

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PRECEDENTIAL VALUE	unpublished district court opinion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)

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