

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Scott v. Hill

Case No. 3:24-cv-2400-WQH-MSB · No. 3:24-cv-2400-WQH-MSB · Decided May 27, 2025

SUMMARY

The United States District Court for the Southern District of California grants Robert Scott’s motion to proceed in forma pauperis in his 42 U.S.C. § 1983 action concerning alleged inadequate medical care for his knees. The court dismisses the complaint without prejudice under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b) for failure to state a claim, concluding that the allegations did not establish deliberate indifference under the Eighth Amendment. The court grants Scott 60 days to file a First Amended Complaint.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	William Q. Hayes
JURISDICTION	United States District Court for the Southern District of California
DECIDED	May 27, 2025
DOCKET	3:24-cv-2400-WQH-MSB
DISPOSITION	other
PROCEDURAL POSTURE	Pro se state prisoner filed a 42 U.S.C. § 1983 complaint alleging inadequate medical care in violation of the Eighth Amendment and moved to proceed in forma pauperis. The district court granted in forma pauperis status and screened the complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).
STANDARD OF REVIEW	On screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), the court applied the Federal Rule of Civil Procedure 12(b)(6) standard and accepted well-pleaded factual allegations as true while requiring sufficient factual matter to state a plausible claim.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Robert Scott v. James Hill, John/Jane Doe, Gail Messler, David Guldseth, David Clayton, James E. Bates, Mark Jacobson, Amir Mohamed, Peyman Shakiba

TOPICS

section 1983 prisoners rights cruel and unusual punishment motions to dismiss civil procedure

PRACTICE AREAS

civil rights constitutional law prisoner civil rights federal civil procedure health law

QUESTIONS PRESENTED

1. Whether Scott qualified to proceed in forma pauperis and whether an initial filing-fee installment should be assessed.
2. Whether the complaint stated a plausible Eighth Amendment claim for deliberate indifference to serious medical needs under 42 U.S.C. § 1983.
3. Whether the official-capacity claims for damages were barred by Eleventh Amendment immunity.
4. Whether the complaint adequately pleaded personal participation or a causal connection for supervisory defendants.
5. Whether allegations of inadequate treatment, medical negligence, malpractice, surgical complications, or differences of medical opinion stated an Eighth Amendment claim.
6. Whether Scott should be granted leave to amend.

HOLDINGS

1. Scott established his inability to prepay the filing fee, so the court granted his motion to proceed in forma pauperis and assessed no initial payment because the initial installment exceeded his available funds.
2. The complaint failed to state a plausible Eighth Amendment claim because it did not allege facts showing that any defendant acted with deliberate indifference to a serious medical need.
3. The official-capacity claims against the defendants were dismissed because claims for damages against state officials in their official capacities are treated as claims against the State and are barred by the Eleventh Amendment.
4. Scott failed to state individual-capacity claims against the warden and chief nurse because he did not allege their personal involvement in, or a sufficient causal connection to, the alleged constitutional violations.
5. The court dismissed the complaint without prejudice and granted Scott sixty days to file a complete amended complaint curing the pleading deficiencies.

KEY QUOTATIONS

“The “standard for determining whether Plaintiff has failed to state a claim upon which relief can be granted under § 1915(e)(2)(B)(ii) is the same as the Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a claim.”” (at 3)

“A plaintiff must show the official knew of and disregarded “excessive risk to inmate health and safety.”” (at 7)

“Under Section 1983, supervisory officials are not liable for actions of subordinates on any theory of vicarious liability.” (at 8)

“That Scott disagrees with the specific way they addressed his pain merely amounts to “differences of medical opinion” between himself and the three doctors as to the appropriate treatment for his pain.” (at 10)

“A district court should not dismiss a pro se complaint without leave to amend [pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii)] unless ‘it is absolutely clear that the deficiencies of the complaint could not be cured by amendment.’” (at 13)

FACTUAL BACKGROUND

Scott, a California state inmate, alleged chronic and severe bilateral knee pain caused by osteoarthritis beginning in 2017. He alleged that prison medical personnel delayed or inadequately treated his pain, that he underwent total knee replacement surgeries in 2021 and 2022, and that the surgeries were botched and resulted in continuing pain, swelling, and possibly loose hardware. He also alleged that certain providers failed to prescribe narcotics or arrange corrective surgery. The court found that the allegations and attached medical records showed treatment, differing medical judgments, and no facts plausibly establishing deliberate indifference by any defendant.

PROCEDURAL HISTORY

Scott filed a civil-rights complaint and an in forma pauperis motion. The court granted the motion, assessed no initial installment because Scott had insufficient available funds, and ordered collection of the filing fee in installments. The court dismissed the complaint in its entirety for failure to state a claim, without prejudice, and granted Scott sixty days to file an amended complaint.

DISPOSITION

other

CASES CITED

- Andrews v. Cervantes, 493 F.3d 1047, 1051 (9th Cir. 2007)
- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)
- Bruce v. Samuels, 577 U.S. 82, 84 (2016)
- Lopez v. Smith, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc)
- Rhodes v. Robinson, 621 F.3d 1002, 1004 (9th Cir. 2010)
- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 676, 678 (2009)
- Tsao v. Desert Palace, Inc., 698 F.3d 1128, 1138 (9th Cir. 2012)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 554, 555 (2007)

- *Cafasso v. General Dynamics C4 Systems*, 637 F.3d 1047, 1058-59 (9th Cir. 2011)
- *McHenry v. Renne*, 84 F.3d 1172, 1177 (9th Cir. 1996)
- *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)
- *Farmer v. Brennan*, 511 U.S. 825, 832 (1994)
- *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006)
- *Estelle v. Gamble*, 429 U.S. 97, 104-07 (1976)
- *Toguchi v. Chung*, 391 F.3d 1051, 1057-60 (9th Cir. 2004)
- *Kentucky v. Graham*, 473 U.S. 159, 166 (1985)
- *Leer v. Murphy*, 844 F.2d 628, 631-32 (9th Cir. 1988)
- *Michigan Department of State Police v. Will*, 491 U.S. 58, 66 (1989)
- *Dittman v. California*, 191 F.3d 1020, 1025-26 (9th Cir. 1999)
- *Hafer v. Melo*, 502 U.S. 21, 31 (1991)
- *Crowley v. Bannister*, 734 F.3d 967, 977 (9th Cir. 2013)
- *Cousins v. Lockyer*, 568 F.3d 1063, 1070 (9th Cir. 2009)
- *Solomon v. Felker*, 2013 WL 5375538, at *12 (E.D. Cal. 2013)
- *Edgerly v. City and County of San Francisco*, 599 F.3d 946, 961-62 (9th Cir. 2010)
- *Colwell v. Bannister*, 763 F.3d 1060, 1066 (9th Cir. 2014)
- *Hamby v. Hammond*, 821 F.3d 1085, 1092 (9th Cir. 2016)
- *Sloan v. Oakland Police Department*, 376 F. App'x 738, 740 (9th Cir. 2010)
- *Rosati v. Igbinoso*, 791 F.3d 1037, 1039 (9th Cir. 2015)
- *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012)
- *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1990)
- *Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir. 2012)
- *Lira v. Herrera*, 427 F.3d 1164, 1169 (9th Cir. 2005)