

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Gerardo Azpera v. Maloney, et al.

Case No. 2:25-cv-2542-JDP (P) (E.D. Cal. Dec. 5, 2025) · No. 2:25-cv-2542-JDP (P) · Decided December 5, 2025

SUMMARY

The United States District Court for the Eastern District of California screened Gerardo Azpera’s 42 U.S.C. § 1983 complaint against correctional officers at Mule Creek State Prison. The court found that Azpera adequately stated an Eighth Amendment deliberate-indifference claim against Maloney concerning delayed medical care, but found his retaliation claim deficient and unrelated to the medical-care claim. The court granted in forma pauperis status and directed Azpera to either proceed on the cognizable claim or file an amended complaint within thirty days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 5, 2025
DOCKET	2:25-cv-2542-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Screening order in a pro se state-prisoner action under 42 U.S.C. § 1983. The court reviewed the complaint under 28 U.S.C. § 1915A, granted in forma pauperis status, found one medical-care claim cognizable, and required plaintiff either to proceed on that claim or file an amended complaint addressing deficiencies.
STANDARD OF REVIEW	Statutory prisoner-complaint screening under 28 U.S.C. § 1915A, applying the Rule 8(a)(2) plausibility standard and the standard for dismissal for failure to state a claim. The court also construed the pro se complaint liberally.
PRECEDENTIAL VALUE	Nonprecedential district-court screening order

TOPICS

- section 1983
- prisoners rights
- pleadings
- joinder
- first amendment

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the allegations that Maloney knowingly failed to obtain medical care for Azpera's serious heart-related condition stated a cognizable Eighth Amendment deliberate-indifference claim.
2. Whether the allegations that Maloney withheld food and removed legal work from Azpera's cell stated a cognizable First Amendment retaliation claim.
3. Whether the medical-care and retaliation claims could be joined in the same action against multiple defendants.
4. Whether Azpera could assert claims on behalf of his cellmate.

HOLDINGS

1. The complaint adequately stated a claim against Maloney for deliberate indifference to serious medical needs because it alleged a serious preexisting heart condition and Maloney's deliberately indifferent refusal to obtain medical care.
2. The alleged withholding of food and removal of legal work potentially implicated a First Amendment retaliation claim, but the retaliation claim was deficient as pleaded and was dismissed without prejudice.
3. The unrelated medical-care and retaliation claims could not proceed together in one action against multiple defendants; unrelated claims involving different defendants must be brought in separate suits.
4. Azpera could not assert claims on behalf of his cellmate because a pro se litigant may appear only on his own behalf and may not represent other individuals in federal court.

KEY QUOTATIONS

“Multiple, unrelated claims against more than one defendant belong in separate suits.” (at 3)

“Failure to timely file either an amended complaint or proceed with the cognizable claim may result in the imposition of sanctions, including a recommendation that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b).” (at 4)

FACTUAL BACKGROUND

Azpera alleged that on March 5, 2025, he experienced what appeared to be a heart attack, lost consciousness, fell from a top bunk, and struck his head. He alleged that his cellmate repeatedly sought medical assistance for approximately three hours, but correctional officer Maloney ignored the requests and said he did not report the incident because he believed it was fake; Azpera also alleged a preexisting heart murmur. Separately, Azpera alleged that Maloney withheld food and removed legal work from his cell in retaliation for Azpera's prior lawsuit against him.

PROCEDURAL HISTORY

Gerardo Azpera filed a § 1983 complaint against correctional officers at Mule Creek State Prison and applied to proceed in forma pauperis. On screening, the court found that the alleged denial of medical care against Maloney was sufficient to proceed, but the retaliation claim was deficient and unrelated claims involving different defendants could not proceed together. The court granted the in forma pauperis application and gave plaintiff thirty days to amend or elect to proceed with the cognizable claim.

