

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Roger E. Clark v. Benjamin Denton Schnieder, et al.

Roger E. Clark v. Benjamin Denton Schnieder, et al. · No. 2:25-cv-2929-JDP (P) · Decided December 4, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ROGER E. CLARK, Case No. 2:25-cv-2929-JDP (P) 12 Plaintiff, 13 v.
ORDER 14 BENJAMIN DENTON SCHNIEDER, et al., 15 Defendants. 16 17 18 Plaintiff, a state
prisoner, brings this section 1983 action against healthcare providers 19 Benjamin Denton
Schnieder, Tracy Patterson, and Lori Green at the California Medical Facility 20 (“CMF”).

His claims against the defendants are inadequate to proceed past screening and are 21 dismissed
with leave to amend. Plaintiff’s application to proceed in forma pauperis, ECF No. 2, 22 makes
the required showing and is granted. 23 Screening and Pleading Requirements 24 A federal court
must screen a prisoner’s complaint that seeks relief against a governmental 25 entity, officer, or
employee.

See 28 U.S.C. § 1915A(a). The court must identify any cognizable 26 claims and dismiss any
portion of the complaint that is frivolous or malicious, fails to state a 27 claim upon which relief
may be granted, or seeks monetary relief from a defendant who is 28 immune from such relief.
See 28 U.S.C. §§ 1915A(b)(1), (2). 1 A complaint must contain a short and plain statement that
plaintiff is entitled to relief, 2 Fed.

R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its 3
face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not 4
require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S. 5
662, 678 (2009). If the allegations “do not permit the court to infer more than the mere 6
possibility of misconduct,” the complaint states no claim.

Id. at 679. The complaint need not 7 identify “a precise legal theory.” *Kobold v. Good Samaritan
Reg’l Med. Ctr.*, 832 F.3d 1024, 8 1038 (9th Cir. 2016). Instead, what plaintiff must state is a
“claim”—a set of “allegations that 9 give rise to an enforceable right to relief.” *Nagrampa v.
MailCoups, Inc.*, 469 F.3d 1257, 1264 10 n.2 (9th Cir. 2006) (en banc) (citations omitted).

11 The court must construe a pro se litigant’s complaint liberally. See *Haines v. Kerner*, 404 12
U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it 13
appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which 14
would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir.

2017). 15 However, “a liberal interpretation of a civil rights complaint may not supply essential elements 16 of the claim that were not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 17 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 18 Analysis 19 Plaintiff alleges that he suffers from chronic heart failure and uses a pacer to support his 20 health.

ECF No. 1 at 4. He claims that defendants violated his Eighth Amendment rights in 2024 21 when they changed his cardiac treatment and misdiagnosed his cardiac condition. *Id.* at 5. He 22 fails, however, to indicate what responsibility each of the named defendants bears for that alleged 23 violation of his rights. Complaints should be dismissed where “one cannot determine from the 24 complaint who is being sued, for what relief, and on what theory.” *McHenry v. Renne*, 84 F.3d 25 1172, 1178 (9th Cir.

1996). Additionally, while plaintiff alleges that the change in his treatment 26 plan caused him injury and when certain cardiologist appointments were denied, he fails to 27 indicate what physical injury he suffered because of these missed appointments. *Id.* 28 1 Plaintiff may file an amended complaint that addresses these deficiencies. He is advised 2 | that the amended complaint will supersede the current complaint.

See *Lacey v. Maricopa Cnty.*, 3 | 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc). The amended complaint should be titled “First 4 | Amended Complaint” and refer to the appropriate case number. 5 Accordingly, it is ORDERED that: 6 1. Plaintiff's complaint, ECF No. 1, is DISMISSED with leave to amend. 7 2. Plaintiffs application to proceed in forma pauperis, ECF No. 2, is GRANTED.

8 3. Within thirty days from service of this order, plaintiff shall file either (1) an amended 9 | complaint or (2) notice of voluntary dismissal of this action without prejudice. 10 4. Failure to timely file either an amended complaint or notice of voluntary dismissal may 11 } result in the imposition of sanctions, including a recommendation that this action be dismissed 12 || with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

13 5. The Clerk of Court shall send plaintiff a complaint form with this order. 14 1s IT IS SO ORDERED. 16 | q Sty — Dated: _ December 4, 2025 q—— 17 JEREMY D. PETERSON 18 UNITED STATES MAGISTRATE JUDGE 19 20 21 22 23 24 25 26 27 28