

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA, SAN JOSE DIVISION

In re CIM-SQ Transfer Cases

No. 5:20-cv-06326-EJD; related case 24-cv-03082-EJD, United States District Court for the Northern District of California, San Jose Division (March 21, 2025)

SUMMARY

The United States District Court for the Northern District of California screened a pro se prisoner civil rights complaint arising from the May 2020 transfer of inmates from California Institution for Men to San Quentin State Prison during the COVID-19 pandemic. The court found a plausible Eighth Amendment deliberate-indifference claim against the named defendants in their individual capacities, ordered service, and stayed the case for all purposes other than service.

CASE DETAILS

COURT	United States District Court for the Northern District of California, San Jose Division
WRITING FOR THE COURT	Edward J. Davila
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 21, 2025
DOCKET	5:20-cv-06326-EJD; related case 24-cv-03082-EJD
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se prisoner civil-rights complaint under 28 U.S.C. § 1915A(a); the court found a plausible Eighth Amendment claim, ordered service, and stayed the consolidated case for all purposes other than service.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A(a)-(b), the court must screen a prisoner complaint seeking redress from a governmental entity or officer and identify cognizable claims or dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pro se pleadings are liberally construed, and the complaint must contain sufficient factual allegations to state a plausible claim for relief.
PRECEDENTIAL VALUE	Unknown; district court order of service with no reported citation

TOPICS

prisoners rights

section 1983

civil rights

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable Eighth Amendment deliberate-indifference claim under 42 U.S.C. § 1983.
2. Whether the complaint should be screened out under 28 U.S.C. § 1915A for failure to state a claim or because the defendants were immune from monetary relief.
3. Whether service should proceed on the named defendants while the related consolidated cases remained stayed.

HOLDINGS

1. Liberally construed, the allegations stated a plausible claim that the named defendants were deliberately indifferent to plaintiff's safety in violation of the Eighth Amendment, in their individual capacities.
2. The complaint was not dismissed at screening because it stated a plausible claim and did not, on the allegations presented, fall within the grounds for dismissal under 28 U.S.C. § 1915A(b).
3. The clerk was directed to initiate service on the named defendants through the CDCR electronic-service program, with United States Marshals Service service to follow for defendants who did not waive service; the case remained stayed for all other purposes.

KEY QUOTATIONS

“Liberally construed, plaintiff’s allegations state a plausible claim for deliberate indifference to plaintiff’s safety, in violation of the Eighth Amendment, against the named defendants in their individual capacities.” (at 3)

“The Court must identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint “is frivolous, malicious, or fails to state a claim upon which relief may be granted,” or “seeks monetary relief from a defendant who is immune from such relief.”” (at 2)

FACTUAL BACKGROUND

Plaintiff alleged that on May 30, 2020, the California Department of Corrections and Rehabilitation transferred 122 inmates from the California Institution for Men, where there were numerous COVID-19 cases and deaths, to San Quentin State Prison, which reportedly had no COVID-19 cases. He alleged that the transferred inmates were not quarantined or tested and were housed with San Quentin's existing population, resulting in widespread infection. Plaintiff sought compensatory and punitive damages from correctional and prison medical officials in their individual capacities.

PROCEDURAL HISTORY

A California prisoner filed a pro se civil-rights action in state court concerning the transfer of inmates from the California Institution for Men to San Quentin State Prison during the COVID-19 pandemic. The matter was removed or otherwise proceeded in federal court and consolidated with related prisoner-transfer cases under Case No. 5:20-cv-06326-EJD. The court screened the operative complaint, ordered service on the named defendants, directed that the individual case remain stayed except for service, and closed the individual docket.

DISPOSITION

other

CASES CITED

- Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1990)
- Erickson v. Pardus, 127 S. Ct. 2197, 2200 (2007)
- Bell Atlantic Corp. v. Twombly, 127 S. Ct. 1955, 1964-65, 1974 (2007)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Leadsinger, Inc. v. BMG Music Pub., 512 F.3d 522, 532 (9th Cir. 2008)
- Farmer v. Brennan, 511 U.S. 825, 837 (1994)

