

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Casey John Norato v. Zuckerberg San Francisco General Hospital

Norato · No. 24-cv-03408-RS · Decided January 22, 2026

OPINION

Norato

PER CURIAM.

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7 UNITED STATES DISTRICT COURT

8 NORTHERN DISTRICT OF CALIFORNIA

9

CASEY JOHN NORATO,

10 Case No. 24-cv-03408-RS Plaintiff, 11

v. ORDER GRANTING MOTION TO

12 DISMISS

ZUCKERBERG SAN FRANCISCO

13 GENERAL HOSPITAL,

14 Defendant. 15

16 Plaintiff Casey John Norato, proceeding in forma pauperis, alleges he was transported in a 17 private vehicle to an emergency room because he was bleeding profusely from a gunshot wound.

18 The driver ran a red light, resulting in a two-car accident. Plaintiff was then taken by ambulance, 19 while unconscious, to the emergency department of Zuckerberg San Francisco General Hospital. 20 Norato contends that when he regained consciousness one or two days later, he learned his injuries 21 from the accident had been treated, but that his gunshot had not been addressed. 22 The operative “Second Amended Complaint” lists as defendants Zuckerberg San Francisco 23 General Hospital, Dr. Hannah Elsevier at the hospital, John/Jane Doe nurses at the hospital, as 24 well as the “Ambulance Company” and John/Jane Doe EMTs with the ambulance company. A 25 prior order concluded a determination as to whether the complaint presents adequate allegations 26 against Dr. Elsevier would be held in abeyance, and that the allegations against the other 27 defendants did not support an order for service at that juncture. The Clerk of Court was directed to 1 The City and County of San Francisco (“the City), asserting it was erroneously named as 2 Zuckerberg San Francisco General Hospital, now moves to dismiss. The City has adequately 3 shown it is the potentially liable entity and that the hospital is not a separate entity. Norato filed no 4 response to the dismissal motion, which has previously been submitted under Civil Local Rule 7- 5 1(b) without oral argument. The motion to dismiss is granted. 6 The

caption of the complaint invokes 42 U.S.C. §1983, which appears to be the only basis 7 on which Norato brings this action in federal court. The City may not be sued “under § 1983 for 8 an injury inflicted solely by its employees or agents.” *Monell v. Dep’t of Soc. Servs. of City of New York*, 436 U.S. 658, 659 (1978); see also *Connick v. Thompson*, 563 U.S. 51, 60 (2011) 10 (explaining that a municipality may be held liable “only for ‘[its] own illegal acts’”). 11 In the Ninth Circuit, a municipality may only be liable under section 1983 on three 12 possible theories: (1) where the plaintiff’s injury was inflicted by the “execution of a government’s 13 policy or custom”; (2) where the municipality “fails to train employees in a manner that amounts 14 to ‘deliberate indifference’ to a constitutional right”; or (3) where “the individual who committed 15 [or ratified] the alleged constitutional tort was an official with final policy-making authority.” 16 *Rodriguez v. Cnty. Of Los Angeles*, 891 F.3d 776, 802 (9th Cir. 2018) (citing *Monell*, 436 U.S. 658 17 at 659). Norato’s complaint includes no allegations whatsoever that would give rise to the City’s 18 liability under §1983. 19 As noted, a determination of the adequacy of the complaint to state a claim against Dr. 20 Hannah Elsevier was held in abeyance, and the allegations against other Doe defendants were 21 found not to warrant an order for service. With the dismissal of the claims against the City, it is 22 now clear Norato has not alleged facts showing any basis to pursue federal claims against any 23 other defendants. Even assuming, for example, that any defendants were negligent in the medical 24 care that they provided to Norato, that would be an issue for state court, over which the federal 25 courts lack jurisdiction. 26 In light of Norato’s status as a pro se litigant, he will be permitted a final opportunity to 27 amend. In the event no amended complaint is filed by February 20, 2026, this action will be 1 dismissed, without prejudice to any claims Norato may have under state law that may be pursued 2 || in state court. 3 4 || ITISSO ORDERED.

5 6 || Dated: January 22, 2026 7

RICHARD SEEBORG

8 Chief United States District Judge 9 10 11 a 12 13 i O 15 16 = 17 Z 18 19 20 21 22 23 24 25 26
27 28 CASE No. 24-cv-03408-RS