

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Michael Alan Dean Hill v. County of El Dorado, et al.

Hill v. County of El Dorado · No. 2:25-cv-1472 TLN CKD P · Decided December 29, 2025

OPINION

Michael Alan Dean Hill v. County of El Dorado, et al.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 MICHAEL ALAN DEAN HILL, 2:25-cv-1472 TLN CKD P

12 Plaintiff, 13 v. ORDER 14 COUNTY OF EL DORADO, et al., 15 Defendants. 16 17 18

Plaintiff is detained at the El Dorado County Jail and seeks relief under 42 U.S.C. § 1983. 19 He

proceeds without counsel and requests to proceed in forma pauperis. This matter is referred to 20

the undersigned by Local Rule 302. See 28 U.S.C. § 636(b)(1). 21 I. In Forma Pauperis 22

Plaintiff's declaration in support of the motion to proceed in forma pauperis makes the 23 showing

required by 28 U.S.C. § 1915(a). The motion is granted. By separate order, plaintiff will 24 be

assessed an initial partial filing fee in accordance with the provisions of 28 U.S.C. § 25 1915(b)

(1). The order will direct the appropriate agency to collect the initial partial filing fee 26 from

plaintiff's trust account and forward it to the Clerk of the Court. Thereafter, plaintiff will be 27

obligated for monthly payments of twenty percent of the preceding month's income credited to 28

plaintiff's prison trust account. These payments will be forwarded by the appropriate agency to 1

the Clerk of the Court each time the amount in plaintiff's account exceeds \$10.00 until the filing 2

fee is paid in full. 28 U.S.C. § 1915(b)(2). 3 II. Screening Requirement 4 The court is required to

screen complaints brought by prisoners seeking relief against a 5 governmental entity or officer or

employee of a governmental entity. 28 U.S.C. § 1915A(a). The 6 court must dismiss a complaint

or portion thereof if the prisoner has raised claims that are legally 7 "frivolous or malicious," that

fail to state a claim upon which relief may be granted, or that seek 8 monetary relief from a

defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1), (2). 9 III. Allegations in the

Complaint 10 Plaintiff alleges he received inadequate medical care at the South Lake Tahoe Jail in

June 11 of 2023. (ECF No. 1 at 5.) He alleges the County of El Dorado and its Sheriff's

Department 12 contracted with a third-party medical provider known to provide substandard care

and failed to 13 train and oversee for the health and safety of pretrial detainees. (Id. at 6.) Plaintiff

seeks damages 14 and injunctive relief. (Id. at 11.) 15 Plaintiff saw Dr. Chapman regarding a sore

and explained he had several prior staph 16 infections which had resolved with antibiotics. (ECF No. 1 at 8.) Dr. Chapman is only at the jail 17 one day a week and was rushed. He misdiagnosed the sore, stating “it might be a spider bite. 18 Keep an eye on it and if a red streak appears to notify medical.” (Id.) 19 Plaintiff went to medical three times a day while the nurse and C/O in medical observed 20 increased swelling and enlarging wound. (ECF No. 1 at 9.) Nurse Jennifer failed to act as 21 instructed to notify the doctor if a red streak developed, suggested cutting off plaintiff’s arm with 22 a rusty saw, and mumbled that unfortunately plaintiff wasn’t going to die from the infection. (Id. 23 at 9-10.) After multiple days of no treatment, a C/O took plaintiff to medical because he refused 24 to lock down for the night. (Id. at 9.) A different nurse instructed that plaintiff needed to go to the 25 emergency room where he received treatment for staph infection and was told sepsis could have 26 been fatal. (Id.) 27 Back at the jail, Nurse Jennifer harassed plaintiff in front of C/O Clark and refused to 28 change plaintiff’s bandage. (ECF No. 1 at 9.) C/O Clark changed the bandage for plaintiff and 1 reported Nurse Jennifer, who was terminated. (Id.) 2

IV. Discussion 3 A pretrial detainee may not be subjected to restrictions and/or conditions of confinement 4 that violate an express constitutional guarantee, or that amount to “punishment” under the Due 5 Process Clause of the Fourteenth Amendment. See *Bell v. Wolfish*, 441 U.S. 520, 535-37 (1979). 6 Under the applicable “objective deliberate indifference standard,” a pretrial detainee must 7 establish the following elements: “(1) The defendant made an intentional decision with respect to 8 the conditions [of confinement]; (2) Those conditions put the plaintiff at substantial risk of 9 suffering serious harm; (3) The defendant did not take reasonable available measures to abate that 10 risk, even though a reasonable official in the circumstances would have appreciated the high 11 degree of risk involved—making the consequences of the defendant’s conduct obvious; and (4) 12 By not taking such measures, the defendant caused the plaintiff’s injuries.” *Sandoval v. Cnty. of 13 San Diego*, 985 F.3d 657, 669 (9th Cir. 2021). To satisfy the third element, the plaintiff must 14 show that the defendant’s actions were “objectively unreasonable,” which requires a showing of 15 “more than negligence but less than subjective intent—something akin to reckless disregard.” Id. 16 (citation omitted). 17 The complaint does not state a claim against El Dorado County Jail or El Dorado County 18 Sheriff’s Department. Bare allegations of failure to train and properly oversee medical care at the 19 jail and conclusions that defendants knew or should have known about the substandard care are 20 insufficient. Municipal liability arising from an alleged failure to train jail staff requires 21 allegations showing that the need for more or different training is so obvious, and the inadequacy 22 so likely to result in the violation of constitutional rights, that the policymakers of the city can 23 reasonably be said to have been deliberately indifferent to the need. *Rodriguez v. City of Los 24 Angeles*, 891 F.3d 776, 802 (9th Cir. 2018). 25 As to the individual defendants, plaintiff alleges Dr. Chapman was rushed and 26 misdiagnosed the sore. (ECF No. 1 at 8.) He alleges in conclusory fashion the “refusal to examine 27 [plaintiff’s] wound or test it for [staph] was malpractice[.]” (Id. at 9.) These allegations suggest 28 no more than negligence or a lack of due care when treating plaintiff,

