

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Wilkins v. Lugo

Wilkins · No. 2:25-cv-1069-CKD P · Decided August 20, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Timothy Wilkins's motion to proceed in forma pauperis but dismisses his prisoner civil-rights complaint with leave to amend. The court holds that his Eighth Amendment failure-to-protect claim seeking damages is insufficient because he did not allege a physical injury, and gives him 30 days to file an amended complaint.

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	August 20, 2025
DOCKET	2:25-cv-1069-CKD P
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se state prisoner brought a civil-rights action for damages alleging that a correctional officer placed him at risk of attack by telling another inmate that he was a snitch. The magistrate judge screened the complaint under 28 U.S.C. § 1915A and dismissed it with leave to amend.
STANDARD OF REVIEW	On screening under 28 U.S.C. § 1915A, the court accepts the complaint's factual allegations as true and construes the pleading in the light most favorable to the plaintiff; dismissal is required when the complaint fails to state a claim upon which relief may be granted.
PRECEDENTIAL VALUE	Unknown; the opinion is an order from a federal district court and the source metadata identifies its precedential status as Unknown.

TOPICS

- prisoners rights
- section 1983
- civil rights
- pleadings
- damages

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint stated an Eighth Amendment failure-to-protect claim against Officer Lugo.
2. Whether a prisoner may recover damages for alleged mental or emotional injury from an unmaterialized risk of assault without alleging a physical injury.
3. Whether the complaint should be dismissed with or without leave to amend.
4. Whether plaintiff satisfied the requirements for proceeding in forma pauperis.

HOLDINGS

1. The complaint failed to state a claim for damages because plaintiff alleged no physical injury resulting from the alleged failure to protect.
2. The complaint was dismissed with leave to amend because the deficiencies were not shown to be incapable of correction.
3. Plaintiff's motion to proceed in forma pauperis was granted.

KEY QUOTATIONS

“The official is not liable under the Eighth Amendment unless he “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 2)

“Your complaint is being dismissed because you cannot bring a claim for damages against C/O Lugo for failure to protect in the absence of a physical injury.” (at 3)

FACTUAL BACKGROUND

Plaintiff Timothy Wilkins alleged that inmate Wade approached him in a fighting stance after being told that Wilkins was informing on him. Wilkins alleged that Correctional Officer Lugo told Wade that Wilkins was dropping prison grievances or reports, or "kites," on him, thereby placing Wilkins at immediate risk of attack. Wilkins alleged no physical injury and sought damages.

PROCEDURAL HISTORY

Plaintiff filed a complaint and a motion to proceed in forma pauperis. The court granted in forma pauperis status, screened the complaint, concluded that the failure-to-protect claim did not state a claim for damages because plaintiff alleged no physical injury, and dismissed the complaint with thirty days to amend.

DISPOSITION

dismissed

CASES CITED

- Farmer v. Brennan, 511 U.S. 825, 833, 837, 847 (1994)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Rodrigues v. Norwood, 2010 WL 2740174, at *3 (C.D. Cal. July 9, 2010)
- Babcock v. White, 102 F.3d 267, 272 (7th Cir. 1996)
- Thompson v. Addison, No. 1:22-CV-01545-HBK (PC), 2024 WL 1053475, at *8 (E.D. Cal. Mar. 11, 2024)
- Weilburg v. Shapiro, 488 F.3d 1202, 1205 (9th Cir. 2007)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967)