases, and the court screened the complaint, dismissed CDCR, found a cognizable Eighth Amendment claim against Broomfield, ordered service, and stayed the case for all purposes other than service.

DISPOSITION

other

CASES CITED

- *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990)
- *Erickson v. Pardus*, 127 S. Ct. 2197, 2200 (2007)
- *Bell Atl. Corp. v. Twombly*, 127 S. Ct. 1955, 1964-65, 1974 (2007)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 98-100 (1984)
- *Leadsinger, Inc. v. BMG Music Publ'g*, 512 F.3d 522, 532 (9th Cir. 2008)
- *Farmer v. Brennan*, 511 U.S. 825, 837 (1994)

OPINION

IN RE CIM-SQ TRANSFER CASES

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 SAN JOSE DIVISION

7 8 9 IN RE CIM-SQ TRANSFER CASES Case No. 5:20-cv-06326-EJD 10

ORDER OF SERVICE

This Document Relates To: 11 24-cv-05995-EJD; *Lemond v. Broomfield* 12 13

14 INTRODUCTION

15 Plaintiff, a California prisoner, filed a pro se civil rights action. Plaintiff alleged that 16
defendants violated his constitutional rights by transferring over 100 inmates, some of whom were
17 infected with COVID-19, from the California Institution for Men (CIM) to San Quentin State
18 Prison (SQSP)1 in May 2020. The case is now before the Court for screening pursuant to 28 19
U.S.C. § 1915A(a), and service of the complaint on defendant Broomfield is ordered. Plaintiff 20
will be granted leave to proceed in forma pauperis by separate order. 21 This case has been
consolidated with cases in this district related to the 2020 prisoner 22 transfer and related to the
first case filed, No. 5:20-cv-06326-EJD, which now has the caption “In 23 Re CIM-SQ Transfer
Cases.” Pro se prisoner cases that are part of the consolidated matter are 24 stayed except for the
purposes of service. Service shall therefore proceed in plaintiff’s case as 25 ordered below, but the
case will remain stayed for all other purposes. The docket for Case No. 24- 26 cv-05995 and all
other individual dockets have been closed. If plaintiff wishes to file any 27 1 motions, he must file
them in Case No. 5:20-cv-06326-EJD and include his original case number,

2 No. 24-cv-05995, on the left side of the heading.

3 STANDARD OF REVIEW

4 Federal courts must engage in a preliminary screening of cases in which prisoners seek 5 redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 6 1915A(a). The Court must identify cognizable claims or dismiss the complaint, or any portion of 7 the complaint, if the complaint “is frivolous, malicious, or fails to state a claim upon which relief 8 may be granted,” or “seeks monetary relief from a defendant who is immune from such relief.” Id. 9 § 1915A(b). Pro se pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep’t*, 901 10 F.2d 696, 699 (9th Cir. 1990). 11 Federal Rule of Civil Procedure 8(a)(2) requires only “a short and plain statement of the claim showing that the pleader is entitled to relief.” “Specific facts are not necessary; the 12 statement need only give the defendant fair notice of what the . . . claim is and the grounds upon 13 which it rests.” *Erickson v. Pardus*, 127 S. Ct. 2197, 2200 (2007) (citations omitted). Although to 14 state a claim a complaint “does not need detailed factual allegations, . . . a plaintiff’s obligation to 15 provide the grounds of his entitle[ment] to relief requires more than labels and conclusions, and a 16 formulaic recitation of the elements of a cause of action will not do Factual allegations must 17 be enough to raise a right to relief above the speculative level.” *Bell Atlantic Corp. v. Twombly*, 18 127 S. Ct. 1955, 1964-65 (2007) (citations omitted). A complaint must proffer “enough facts to 19 state a claim for relief that is plausible on its face.” Id. at 1974. 20 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two elements: (1) that a 21 right secured by the Constitution or laws of the United States was violated, and (2) that the alleged 22 violation was committed by a person acting under the color of state law. *West v. Atkins*, 487 U.S. 23 42, 48 (1988). 24 If a court dismisses a complaint for failure to state a claim, it should “freely give 25 leave” to amend “when justice so requires.” Fed. R. Civ. P. 15(a) (2). A court has discretion to 26 deny leave to amend due to “undue delay, bad faith or dilatory motive on the part of the movant, 27 repeated failure to cure deficiencies by amendment previously allowed, undue prejudice to the 1 opposing party by virtue of allowance of the amendment, [and] futility of amendment.” 2 *Leadsinger, Inc. v. BMG Music Pub.*, 512 F.3d 522, 532 (9th Cir. 2008).

