

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Travis Ward v. California Department of Corrections and
Rehabilitation

Ward v. CDCR · No. 1:24-cv-00467-JLT-BAM · Decided February 21, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and granted the California Department of Corrections and Rehabilitation’s motion to dismiss. The court held that the plaintiff failed to state an ADA claim and that CDCR was immune from the negligence claim under California Government Code section 844.6(a)(2), with no applicable exception under section 845.6. The First Amended Complaint was dismissed without leave to amend, and the case was closed.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 21, 2025
DOCKET	1:24-cv-00467-JLT-BAM
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court conducted de novo review of a magistrate judge's findings and recommendations after Plaintiff objected to the recommendation that his First Amended Complaint be dismissed under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1)(C); dismissal for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6).
PRECEDENTIAL VALUE	unpublished
PARTIES	Travis Ward v. California Department of Corrections and Rehabilitation

TOPICS

motions to dismiss

ada / disability

government liability

negligence

civil procedure

PRACTICE AREAS

Civil procedure

Americans with Disabilities Act

Government liability

Negligence

Prisoner litigation

QUESTIONS PRESENTED

1. Whether Ward's allegations regarding requests for a wheelchair stated a cognizable claim under the Americans with Disabilities Act.
2. Whether Ward's negligence claim against CDCR was barred by California Government Code § 844.6(a)(2), or whether the exception in § 845.6 applied.
3. Whether the pleading deficiencies could be cured by amendment.
4. Whether Ward's claim for injunctive relief was moot after he was transferred from Kern Valley State Prison.

HOLDINGS

1. The First Amended Complaint failed to state a cognizable ADA claim because Ward did not allege facts showing that he was excluded from participation in, or denied the benefits of, a prison service or program because of a disability, or that he was subjected to discrimination by reason of a disability.
2. The negligence claim was barred because the First Amended Complaint did not allege facts triggering the § 845.6 exception to the immunity provided by California Government Code § 844.6(a)(2).
3. Dismissal without leave to amend was proper because the pleading deficiencies could not be cured by further amendment based on the allegations and objections before the court.
4. The claim for injunctive relief was moot because Ward was no longer housed at Kern Valley State Prison and there was no demonstrated reasonable expectation that he would return there.

KEY QUOTATIONS

“The Court conducted a de novo review of the case.” (at 1)

“Therefore, the objections do not call into question the magistrate judge's finding that the pleading deficiencies cannot be cured by further amendment.” (at 2)

FACTUAL BACKGROUND

While confined at Kern Valley State Prison, Ward alleged that he fell and injured his leg and back because sewage water had pooled outside his cell. He also alleged that he received inadequate medical care after the fall and that prison officials failed to provide a wheelchair despite repeated requests. He asserted claims under the Americans with Disabilities Act and California negligence law.

PROCEDURAL HISTORY

Ward filed a First Amended Complaint alleging violations of the Americans with Disabilities Act and negligence arising from an alleged fall caused by sewage water outside his prison cell and inadequate medical care afterward. CDCR moved to dismiss under Rule 12(b)(6). The magistrate judge recommended granting the motion and dismissing without leave to amend. After Ward objected and CDCR responded, the district court conducted de novo review, adopted the findings and recommendations, granted the motion to dismiss, dismissed the complaint without leave to amend, and ordered the case closed.

DISPOSITION

dismissed

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)

OPINION

(PC) Ward v. CDCR

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 TRAVIS WARD, Case No. 1:24-cv-00467-JLT-BAM 12 Plaintiff, ORDER ADOPTING
FINDINGS AND