which is insufficient to state 1 a Fourteenth Amendment claim. See *Gordon v. Cnty. of Orange*, 888 F.3d 1118, 1125 (9th Cir. 2 2018); *Toguchi v. Chung*, 391 F.3d 1051, 1060 (9th Cir. 2004) (mere medical malpractice does 3 not establish a constitutional violation). 4 Due to a lack of factual specificity, the allegations against Nurse Jennifer also fall short of 5 stating a claim. Alleged inappropriate comments and a conclusion that defendant failed to follow 6 Dr. Chapman's instructions and notify the doctor if a red streak developed reflect no more than a 7 lack of due care or ordinary negligence when treating plaintiff, which is insufficient to state a 8 Fourteenth Amendment claim. See *Gordon*, 888 F.3d at 1125; *Toguchi*, 391 F.3d at 1060. 9 Missing are factual allegations showing that a risk of harm to plaintiff was obvious or should 10 have been obvious to Nurse Jennifer. See *Sandoval*, 985 F.3d at 669. In other words, plaintiff 11 does not allege what made his condition and need for further medical treatment obvious during 12 any specific encounters with Nurse Jennifer. Plaintiff alleges he had gone to medical three times a 13 day and twice on the day he finally went to the hospital and that even a layperson would have 14 recognized the need for a doctor. However, plaintiff does not allege who examined him on these 15 occasions. The complaint does not make clear who was responsible for the alleged delay or denial 16 of medical care for plaintiff's staph infection, and therefore fails to give fair notice of the 17 Fourteenth Amendment claim against any individual defendant. 18 Plaintiff also does not allege facts showing a risk of harm was obvious or that he was 19 exposed to a substantial risk of harm when Nurse Jennifer refused to change his bandage. The 20 facts alleged about this encounter do not suffice to show the defendant made a decision that 21 placed plaintiff at substantial risk of suffering serious harm, causing plaintiff injuries. See 22 *Sandoval*, 985 F.3d at 669. Mere conclusions of inadequate medical care, unsupported by specific 23 factual details, do not state a claim. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (threadbare 24 recitals of the elements of a cause of action, supported by mere conclusory statements, do not 25 suffice"). 26 The complaint also names many correctional officers and two correctional sergeants as 27 defendants. A plaintiff bringing suit under 42 U.S.C. § 1983 must demonstrate that each named 28 defendant personally participated in the deprivation of his rights. *Iqbal*, 556 U.S. at 676-77; see 1 also *Leer v. Murphy*, 844 F.2d 628, 633 (9th Cir. 1988) ("The inquiry into causation must be 2 individualized and focus on the duties and responsibilities of each individual defendant whose 3 acts or omissions are alleged to have caused a constitutional deprivation."). The complaint does 4 not allege how the individual correctional officers or sergeants participated in wrongdoing and 5 therefore does not state a claim against any of them. Accordingly, plaintiff's allegations do not 6 suffice to allege any defendant's conduct amounted to unconstitutional punishment or objective 7 deliberate indifference in violation of Fourteenth Amendment. 8 V. Leave to Amend 9 It is possible plaintiff could allege additional facts to state a claim for relief, and plaintiff 10 is granted leave to amend these claims. See *Noll v. Carlson*, 809 F.2d 1446, 1448-49 (9th Cir. 11 1987). This opportunity to amend is not for the purposes of adding new and unrelated claims. See 12 *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). Local Rule 220 requires that an amended 13

complaint be complete without reference to any prior pleading. See *Loux v. Rhay*, 375 F.2d 55, 14
57 (9th Cir. 1967). 15 VI. Plain Language Summary for Pro Se Party 16 The following
information is meant to explain this order in plain English. This summary 17 is not intended as
legal advice. 18 Your complaint is being dismissed with leave to amend because the facts you
alleged are 19 insufficient to state a claim against any defendant. You have an opportunity to file
an amended 20 complaint containing more specific factual allegations about what each of the
defendants did that 21 placed you at substantial risk of suffering serious harm and caused your
injuries. 22 VII. Order 23 In accordance with the above, IT IS ORDERED as follows: 24 1.
Plaintiff's motion to proceed in forma pauperis (ECF No. 6) is GRANTED. 25 2. Plaintiff's
complaint is dismissed with leave to amend. 26 3. Plaintiff is granted thirty days from the date of
service of this order to file an amended 27 complaint that complies with the requirements of the
Civil Rights Act, the Federal 28 Rules of Civil Procedure, and the Local Rules of Practice. The
amended complaint] must bear the docket number assigned this case and must be labeled "First
Amended 2 Complaint." Failure to file an amended complaint in accordance with this order will 3
result in a recommendation that this action be dismissed. 4 || Dated: December 29, 2025 Card Kt |
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6 UNITED STATES MAGISTRATE JUDGE

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