

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Guido Ginochio v. Andre, et al.

Ginochio v. Andre · No. 2:24-cv-1731 CSK P · Decided April 8, 2025

SUMMARY

The United States District Court for the Eastern District of California grants the plaintiff's request to proceed in forma pauperis but dismisses his 42 U.S.C. § 1983 complaint with leave to amend. The order addresses potential claims under the ADA, Rehabilitation Act, RLUIPA, and the Eighth Amendment, and explains pleading, defendant-identification, and available-relief requirements. Plaintiff is given thirty days to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 8, 2025
DOCKET	2:24-cv-1731 CSK P
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner proceeding pro se filed a civil-rights action under 42 U.S.C. § 1983 and sought leave to proceed in forma pauperis. The court screened the complaint under 28 U.S.C. § 1915A, granted in forma pauperis status, dismissed the complaint for failure to satisfy Federal Rule of Civil Procedure 8(a)(2), and granted thirty days to amend.
STANDARD OF REVIEW	The court applied the screening standards under 28 U.S.C. § 1915A, accepting well-pleaded allegations as true and construing the complaint in plaintiff's favor. A complaint must provide a short and plain statement giving fair notice and must contain sufficient factual allegations to raise a right to relief above the speculative level.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

- prisoners rights
- civil rights
- section 1983
- ada / disability
- pleadings

PRACTICE AREAS

prisoner civil rights

civil procedure

disability discrimination

religious freedom

constitutional torts

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable ADA or Rehabilitation Act claim based on the alleged lack of wheelchair access to religious services.
2. Whether the allegations stated a cognizable RLUIPA claim based on the alleged burden on plaintiff's participation in Odinist religious services.
3. Whether the allegations stated an Eighth Amendment medical-care claim under 42 U.S.C. § 1983.
4. Whether the complaint satisfied Federal Rule of Civil Procedure 8(a)(2) and sufficiently alleged each defendant's personal involvement.
5. Whether plaintiff should receive leave to amend after dismissal of the deficient complaint.

HOLDINGS

1. The complaint did not state a cognizable ADA or Rehabilitation Act claim as pleaded, but plaintiff may be able to state such claims by alleging the required elements, identifying the proper state-entity defendant, identifying his disability, and alleging intentional discrimination if seeking ADA damages.
2. The complaint did not adequately plead a RLUIPA claim, but plaintiff was granted leave to amend to allege facts showing a burden on religious exercise, name the proper official-capacity defendant, and seek only injunctive relief.
3. The complaint failed to state an Eighth Amendment medical-care claim because it did not allege that any particular defendant was deliberately indifferent to a serious medical need.
4. A § 1983 complaint must allege specific facts showing each defendant's personal involvement or a causal connection to the alleged constitutional deprivation; conclusory labels and unidentified Doe defendants are insufficient.
5. The complaint violated Rule 8(a)(2) because it was too vague and conclusory to provide fair notice, but dismissal without prejudice and with leave to amend was appropriate.

KEY QUOTATIONS

“The Court finds the allegations in plaintiff’s complaint so vague and conclusory that it is unable to determine whether the current action is frivolous or fails to state a claim for relief.” (at 7)

“Because plaintiff failed to comply with the requirements of Fed. R. Civ. P. 8(a)(2), the complaint must be dismissed. However, the Court grants plaintiff leave to file an amended complaint.” (at 8)

“Plaintiff's complaint is dismissed.” (at 9)

FACTUAL BACKGROUND

Plaintiff, a state prisoner who uses a wheelchair and walker, alleged that the Odinist religious-service area at High Desert State Prison was surrounded by mud and dirt and lacked a wheelchair-accessible surface. While

attempting to reach the services, he fell while using his walker and suffered back and shoulder pain. He alleged that he thereafter could not participate in the services because of the access hazards and sought installation of a hard-surface pathway and money damages. He also acknowledged that he was taken to medical treatment after the fall.

PROCEDURAL HISTORY

Plaintiff filed a complaint alleging that inadequate wheelchair access to Odinist religious services caused him to fall and injured him, and alleging restrictions on religious exercise and medical care. His grievance also referenced the ADA, the Rehabilitation Act, and RLUIPA. The court found the allegations insufficiently specific to state cognizable claims, dismissed the complaint with leave to amend, assessed the statutory filing fee and initial partial fee, and directed plaintiff to file an amended complaint within thirty days.

DISPOSITION

dismissed

CASES CITED

- *Neitzke v. Williams*, 490 U.S. 319, 325, 327 (1989)
- *Franklin v. Murphy*, 745 F.2d 1221, 1227-28 (9th Cir. 1984)
- *Jackson v. Arizona*, 885 F.2d 639, 640 (9th Cir. 1989)
- *Lopez v. Smith*, 203 F.3d 1122, 1130-31 (9th Cir. 2000)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)
- *Conley v. Gibson*, 355 U.S. 41, 47 (1957)
- *Erickson v. Pardus*, 551 U.S. 89, 93 (2007)
- *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974)
- *Pennsylvania Department of Corrections v. Yeskey*, 524 U.S. 206, 208 (1998)
- *Zukle v. Regents of University of California*, 166 F.3d 1041, 1045 (9th Cir. 1999)
- *Duvall v. County of Kitsap*, 260 F.3d 1124, 1138 (9th Cir. 2001)
- *Everett H. v. Dry Creek Joint Elementary School District*, 5 F. Supp. 3d 1167, 1181 (E.D. Cal. 2014)
- *Alvarez v. Hill*, 518 F.3d 1152, 1156 (9th Cir. 2008)
- *Cutter v. Wilkinson*, 544 U.S. 709, 720 (2005)
- *Greene v. Solano County Jail*, 513 F.3d 982, 987 (9th Cir. 2008)
- *Johnson v. Baker*, 24 F.4th 1209, 1215 (9th Cir. 2022)
- *Jones v. Williams*, 719 F.3d 1023, 1031 (9th Cir. 2013)
- *Wood v. Yordy*, 753 F.3d 899, 904 (9th Cir. 2014)
- *Jones v. Williams*, 791 F.3d 1023, 1031 (9th Cir. 2015)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002)
- *Hansen v. Black*, 885 F.2d 642, 646 (9th Cir. 1989)

- Johnson v. Duffy, 588 F.2d 740, 743-44 (9th Cir. 1978)
- Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)
- Starr v. Baca, 652 F.3d 1202, 1208 (9th Cir. 2011)
- Estelle v. Gamble, 429 U.S. 97, 102 (1976)
- Farmer v. Brennan, 511 U.S. 825, 828 (1994)
- Snow v. McDaniel, 681 F.3d 978, 985 (9th Cir. 2012)
- Peralta v. Dillard, 744 F.3d 1076, 1082-83 (9th Cir. 2014)
- Jett v. Penner, 439 F.3d 1091, 1096 (9th Cir. 2006)
- Toguchi v. Chung, 391 F.3d 1051, 1060 (9th Cir. 2004)
- Barren v. Harrington, 152 F.3d 1193, 1194 (9th Cir. 1998)
- Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980)
- Brass v. County of Los Angeles, 328 F.3d 1192, 1197-98 (9th Cir. 2003)
- Jones v. Community Redevelopment Agency, 733 F.2d 646, 649 (9th Cir. 1984)
- Rizzo v. Goode, 423 U.S. 362, 371 (1976)
- May v. Enomoto, 633 F.2d 164, 167 (9th Cir. 1980)
- Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Ramirez v. County of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015)

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