

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Timothy D. Wilkins v. D. Smith, et al.

No. 2:24-cv-3135 CKD P (E.D. Cal. Feb. 27, 2025) · No. No. 2:24-cv-3135 CKD P · Decided February 27, 2025

SUMMARY

The court grants Timothy D. Wilkins leave to proceed in forma pauperis but dismisses his original, amended, and second amended complaints for failure to state a federal claim. The court grants leave to file a third amended complaint within 30 days and provides guidance concerning specific allegations, defendant involvement, and medical-care claims under the Eighth Amendment.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 27, 2025
DOCKET	No. 2:24-cv-3135 CKD P
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner proceeding pro se filed an action under 42 U.S.C. § 1983 and submitted original, amended, and second amended complaints. On screening under 28 U.S.C. § 1915A, the court dismissed the second amended complaint for failure to state a claim but granted leave to file a third amended complaint.
STANDARD OF REVIEW	The court screened the prisoner complaint under 28 U.S.C. § 1915A and applied the Federal Rule of Civil Procedure 12(b)(6)-type plausibility standard, requiring factual allegations sufficient to state a facially plausible claim and rejecting naked assertions, labels, conclusions, and threadbare recitals.
PRECEDENTIAL VALUE	unpublished
PARTIES	Timothy D. Wilkins v. D. Smith, et al.

TOPICS

- section 1983
- prisoners rights
- pleadings
- civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

federal civil procedure

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the second amended prisoner civil-rights complaint stated a claim upon which relief could be granted under 42 U.S.C. § 1983.
2. Whether plaintiff should be granted leave to file a further amended complaint after dismissal for vague and conclusory allegations.
3. Whether plaintiff was entitled to proceed in forma pauperis and subject to collection of the statutory filing fee under 28 U.S.C. § 1915.

HOLDINGS

1. The second amended complaint failed to state a claim upon which relief could be granted because plaintiff's allegations were vague and did not establish how defendants caused a deprivation of federal rights or how each defendant was personally involved.
2. The medical-care allegations did not state a claim because a delay in medical treatment, without more, is insufficient; a prisoner alleging deliberate indifference based on delay must show significant harm and that defendants should have known the delay would cause that harm.
3. Plaintiff was granted thirty days to file a third amended complaint because the deficiencies identified by the court could potentially be corrected through more specific allegations.
4. Plaintiff's request to proceed in forma pauperis was granted, subject to payment of the statutory filing fee through the collection procedures applicable to prisoners.

KEY QUOTATIONS

"To avoid dismissal for failure to state a claim a complaint must contain more than "naked assertions," "labels and conclusions" or "a formulaic recitation of the elements of a cause of action." (at 2)

"There can be no liability under 42 U.S.C. § 1983 unless there is some affirmative link or connection between a defendant's actions and the claimed deprivation." (at 3)

"Mere delay of medical treatment, "without more, is insufficient to state a claim of deliberate medical indifference." (at 3)

"Local Rule 220 requires that any amended complaint be complete in itself without reference to any prior pleading." (at 4)

FACTUAL BACKGROUND

Plaintiff is a state prisoner who alleged various injuries and complained about medical care by defendants. The court found that the allegations did not identify facts showing that defendants caused the alleged injuries through deprivation of federal rights or explain how each defendant was personally involved. The court also found that the second amended complaint failed to state a cognizable federal claim.

PROCEDURAL HISTORY

Plaintiff filed an original complaint, an amended complaint, and a second amended complaint. The court screened the second amended complaint, found that its allegations were too vague and failed to state a federal claim, dismissed the complaints, and granted plaintiff thirty days to file a compliant third amended complaint. The court also granted in forma pauperis status and motions for leave to amend.

DISPOSITION

dismissed

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Ellis v. Cassidy, 625 F.2d 227 (9th Cir. 1980)
- Rizzo v. Goode, 423 U.S. 362 (1976)
- Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Estelle v. Gamble, 429 U.S. 97, 104-05 (1976)
- Jett v. Penner, 439 F.3d 1091, 1096 (9th Cir. 2006)
- Shapley v. Nevada Board of State Prison Commissioners, 766 F.2d 404, 407 (9th Cir. 1985)
- Hallett v. Morgan, 296 F.3d 732, 745-46 (9th Cir. 2002)

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