DISPOSITION

other

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-679 (2009)
- Kobold v. Good Samaritan Regional Medical Center, 832 F.3d 1024, 1038 (9th Cir. 2016)
- Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hayes v. Idaho Correctional Center, 849 F.3d 1204, 1208 (9th Cir. 2017)
- Bruns v. National Credit Union Administration, 122 F.3d 1251, 1257 (9th Cir. 1997)
- Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Simon v. Hartford Life, Inc., 546 F.3d 661, 664-665 (9th Cir. 2008)
- Johns v. County of San Diego, 114 F.3d 874, 876 (9th Cir. 1997)
- Lemire v. California Department of Corrections and Rehabilitation, 726 F.3d 1062, 1075 (9th Cir. 2013)
- Jett v. Penner, 439 F.3d 1091, 1096 (9th Cir. 2006)
- Johnson v. Lewis, 217 F.3d 726, 731 (9th Cir. 2000)
- Watison v. Carter, 668 F.3d 1108, 1114 (9th Cir. 2012)
- Centeno v. Grierson, No. 2:23-cv-02131-JAD-DJA, 2024 WL 3237561 (D. Nev. 2024)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Lacey v. Maricopa County, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc)

OPINION

Maloney

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 GERARDO AZPERA, Case No. 2:25-cv-2542-JDP (P) 12 Plaintiff, 13 v. ORDER 14
MALONEY, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner, brings this section 1983 action
against correctional officers 18 Maloney and Perez at the Mule Creek State Prison. I find that
plaintiff’s claim for denial of 19 medical care against Maloney is adequate to proceed past

screening. His retaliation claim, 20 however, is deficient and should be dismissed without prejudice. Plaintiff will notify the court of 21 his intent to either proceed with the cognizable claim or file an amended complaint. Plaintiff's 22 application to proceed in forma pauperis, ECF No. 2, makes the required showing and is granted. 23 Screening and Pleading Requirements 24 A federal court must screen a prisoner's complaint that seeks relief against a governmental 25 entity, officer, or employee. See 28 U.S.C. § 1915A(a). The court must identify any cognizable 26 claims and dismiss any portion of the complaint that is frivolous or malicious, fails to state a 27 claim upon which relief may be granted, or seeks monetary relief from a defendant who is 28 immune from such relief. See 28 U.S.C. §§ 1915A(b)(1), (2). 1 A complaint must contain a short and plain statement that plaintiff is entitled to relief, 2 Fed. R. Civ. P. 8(a)(2), and provide "enough facts to state a claim to relief that is plausible on its 3 face," *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not 4 require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S. 562, 678 (2009). If the allegations "do not permit the court to infer more than the mere 6 possibility of misconduct," the complaint states no claim. *Id.* at 679. The complaint need not 7 identify "a precise legal theory." *Kobold v. Good Samaritan Reg'l Med. Ctr.*, 832 F.3d 1024, 8 1038 (9th Cir. 2016). Instead, what plaintiff must state is a "claim"—a set of "allegations that 9 give rise to an enforceable right to relief." *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 10 n.2 (9th Cir. 2006) (en banc) (citations omitted). 11 The court must construe a pro se litigant's complaint liberally. See *Haines v. Kerner*, 404 12 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant's complaint "if it 13 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which 14 would entitle him to relief." *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). 15 However, "a liberal interpretation of a civil rights complaint may not supply essential elements 16 of the claim that were not initially pled." *Bruns v. Nat'l Credit Union Admin.*, 122 F.3d 1251, 17 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 18 Analysis 19 Plaintiff alleges two discrete claims based on incidents that occurred while he was housed 20 at Mule Creek State Prison ("MCSP"). The first claim centers on defendants' delay in obtaining 21 medical treatment for plaintiff. Plaintiff claims that on March 5, 2025, he experienced what 22 seemed like a heart attack. ECF No. 1 at 3. This heart attack caused plaintiff suddenly to lose 23 consciousness and fall from his top bunk and hit his head on a hard metal surface. *Id.* Plaintiff 24 alleges that he woke up with his head covered in blood. *Id.* Plaintiff's cellmate called for 25 medical attention repeatedly over the course of three hours, but defendants ignored his pleas for 26 assistance, with defendant Maloney allegedly going so far as to state that he did not call in the 27 incident because he "knew it was fake." *Id.* at 4. Plaintiff further alleges that he had a pre- 28 existing heart murmur, and this was not the first time he had experienced one of these attacks, but 1 this was the first time he had experienced a heart problem while at MCSP without receiving 2 institutional medical attention. *Id.* 3 Plaintiff also alleges that Maloney retaliated against him on several occasions by 4 withholding food and removing legal work from his cell. *Id.* at 6-7. Plaintiff alleges

