

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Larry Smith v. Fred Sedighi, Nirali Patel, Richard M. Obler,
Genielyn Hill, Paul J. Manos, Felisa V. Velesrubio, Dorothy E.
Hairston, Daniel V. White, Razi D. Hekmat, Frank K. Yoo, Kaye L.
Elamparo, John Doe #1, John Doe #2, Amir Mohamed

Case No. 3:25-cv-1100-RBM-DEB · No. 3:25-cv-1100-RBM-DEB · Decided January 28, 2026

SUMMARY

The United States District Court for the Southern District of California grants Larry Smith’s renewed motion to proceed in forma pauperis and assesses an initial partial filing fee. The court denies reconsideration of appointment of counsel, denies a motion of inquiry as moot, and dismisses the § 1983 complaint without prejudice for failure to state a claim under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1), while granting leave to amend.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Ruth Bermudez Montenegro
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 28, 2026
DOCKET	3:25-cv-1100-RBM-DEB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983. The court granted leave to proceed in forma pauperis, denied reconsideration of appointment of counsel, screened the complaint sua sponte, dismissed it without prejudice for failure to state a claim, and granted leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), the court must screen a prisoner's IFP complaint and dismiss it if frivolous, malicious, fails to state a claim, or seeks damages from immune defendants. The failure-to-state-a-claim standard is the same as under Federal Rule of Civil Procedure 12(b)(6), requiring sufficient factual matter to state a facially plausible claim.

PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Larry Smith v. Fred Sedighi, Nirali Patel, Richard M. Obler, Genielyn Hill, Paul J. Manos, Felisa V. Velezrubio, Dorothy E. Hairston, Daniel V. White, Razi D. Hekmat, Frank K. Yoo, Kaye L. Elamparo, John Doe #1, John Doe #2, Amir Mohamed

TOPICS

prisoners rights

section 1983

ada / disability

motion for reconsideration

civil procedure

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

health law

disability law

QUESTIONS PRESENTED

1. Whether Plaintiff satisfied the statutory requirements to proceed in forma pauperis.
2. Whether the complaint plausibly alleged state action by private hospital physicians and staff for purposes of 42 U.S.C. § 1983.
3. Whether the complaint plausibly alleged supervisory liability against the Doe supervisory defendants.
4. Whether the allegations against Defendants Sedighi and Mohamed stated an Eighth Amendment deliberate-indifference claim.
5. Whether the complaint stated an Equal Protection Clause claim.
6. Whether the complaint stated an ADA claim against the defendants.
7. Whether appointment of counsel was warranted under 28 U.S.C. § 1915(e)(1).
8. Whether the motion of inquiry was moot.

HOLDINGS

1. Plaintiff satisfied the requirements for IFP status, and the court granted the motion while assessing an initial partial filing fee of \$2.62 and directing collection of the remaining statutory fee through monthly payments.
2. The complaint failed to state a § 1983 claim against the Paradise Valley Hospital doctors and Doe defendants because it did not plausibly allege that they acted under color of state law.
3. The complaint failed to state claims against the alleged Paradise Valley Hospital supervisory doctor and director because it alleged no personal wrongful conduct or sufficient causal connection to a constitutional violation.
4. The complaint failed to plausibly allege that Sedighi or Mohamed acted with deliberate indifference to Smith's serious medical needs.
5. The complaint failed to state an equal protection claim because it alleged no facts showing intentional discrimination based on membership in a protected class or disparate treatment of similarly situated

inmates.

6. The complaint failed to state an ADA claim because it did not allege exclusion from or denial of a public entity's services by reason of disability, and individual defendants cannot be sued in their individual capacities under the ADA.
7. The court denied the motion for reconsideration, construed as a renewed motion for appointment of counsel, without prejudice because Plaintiff did not show exceptional circumstances.

KEY QUOTATIONS

“The standard for determining whether Plaintiff has failed to state a claim upon which relief can be granted under § 1915(e)(2)(B)(ii) is the same as the Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a claim.” (at 4)

“A private doctor, however, may act under color of state law when they provide medical services to a prisoner pursuant to a contract with the state or county.” (at 7)

“Under § 1983, supervisory officials are not liable for actions of subordinates on any theory of vicarious liability.” (at 8)

“A showing of medical malpractice or negligence is insufficient to establish a constitutional deprivation under the Eighth Amendment.” (at 9)

“In addition, a plaintiff may not pursue an ADA claim against defendants in their individual capacities.” (at 12)

FACTUAL BACKGROUND

Smith, a California prisoner, alleged a history of spinal infections, severe lumbar pain, osteomyelitis, discitis, abscesses, surgery, and related complications. He alleged that doctors at R.J. Donovan Correctional Facility and Paradise Valley Hospital failed to provide adequate pain medication, delayed or failed to obtain appropriate lumbar imaging, and inadequately treated his spinal condition. He asserted Eighth Amendment, equal protection, and Americans with Disabilities Act claims and sought monetary damages.

