

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PRECEDENTIAL VALUE	Nonprecedential district-court screening order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)