that 5 Maloney's conduct can be attributed, in at least part, to retaliation against plaintiff for filing a 6 lawsuit against him. *Id.* at 7. 7 Plaintiff is advised that he cannot assert claims on behalf of his cellmate.¹ See 28 U.S.C. § 1654 (parties may plead and conduct their own cases personally in all federal courts); see also 9 *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664-65 (9th Cir. 2008) (noting an individual appearing 10 pro se may not represent other individuals in federal court); *Johns v. Cnty. of San Diego*, 114 F.3d 11 874, 876 (9th Cir. 1997) ("While a non-attorney may appear pro se on his own behalf, he has no 12 authority to appear as an attorney for others than himself.") (internal quotations and citation 13 omitted). Therefore, to the extent that plaintiff has alleged claims on behalf of his cellmate, those 14 claims are dismissed. 15 While plaintiff styles his claims as excessive force and threat to safety, it appears that 16 plaintiff's claims are rooted in the Eighth Amendment's protection against the denial of medical 17 care.² To be sure, denial of medical care by prison staff may constitute a claim for deliberate 18 indifference to a prisoner's serious medical needs. *Lemire v. California Dept. of Corrections and 19 Rehabilitation*, 726 F.3d 1062, 1075 (9th Cir. 2013) (holding that the deliberate indifference of 20 prison officials to the medical needs of prisoners can support Eighth Amendment liability). This 21 claim is pled sufficiently because plaintiff alleges that Maloney was aware of plaintiff's serious 22 pre-existing heart issues and refused to provide medical care when requested because Maloney 23 "knew it was fake." See *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006) (holding that the test 24 for deliberate indifference requires a showing of serious medical need and defendant's 25 1 Plaintiff lists his cellmate, Jimmie Jones III, as a plaintiff and appears to allege claims on 26 his behalf. See ECF No. 1 at 1, 4. 27 2 Plaintiff alleges that his initial injury was caused by his fall, which was not caused by defendants. However, plaintiff also seems to allege that his injury is derivative of defendants' 28 inaction in obtaining medical treatment for him after the fall. 1 deliberately indifferent response). 2 Plaintiff's remaining claim alleges that defendant Maloney removed plaintiff's legal work 3 from his cell and refused to provide him meals. While the taking of legal work does not 4 constitute the deprivation of basic life necessities, withholding food can because prison officials 5 have a duty to ensure that prisoners are provided adequate food. See *Johnson v. Lewis*, 217 F.3d 6 726, 731 (9th Cir. 2000). The nonconsensual taking of legal work raises a potential retaliation 7 claim under the First Amendment if Maloney withheld food and removed plaintiff's legal work 8 from his cell in retaliation for having previously filed suit against him. *Watison v. Carter*, 668 9 F.3d 1108, 1114 (9th Cir. 2012) ("Prisoners have a First Amendment right to file grievances 10 against prison officials and to be free from retaliation for doing so."). However, the claim for 11 deliberate indifference to plaintiff's medical needs against Maloney and Perez on March 5, 2025, 12 and the claim for the instances of retaliation against Maloney individually are factually unrelated. 13 Multiple, unrelated claims against more than one defendant belong in separate suits. See Fed. R. 14 Civ. P. 20(a)(2); see also *Centeno v. Grierson*, No. 2:23-cv-02131-JAD-DJA, 2024 WL 3237561 15 (D. Nev. 2024) (" . . . unrelated claims that involve different defendants must be brought in 16 separate lawsuits.") (quoting *George v. Smith*, 507 F.3d

605, 607 (7th Cir. 2007)). 17 Plaintiff may proceed with the cognizable claim or file an amended complaint that 18 addresses these deficiencies. Should he choose to file an amended complaint, he is advised that 19 the amended complaint will supersede the current complaint. See Lacey v. Maricopa Cnty., 693 20 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc). The amended complaint should be titled “First 21 Amended Complaint” and refer to the appropriate case number. 22 Accordingly, it is ORDERED that: 23 1. Plaintiff’s application to proceed in forma pauperis, ECF No. 2, is GRANTED. 24 2. Within thirty days from service of this order, plaintiff shall file either (1) an amended 25 complaint or (2) notify the court of his intent to proceed with the cognizable claim. 26 3. Failure to timely file either an amended complaint or proceed with the cognizable 27 claim may result in the imposition of sanctions, including a recommendation that this action be 28 dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 1 4. The Clerk of Court shall send plaintiff a complaint form with this order. 2 3 IT IS SO ORDERED. Dated: _ December 5, 2025 Q_——_.

5 JEREMY D. PETERSON

6 UNITED STATES MAGISTRATE JUDGE

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