

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Elghembri v. Cook

Elghembri · No. 24-cv-02770-WHO (PR) · Decided June 18, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed Ahmed Mohamed Elghembri’s amended 42 U.S.C. § 1983 complaint alleging inadequate medical care in violation of the Eighth Amendment. The court concluded that the alleged failure to address shoulder pain resulted from a misunderstanding about the purpose of a mental-health appointment and did not constitute deliberate indifference.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	William H. Orrick
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 18, 2025
DOCKET	24-cv-02770-WHO (PR)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of a prisoner's amended 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915A(a).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must screen a prisoner's complaint seeking redress from a governmental entity or officer and dismiss claims that are frivolous, malicious, or fail to state a claim. The court liberally construes pro se pleadings and accepts well-pleaded factual allegations as true, but need not accept legal conclusions unsupported by the alleged facts. A complaint must contain sufficient factual matter to state a facially plausible claim.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Ahmed Mohammad Elghembri v. Aaron Cook, et al.

TOPICS

- prisoners rights
- section 1983
- cruel and unusual punishment
- pleadings
- civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional litigation

medical care

QUESTIONS PRESENTED

1. Whether the amended complaint stated a claim under 42 U.S.C. § 1983 for deliberate indifference to serious medical needs in violation of the Eighth Amendment.
2. Whether the alleged misunderstanding concerning the purpose of the medical appointment constituted deliberate indifference rather than inadvertence, accident, or an evaluative mistake.

HOLDINGS

1. The amended complaint failed to state a claim because the doctor's failure to treat Elghembri's shoulder pain, while conducting a mental-health assessment that was the actual purpose of the appointment, did not constitute deliberate indifference.
2. The action was dismissed under 28 U.S.C. § 1915A for failure to state a claim for relief.

KEY QUOTATIONS

“This federal civil rights action is DISMISSED because Elghembri has not stated any claim for relief.” (at 1)

“A prison official is deliberately indifferent if he knows that a prisoner faces a substantial risk of serious harm and disregards that risk by failing to take reasonable steps to abate it.” (at 5)

“Here, a doctor asking mental health questions during a mental health appointment rather than treating Elghembri’s shoulder pain does not amount to criminal recklessness or obduracy or wantonness.” (at 5)

FACTUAL BACKGROUND

Elghembri believed he was attending a medical appointment for shoulder pain related to a fractured shoulder and a skin-cancer diagnosis. The appointment was actually an episodic visit for a cognitive or brain-health assessment related to his recent falls, and the doctor asked him mental-health questions rather than treating his shoulder. The court determined that the alleged failure to address the shoulder pain resulted from a misunderstanding about the purpose of the appointment, not deliberate indifference.

PROCEDURAL HISTORY

Elghembri initially alleged that a prison doctor failed to provide adequate treatment for shoulder pain and other medical conditions. The original complaint was dismissed with leave to amend because it did not adequately identify the doctor or explain the appointment, requested treatment, or alleged denial of treatment. After reviewing the first amended complaint and exhibits, the court dismissed the action for failure to state a claim and directed the Clerk to enter judgment for defendants and close the file.

DISPOSITION

dismissed

CASES CITED

- *Balistreri v. Pacifica Police Department*, 901 F.2d 696, 699 (9th Cir. 1990)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 556, 570 (2007)
- *Clegg v. Cult Awareness Network*, 18 F.3d 752, 754-55 (9th Cir. 1994)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Farmer v. Brennan*, 511 U.S. 825, 837 (1994)
- *Whitley v. Albers*, 475 U.S. 312, 319 (1986)
- *Estelle v. Gamble*, 429 U.S. 97, 104 (1976)

OPINION

Elghembri v. Cook

PER CURIAM.

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4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 AHMED MOHAMMAD ELGHEMBRI, Case No. 24-cv-02770-WHO (PR) Plaintiff, 8

ORDER OF DISMISSAL

v. 9 10 AARON COOK, et al., Defendants. 11 12

13 INTRODUCTION

14 Plaintiff Ahmed Mohamed Elghembri alleges that a prison doctor failed to provide 15 him with adequate medical care, thereby violating his Eighth Amendment rights. His 16 amended 42 U.S.C. § 1983 complaint containing these allegations is now before me for 17 review pursuant to 28 U.S.C. § 1915A(a). 18 This federal civil rights action is DISMISSED because Elghembri has not stated any 19 claim for relief. It is clear from his filings that he mistook a mental health appointment for 20 a medical appointment. The doctor’s alleged failure to treat his shoulder pain was 21 therefore based on a misunderstanding and was not the result of deliberate indifference.