RECOMMENDATIONS, GRANTING

13 v. DEFENDANT’S MOTION TO DISMISS ALL

CLAIMS FOR FAILURE TO STATE A

14 CALIFORNIA DEPARTMENT OF CLAIM, AND DISMISSING FIRST

CORRECTIONS AND AMENDED COMPLAINT WITHOUT

15 REHABILITATION, LEAVE TO AMEND

16 Defendant. (Docs. 16, 27) 17 18 Plaintiff contends that while confined at Kern Valley State
Prison in Delano, California, 19 he fell and injured his leg and back due to defendants’ failure to
remedy sewage water puddled 20 outside his cell. Plaintiff also alleges that he received inadequate
medical care after the fall. 21 (Doc. 15.) He advances claims for violation of the Americans with
Disabilities Act and 22 negligence. (Id.) Defendant California Department of Corrections and
Rehabilitation moved to 23 dismiss the operative First Amended Complaint pursuant to Federal
Rule of Civil Procedure 24 12(b)(6) for failure to state a claim. (Doc. 16.) The motion was referred
to the assigned 25 magistrate judge. (Doc. 18.) 26 On January 16, 2025, the magistrate judge
issued Findings and Recommendations that: (1) 27 CDCR’s motion to dismiss be granted; and (2)
Plaintiff’s First Amended Complaint be dismissed 28 without leave to amend. (Doc. 27.) The
magistrate judge determined that Plaintiff did not allege 1 facts to “show he was excluded from

participation in, or denied the benefits of any service or 2 programs offered by the prison because of a disability, or that he was subjected to any type of 3 discrimination by reason of a disability” and thus did not state a cognizable claim under the ADA. 4 (Id. at 5.) The magistrate judge determined that Plaintiff’s claim for injunctive relief was moot 5 because he was no longer housed at KVSP, and there was no demonstrated “reasonable 6 expectation” that he would return to KVSP. (Id. at 6.) As a final matter, the magistrate judge 7 found that pursuant to California Government Code § 844.6(a)(2), CDCR was entitled to 8 immunity from plaintiff’s negligence claim premised on a dangerous condition of public property. 9 While acknowledging the existence of an exception to immunity under California Government 10 Code § 845.6 where a prison employee knows or has reason to know that a prisoner needs 11 immediate care, the Findings and Recommendations concluded that this exception did not apply 12 because Plaintiff failed to allege that he was denied immediate care after his fall. (Id. at 8-9.) 13 The Court served the Findings and Recommendations on all parties, and notified them that 14 any objections were due within 14 days. (Doc. 27 at 9-10.) The Court also informed the parties 15 that “the failure to file objections within the specified time may result in the waiver of the ‘right 16 to challenge the magistrate’s factual findings’ on appeal.” (Id. at 10, quoting *Wilkerson v. 17 Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) On February 14, 2025, following an extension of 18 time, Plaintiff filed objections, arguing “CDCR was negligent and discriminatory against 19 [Plaintiff] for not providing necessary medical care and treatment after [his fall], including its 20 failure to provide him with a wheelchair as he requested on numerous occasions. (Doc. 31.) On

21 February 20, 2025, CDCR filed a response to the objections. (Doc. 32.)

22 According to 28 U.S.C. § 636 (b)(1)(c), this Court conducted a de novo review of the case. 23 Having carefully reviewed the entire matter, including Plaintiff’s objections, the Court concludes 24 the Findings and Recommendations are supported by the record and proper analysis. As to the 25 ADA claim, the magistrate judge correctly concluded that Plaintiff’s allegations related to his 26 requests for a wheelchair were insufficient, and Plaintiff fails to indicate how amendment would 27 address that defect. As to his negligence claim, the magistrate judge likewise correctly concluded 28 that the FAC fails to set forth facts that trigger the exception to immunity set forth in California 1 | Government Code § 845.6, which applies only to situations where a prisoner needs “immediate” 2 | medical care. Again, Plaintiffs objections fail to suggest how amendment would address the 3 | immediacy component of this exception. Therefore, the objections do not call into question the 4 | magistrate judge’s finding that the pleading deficiencies cannot be cured by further amendment. 5 | (See Doc. 27 at 9.) Thus, the Court ORDERS: 6 1. The Findings and Recommendations issued on January 16, 2025 (Doc. 27) are 7 ADOPTED. 8 2. CDCR’s motion to dismiss (Doc. 16) is GRANTED. 9 3. Plaintiff’s First Amended Complaint is DISMISSED without leave to amend. 10 4. The Clerk of the Court is directed to close this case. 11 b IT IS SO ORDERED. B Dated: _ February 21, 2025 Cerin | Tower

TED STATES DISTRICT JUDGE
14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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