

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Williams v. Allison

No. 24-cv-1382-AGS-AHG (S.D. Cal. May 21, 2025) · No. 24-cv-1382-AGS-AHG · Decided May 21, 2025

SUMMARY

The United States District Court for the Southern District of California granted John Wesley Williams’s motion for reconsideration of the denial of his application to proceed in forma pauperis. The court held that his allegations of recurring raw-sewage overflows plausibly established imminent danger of serious physical injury under 28 U.S.C. § 1915(g) and sufficiently alleged Eighth Amendment deliberate-indifference claims against the defendants. The court reopened and screened the case, granted in forma pauperis status, and ordered issuance and service of summonses.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Andrew G. Schopler
JURISDICTION	United States District Court for the Southern District of California
DECIDED	May 21, 2025
DOCKET	24-cv-1382-AGS-AHG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of the court's prior denial of his request to proceed in forma pauperis. The court granted reconsideration, reopened the case, granted in forma pauperis status, screened the complaint, and allowed the Eighth Amendment claims under 42 U.S.C. § 1983 to proceed past screening.
STANDARD OF REVIEW	Reconsideration is warranted for newly discovered evidence, clear error or manifest injustice, or an intervening change in controlling law. Because no new evidence or legal change was presented, the court reviewed whether its prior decision was clearly erroneous. At screening, the court applied the Federal Rule of Civil Procedure 12(b) (6) plausibility standard.
PRECEDENTIAL VALUE	unpublished
PARTIES	John Wesley Williams v. Kathleen Allison, Gavin Newsom, James Hill, R. Buckel, M. Palmer, Correctional Sergeant Juarez, Correctional

TOPICS

motion for reconsideration

prisoners rights

section 1983

cruel and unusual punishment

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether reconsideration was warranted because the court clearly erred in finding that Williams's plumbing-related allegations did not establish imminent danger of serious physical injury under 28 U.S.C. § 1915(g).
2. Whether Williams's allegations of recurring raw-sewage exposure plausibly alleged an imminent danger of serious physical injury sufficient to proceed in forma pauperis despite three litigation strikes.
3. Whether the complaint plausibly alleged Eighth Amendment deliberate-indifference claims under 42 U.S.C. § 1983 against the named prison officials at the screening stage.

HOLDINGS

1. Reconsideration was warranted because the court clearly erred in concluding that Williams's plumbing-related allegations did not satisfy the imminent-danger exception.
2. Williams's allegations of ongoing raw-sewage overflows, resulting symptoms, and exposure to airborne contaminants plausibly alleged an imminent danger of serious physical injury under § 1915(g).
3. The complaint plausibly alleged that all defendants were deliberately indifferent to a substantial risk of serious harm caused by recurring raw-sewage conditions, so the Eighth Amendment claims could proceed past screening.

KEY QUOTATIONS

“A feces-filled quarters that causes vomiting, choking, and exposure to those diseases “has potentially dangerous consequences,” including “severe bodily harm.”” (at 2)

“Prison plumbing issues create a substantial risk of serious harm, so as to violate an inmate’s right to be free from cruel and unusual punishment, when the plumbing is “in such disrepair as to deprive inmates of basic elements of hygiene and seriously threaten their physical and mental well-being.”” (at 3)

“The “deliberate indifference” standard is met when an “official knows of and disregards an excessive risk to inmate health or safety; the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.”” (at 4)

FACTUAL BACKGROUND

Williams, a state prisoner, alleged recurring overflows of raw sewage, feces, and urine in and around his prison housing areas, including overflow from a sink drain inside his cell. He alleged that the conditions caused nausea, choking, and vomiting and exposed inmates to airborne contaminants and diseases. He further alleged that prison officials had longstanding notice through work orders and complaints, but that the flooding continued and inmates were sometimes left to clean it without protective equipment.

PROCEDURAL HISTORY

Williams filed a prisoner civil-rights complaint concerning recurring sewage and plumbing problems and sought to proceed without prepaying the filing fee. The court initially denied in forma pauperis status because Williams had three qualifying litigation strikes and had not shown imminent danger of serious physical injury. On reconsideration, the court found that the allegations of ongoing raw-sewage exposure plausibly established imminent danger and screened the complaint, concluding that the claims against all defendants stated sufficient Eighth Amendment allegations to proceed.

DISPOSITION

other

CASES CITED

- School Dist. No. 1J v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993)
- American Gen. Life Ins. Co. v. Le, No. EDCV 22-0876JGB (KKX), 2024 WL 3005866, at *2 (C.D. Cal. May 17, 2024)
- Andrews v. Cervantes, 493 F.3d 1047, 1055 (9th Cir. 2007)
- Gresham v. Meden, 938 F.3d 847, 850 (6th Cir. 2019)
- Lopez v. Smith, 203 F.3d 1122, 1126–27 (9th Cir. 2000)
- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Devereaux v. Abbey, 263 F.3d 1070, 1074 (9th Cir. 2001)
- Tsao v. Desert Palace, Inc., 698 F.3d 1128, 1138 (9th Cir. 2012)
- West v. Atkins, 487 U.S. 42, 49 (1988)
- Farmer v. Brennan, 511 U.S. 825, 828, 837 (1994)
- Hoptowit v. Spellman, 753 F.2d 779, 783 (9th Cir. 1985)
- Wilhelm v. Rotman, 680 F.3d 1113, 1123 (9th Cir. 2012)
- Thomas v. Ponder, 611 F.3d 1144, 1150 (9th Cir. 2010)

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