22 DISCUSSION

23 A. Standard of Review 24 A federal court must conduct a preliminary screening in any case in which a 25 prisoner seeks redress from a governmental entity or officer or employee of a 26 governmental entity. See 28 U.S.C. § 1915A(a). In its review, the court must identify any 27 cognizable claims and dismiss any claims that are frivolous, malicious, fail to state a claim 1 from such relief. See *id.* § 1915A(b)(1), (2). Pro se pleadings must be liberally construed. 2 See *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1988). 3 A “complaint must contain sufficient factual matter, accepted as true, to ‘state a 4 claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) 5 (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial 6 plausibility when the plaintiff pleads factual content that allows the court to draw the 7 reasonable inference that the defendant is liable for the misconduct

alleged.” Id. (quoting 8 Twombly, 550 U.S. at 556). Furthermore, a court “is not required to accept legal conclusions cast in the form of factual allegations if those conclusions cannot reasonably be drawn from the facts alleged.” Clegg v. Cult Awareness Network, 18 F.3d 752, 754–55 (9th Cir. 1994). To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged violation was committed by a person acting under the color of state law. See West v. Atkins, 487 U.S. 42, 48 (1988). B. Legal Claims 1. Original Complaint In his original complaint, Elghembri alleged that he went to a medical appointment on September 28, 2023, regarding a fractured shoulder and a “skin cancer diagnosis.” (Compl., Dkt. No. 1 at 5.) The unnamed doctor presented him with a questionnaire, for which he was not ready, but he does not describe how the physical examination went, what treatment he asked for, and what treatment was allegedly denied him. (Id. at 5-8.) From the documents attached to the complaint, it appears that this September 28 appointment was for “a cognitive or brain health assessment due to your recent falls.” (Id. at 16.) The complaint was dismissed with leave to amend. Elghembri was directed to provide the doctor’s first and last name and give greater detail about what the appointment was for, what treatment he sought, and what was allegedly denied him. 2. First Amended Complaint 2 Elghembri alleges that during a medical appointment, his doctor asked him questions regarding his mental health even though plaintiff went to the appointment for treatment for shoulder pain. (Am. Compl., Dkt. No. 11 at 3.) From the complaint and the attached exhibits, it is clear that Elghembri’s appointment was an “episodic visit for a cognitive brain health assessment” owing to his “recent falls,” not for shoulder treatment. 7 (Id., Health Care Services Response, Dkt. No. 11 at 5-6.) Because these facts show a mistake and a misunderstanding, Elghembri has not stated a claim for deliberate indifference under the Eighth Amendment. 10 A prison official is deliberately indifferent if he knows that a prisoner faces a substantial risk of serious harm and disregards that risk by failing to take reasonable steps to abate it. Farmer v. Brennan, 511 U.S. 825, 837 (1994) (equating standard with that of criminal recklessness). “[I]t is obduracy and wantonness, not inadvertence or error in good faith, that characterize the conduct prohibited by the Eighth Amendment.” Whitley v. Albers, 475 U.S. 312, 319 (1986). A mere accident or evaluative mistake is not to be characterized as wanton infliction of unnecessary pain. Estelle v. Gamble, 429 U.S. 97, 104 (1976). Here, a doctor asking mental health questions during a mental health appointment rather than treating Elghembri’s shoulder pain does not amount to criminal recklessness or obduracy or wantonness. This civil rights action will be dismissed for failure to state a claim for relief.

21 CONCLUSION

22 This federal civil rights action is DISMISSED for failure to state a claim for relief. 23 The Clerk shall enter judgment in favor of defendants, and close the file. 24 IT IS SO ORDERED. . 25 Dated: June 18, 2025 \ 002

*6 WILLIAM H. ORRICK

27 United States District Judge 28

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