3 LEGAL CLAIMS

4 Plaintiff names as defendants former SQSP warden Ronald Broomfield and the California 5 Department of Corrections and Rehabilitation (CDCR). He seeks damages. He alleges that 6 defendants violated their own rules and procedures by allowing the CIM prisoners to transfer to 7 SQSP without testing or quarantining procedures. 8 CDCR is immune from section 1983 lawsuits seeking damages because it is a state agency, 9 and a suit against it operates as a suit against the state. The Eleventh Amendment to the U.S. 10 Constitution bars a person from suing a state in federal court without the state’s consent. See 11 *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 98-100 (1984). CDCR will therefore be 12 dismissed. 13 Liberally construed, plaintiff’s allegations state a plausible claim for deliberate 14 indifference to plaintiff’s safety against Broomfield, in violation of the Eighth Amendment. 15 *Farmer v. Brennan*, 511 U.S. 825, 837 (1994).

16 CONCLUSION

17 1. Defendant CDCR is DISMISSED. 18 2. Plaintiff has stated a cognizable claim against defendant Broomfield for violation 19 of the Eighth Amendment by deliberate indifference to his health and safety needs. 20 3. The Court orders that service on Broomfield shall proceed under the California 21 Department of Corrections and Rehabilitation's ("CDCR") e-service program for civil rights cases 22 from prisoners in the CDCR's custody: 23 In accordance with the program, the clerk is directed to serve on the CDCR via email the 24 following documents: the operative complaint (Dkt. No. 1-1 in case 5:24-cv-05995-EJD), this 25 Order of Service, a CDCR Report of E-Service Waiver form, and a summons. The clerk also shall 26 serve a copy of this order on the plaintiff. 27 No later than 40 days after service of this order via email on the CDCR, the CDCR shall 1 defendant(s) listed in this order will be waiving service of process without the need for service by 2 the USMS and which defendant(s) decline to waive service or could not be reached. The CDCR 3 also shall provide a copy of the CDCR Report of E-Service Waiver to the California Attorney 4 General's Office which, within 21 days, shall file with the Court a waiver of service of process for 5 the defendant(s) who are waiving service. 6 Upon receipt of the CDCR Report of E-Service Waiver, the clerk shall prepare for each 7 defendant who has not waived service according to the CDCR Report of E-Service Waiver a 8 USM-285 Form. The clerk shall provide to the USMS the completed USM-285 forms and copies 9 of this order, the summons and the operative complaint for service upon each defendant who has 10 not waived service. The clerk also shall provide to the USMS a copy of the CDCR Report of E- 11 Service Waiver. 12 4. All defendants are cautioned that Rule 4 of the Federal Rules of Civil Procedure 13 requires them to cooperate in saving unnecessary costs of service of the summons and complaint. 14 Pursuant to Rule 4, if defendants, after being notified of this action and asked by the Court, on 15 behalf of plaintiff, to waive service of the summons, fail to do so, they will be required to bear the 16 cost of such service unless good cause can be shown for their failure to sign and return the waiver 17 form. 18 5. All communications by plaintiff with the Court must be served on defendants' 19 counsel by mailing a true copy of the document to defendants' counsel. The Court may disregard 20 any document which a party files but fails to send a copy of to his opponent. Until defendants' 21 counsel has been designated, plaintiff may mail a true copy of the document directly to 22 defendants, but once defendants are represented by counsel, all documents must be mailed to 23 counsel rather than directly to defendants. 24 6. Plaintiff is responsible for prosecuting this case. Plaintiff must promptly keep the 25 Court informed of any change of address and must comply with the Court's orders in a timely 26 fashion. Failure to do so may result in the dismissal of this action for failure to prosecute pursuant 27 to Federal Rule of Civil Procedure 41(b). Plaintiff must file a notice of change of address in every] 7. Any motion for an extension of time must be filed no later than the deadline sought 2 || to be extended and must be accompanied by a showing of good cause. Plaintiff is cautioned that 3 he must include the case name and case number for this case on any document he submits to the 4 || Court for consideration in this case. 5 8. The case will

remain stayed for all purposes other than service of the complaint on 6 || defendants. 7 IT IS SO ORDERED. 8 || Dated: May 8, 2025 9 10

EDWARD J. DAVILA

United States District Judge as 12 13 «14 16 17 Oo Z 18 19 20 21 22 23 24 25 26 27 28