OPINION

IN RE CIM-SQ TRANSFER CASES

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 SAN JOSE DIVISION

7 8 9 IN RE CIM-SQ TRANSFER CASES Case No. 5:20-cv-06326-EJD 10

ORDER OF SERVICE

This Document Relates To: 11 24-cv-03082-EJD; Ortiz v. Diaz 12 13

14 INTRODUCTION

15 Plaintiff, a California prisoner, filed a pro se civil rights action in state court. Plaintiff 16 alleged that defendants violated his constitutional rights by transferring over 100 inmates, some of 17 whom were infected with COVID-19, from the California Institution for Men (CIM) to San 18 Quentin State Prison (SQSP)1 in May 2020. Dkt. No. 1 at 2-3. The case is now before the Court 19 for screening pursuant to 28 U.S.C. § 1915A(a), and service of the complaint on defendants is 20 ordered. Plaintiff will be granted leave to proceed in forma pauperis by separate order. 21 This case has been consolidated with cases in this district related to the 2020 prisoner 22 transfer and related to the first case filed, No. 5:20-cv-06326-EJD, which now has the caption “In 23 Re CIM-SQ Transfer Cases.” Pro se prisoner cases that are part of the consolidated matter are 24 stayed

except for the purposes of service. Service shall therefore proceed in plaintiff's case as 25 ordered below, but the case will remain stayed for all other purposes. The docket for Case No. 24- 26 cv-03082-EJD and all other individual dockets have been closed. If plaintiff wishes to file any 27 1 motions, he must file them in Case No. 5:20-cv-06326-EJD and include his original case number, 2 No. 24-cv-03082-EJD, on the left side of the heading.

3 STANDARD OF REVIEW

4 Federal courts must engage in a preliminary screening of cases in which prisoners seek 5 redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 6 1915A(a). The Court must identify cognizable claims or dismiss the complaint, or any portion of 7 the complaint, if the complaint "is frivolous, malicious, or fails to state a claim upon which relief 8 may be granted," or "seeks monetary relief from a defendant who is immune from such relief." Id. 9 § 1915A(b). Pro se pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 10 F.2d 696, 699 (9th Cir. 1990). 11 Federal Rule of Civil Procedure 8(a)(2) requires only "a short and plain statement of the claim showing that the pleader is entitled to relief." "Specific facts are not necessary; the 12 statement need only give the defendant fair notice of what the . . . claim is and the grounds upon 13 which it rests." *Erickson v. Pardus*, 127 S. Ct. 2197, 2200 (2007) (citations omitted). Although to 14 state a claim a complaint "does not need detailed factual allegations, . . . a plaintiff's obligation to 15 provide the grounds of his entitle[ment] to relief requires more than labels and conclusions, and a 16 formulaic recitation of the elements of a cause of action will not do Factual allegations must 17 be enough to raise a right to relief above the speculative level." *Bell Atlantic Corp. v. Twombly*, 18 127 S. Ct. 1955, 1964-65 (2007) (citations omitted). A complaint must proffer "enough facts to 19 state a claim for relief that is plausible on its face." Id. at 1974. 20 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two elements: (1) that a 21 right secured by the Constitution or laws of the United States was violated, and (2) that the alleged 22 violation was committed by a person acting under the color of state law. *West v. Atkins*, 487 U.S. 23 42, 48 (1988). 24 If a court dismisses a complaint for failure to state a claim, it should "freely give 25 leave" to amend "when justice so requires." Fed. R. Civ. P. 15(a) (2). A court has discretion to 26 deny leave to amend due to "undue delay, bad faith or dilatory motive on the part of the movant, 27 repeated failure to cure deficiencies by amendment previously allowed, undue prejudice to the 1 opposing party by virtue of allowance of the amendment, [and] futility of amendment." 2 *Leadsinger, Inc. v. BMG Music Pub.*, 512 F.3d 522, 532 (9th Cir. 2008).

3 LEGAL CLAIMS

4 Plaintiff names the following defendants: 5 1. CDCR Acting Secretary Ralph Diaz 6 2. San Quentin Warden Ron Davis 7 3. Ronald Broomfield, Acting Warden of SQSP 8 4. A. Pachynski, Chief Medical Officer of SQSP 9 5. Dean Borders, CIM Warden 10 Dkt. No. 1 at 2. Plaintiff alleges: 11 On May 30, 2020 CDCR knowingly transferred 122 inmates from CIM, a prison with 509 COVID-19 positive case and 10 deaths, to San Quentin, a 12 prison with 0 case. CDCR did

not quarantine or test these 122 inmate for COVID-19. Upon arrival of these 122 inmates to San Quentin, staff 13 ignored the transfer procedures and housed these inmates with other inmates at San Quentin in all housing units, imbedding positive inmate 14 with San Quentin's population that had 0 case of COVID-19. San Quentin staff moved symptomatic inmates around the cell blocks and 15 systematically infecting 1,457 inmates in just 29 days.