PROCEDURAL HISTORY

The court previously denied Plaintiff's original motion to proceed in forma pauperis, denied appointment of counsel, and dismissed the action without prejudice while permitting reopening upon submission of a supported IFP motion or payment of the filing fee. After Plaintiff filed a renewed IFP motion, a motion for reconsideration concerning counsel, and a motion of inquiry, the court reopened the case and issued this order. The complaint was dismissed without prejudice under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1), with a deadline to file a first amended complaint.

DISPOSITION

dismissed

CASES CITED

- *Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir. 2007)
- *Hymas v. U.S. Department of the Interior*, 73 F.4th 763, 765, 767 (9th Cir. 2023)
- *Andrews v. King*, 398 F.3d 1113, 1119 (9th Cir. 2005)
- *Bruce v. Samuels*, 577 U.S. 82, 84 (2016)
- *Taylor v. Delatoore*, 281 F.3d 844, 847, 850 (9th Cir. 2002)
- *Lopez v. Smith*, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc)
- *Rhodes v. Robinson*, 621 F.3d 1002, 1004 (9th Cir. 2010)
- *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)
- *Briley v. California*, 564 F.2d 849, 855-56 (9th Cir. 1977)
- *West v. Atkins*, 487 U.S. 42, 54-55 (1988)
- *Price v. State of Hawai'i*, 939 F.2d 702, 708 (9th Cir. 1991)
- *Stratton v. Buck*, 498 Fed. App'x 674, 676 (9th Cir. 2012)
- *Clewis v. California Prison Health Care Services*, No. 2:09-cv-2120 JAM ACP, 2013 WL 2482521, at *6 (E.D. Cal. June 10, 2013)
- *Crowley v. Bannister*, 734 F.3d 967, 977 (9th Cir. 2013)
- *Snow v. McDaniel*, 681 F.3d 978, 989 (9th Cir. 2012)
- *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980)
- *Cuda v. Employees/Contractors/Agents at or OCCC*, CIV NO. 19-00084 DKW-KJM, 2019 WL 2062945, at *4 (D. Haw. May 9, 2019)
- *Farmer v. Brennan*, 511 U.S. 825, 832 (1994)
- *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006)
- *Estelle v. Gamble*, 429 U.S. 97, 104, 106 (1976)
- *Toguchi v. Chung*, 391 F.3d 1051, 1057, 1060 (9th Cir. 2004)
- *Hutchinson v. United States*, 838 F.2d 390, 394 (9th Cir. 1988)
- *Wood v. Housewright*, 900 F.2d 1332, 1334-36 (9th Cir. 1990)
- *Thornton v. City of St. Helens*, 425 F.3d 1158, 1166 (9th Cir. 2005)
- *Lee v. City of Los Angeles*, 250 F.3d 668, 686 (9th Cir. 2001)
- *Serrano v. Francis*, 345 F.3d 1071, 1082 (9th Cir. 2003)
- *Byrd v. Maricopa County Sheriff's Department*, 629 F.3d 1135, 1140 (9th Cir. 2011) (en banc)
- *United States v. Georgia*, 546 U.S. 151, 154 (2006)
- *O'Guinn v. Lovelock Correctional Center*, 502 F.3d 1056, 1060 (9th Cir. 2007)
- *McGary v. City of Portland*, 386 F.3d 1259, 1265 (9th Cir. 2004)
- *Thompson v. Davis*, 295 F.3d 890, 895 (9th Cir. 2002) (per curiam)
- *Walsh v. Nevada Department of Human Resources*, 471 F.3d 1033, 1038 (9th Cir. 2006)

- Lovell v. Chandler, 303 F.3d 1039, 1052 (9th Cir. 2002)
- Mark H. v. Lemahieu, 513 F.3d 922, 938 (9th Cir. 2008)
- Kentucky v. Graham, 473 U.S. 159, 165 (1985)
- Holley v. California Department of Corrections, 599 F.3d 1108, 1111 (9th Cir. 2010)
- Rosati v. Igbino, 791 F.3d 1037, 1039 (9th Cir. 2015)
- Akhtar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 2012)
- Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)
- Encinas v. University of Washington, Case No. 2:20-cv-01679-TL, 2022 WL 4598083, at *9 (W.D. Wash. 2022)
- Agyeman v. Corrections Corporation of America, 390 F.3d 1101, 1103 (9th Cir. 2004)
- Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986)
- Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991)
- Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997)
- Storseth v. Spellman, 654 F.2d 1349, 1353 (9th Cir. 1981)
- Mallard v. United States District Court, 490 U.S. 296, 310 (1989)
- Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc., 896 F.2d 1542, 1546 (9th Cir. 1990)
- Lacey v. Maricopa County, 693 F.3d 896, 928 (9th Cir. 2012)
- Lira v. Herrera, 427 F.3d 1164, 1169 (9th Cir. 2005)