16 Id. at 2-3. Plaintiff seeks compensatory and punitive damages. Id. at 3.

17 Liberally construed, plaintiff's allegations state a plausible claim for deliberate 18 indifference to plaintiff's safety, in violation of the Eighth Amendment, against the named 19 defendants in their individual capacities. *Farmer v. Brennan*, 511 U.S. 825, 837 (1994).

20 CONCLUSION

21 1. The Court orders that service on the following defendants shall proceed under the 22 California Department of Corrections and Rehabilitation's ("CDCR") e-service program for civil 23 rights cases from prisoners in the CDCR's custody: 24 1. CDCR Acting Secretary Ralph Diaz 25 2. San Quentin Warden Ron Davis 26 3. Ronald Broomfield, Acting Warden of SQSP 27 4. A. Pachynski, Chief Medical Officer of SQSP 1 In accordance with the program, the clerk is directed to serve on the CDCR via email the 2 following documents: the operative complaint (Dkt. No. 6), this Order of Service, a CDCR Report 3 of E-Service Waiver form, and a summons. The clerk also shall serve a copy of this order on the 4 plaintiff. 5 No later than 40 days after service of this order via email on the CDCR, the CDCR shall 6 provide the court a completed CDCR Report of E-Service Waiver advising the court which 7 defendant(s) listed in this order will be waiving service of process without the need for service by 8 the USMS and which defendant(s) decline to waive service or could not be reached. The CDCR 9 also shall provide a copy of the CDCR Report of E-Service Waiver to the California Attorney 10 General's Office which, within 21 days, shall file with the Court a waiver of service of process for 11 the defendant(s) who are waiving service. 12 Upon receipt of the CDCR Report of E-Service Waiver, the clerk shall prepare for each 13 defendant who has not waived service according to the CDCR Report of E-Service Waiver a 14 USM-285 Form. The clerk shall provide to the USMS the completed USM-285 forms and copies 15 of this order, the summons and the operative complaint for service upon each defendant who has 16 not waived service. The clerk also shall provide to the USMS a copy of the CDCR Report of E- 17 Service Waiver. 18 6. All defendants are cautioned that Rule 4 of the Federal Rules of Civil Procedure 19 requires them to cooperate in saving unnecessary costs of service of the summons and complaint. 20 Pursuant to Rule 4, if defendants, after being notified of this action and asked by the Court, on 21 behalf of plaintiff, to waive service of the summons, fail to do so, they will be required to bear the 22 cost of such service unless good cause can be shown for their failure to sign and return the waiver 23 form. 24 7. All communications by plaintiff with the Court must be served on defendants' 25 counsel by mailing a true copy of the document to defendants' counsel. The Court may disregard 26 any document which a party files but fails to send a copy of to his opponent. Until defendants' 27 counsel has been designated, plaintiff may mail a true copy

of the document directly to] counsel rather than directly to defendants. 2 8. Plaintiff is responsible for prosecuting this case. Plaintiff must promptly keep the 3 Court informed of any change of address and must comply with the Court's orders in a timely 4 || fashion. Failure to do so may result in the dismissal of this action for failure to prosecute pursuant 5 || to Federal Rule of Civil Procedure 41(b). Plaintiff must file a notice of change of address in every 6 || pending case every time he is moved to a new facility. 7 9. Any motion for an extension of time must be filed no later than the deadline sought 8 || to be extended and must be accompanied by a showing of good cause. Plaintiff is cautioned that 9 || he must include the case name and case number for this case on any document he submits to the 10 || Court for consideration in this case. 11 10. The case will remain stayed for all purposes other than service of the complaint on 12 || defendants. 13 IT IS SO ORDERED.) Dated: March 21, 2025 az QO

2 EDWARD J. DAVILA

= 16 United States District Judge Z 18 19 20 21 22 23 24 25 26 27 28