

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

Coffer v. Purtle

No. 2:25-cv-1709-JDP (P), order (E.D. Cal. Aug. 4, 2025) · No. 2:25-cv-1709-JDP (P) · Decided August 4, 2025

OPINION

(PC) Coffer v. Purtle

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 JONATHAN COFFER, Case No. 2:25-cv-1709-JDP (P) 12 Plaintiff, 13 v. ORDER

14 J. PURTLE,

15 Defendant. 16

17 18 Plaintiff, a state prisoner proceeding pro se, brings this § 1983 action against J. Purtle, a 19
lieutenant at California Health Care Facility. ECF No. 1. The allegations fail to state a claim. 20
Plaintiff may, if he chooses, file an amended complaint that addresses the deficiencies noted 21
herein. I will grant plaintiff’s latest application to proceed in forma pauperis, ECF No. 7, and 22
deny his earlier one as moot, ECF No. 3. 23 Screening and Pleading Requirements 24 A federal
court must screen the complaint of any claimant seeking permission to proceed 25 in forma
pauperis. See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and 26 dismiss
any portion of the complaint that is frivolous or malicious, fails to state a claim upon 27 which
relief may be granted, or seeks monetary relief from a defendant who is immune from such 28
relief. Id. 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 on July 28, 2024, Purtle placed him on a “128B Handcuff Chronal,” 20 which resulted in him not having any out-of-cell time and no group or exercise time for thirty 21 days. ECF No. 1 at 4. This designation prohibited plaintiff from participating in a program in the 22 B7A unit because that unit is not equipped to monitor inmates with a 128B Handcuff Chronal. 23 Plaintiff alleges, however, that the B4A unit is equipped to monitor inmates with that designation, 24 and that Purtle violated plaintiff’s rights by not placing him in the B4A unit. *Id.* In response to 25 Purtle’s actions, plaintiff engaged in a hunger strike and was eventually sent to an outside 26 hospital. *Id.* 27 “[R]egular outdoor exercise is extremely important to the psychological and physical well 28 being of” prison inmates. *Spain v. Procunier*, 600 F.2d 189, 193-94 (9th Cir. 1979). Exercise is 1 one of the basic human necessities protected by the Eighth Amendment of the United States 2 Constitution. *Wilson v. Seiter*, 501 U.S. 294, 304 (1991). To assert an Eighth Amendment claim 3 for deprivation of human necessities, a prisoner must satisfy two requirements, one of which is 4 objective and the other of which is subjective. *Farmer v. Brennan*, 511 U.S. 825, 834 (1994). 5 “Under the objective requirement, the prison officer’s acts or omissions must deprive an inmate 6 of the minimal civilized measure of life’s necessities.” *Allen v. Sakai*, 48 F.3d 1082, 1088 (9th 7 Cir.1995) (internal citations omitted). The subjective requirement, relating to the prison official’s 8 state of mind, requires “deliberate indifference.” *Id.* at 1087. 9 The complaint sufficiently alleges the objective prong. See *Lopez v. Smith*, 203 F.3d 10 1122, 1133 (9th Cir. 2000) (violation found where prisoners were denied all exercise for 6.5 11 weeks); *Norwood v. Woodford*, 583 F. Supp. 2d 1200, 1204 (S.D. Cal. 2008) (finding that a 12 denial of all outdoor exercise for 39 days met the objective prong). However, the complaint 13 contains no allegations that Purtle placed plaintiff in the B7A unit with the intent to cause him 14 harm. Deliberate indifference is found when a prison official knows of and disregards an 15 excessive risk to inmate health or safety. *Farmer*, 511 U.S. at 837. There are no allegations that 16 Purtle intentionally placed plaintiff in the B7A unit to punish him or to prohibit him from having 17 out-of-cell time. Indeed, there are no allegations that Purtle knew plaintiff would be so restricted 18 in the B7A unit. 19 Accordingly, plaintiff’s complaint is dismissed for failure to state a claim. I will allow 20 plaintiff a chance to amend his complaint before recommending that this action be dismissed. If 21 plaintiff decides to file an amended complaint, the amended complaint will supersede the current 22 one. See *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc). This means 23 that the amended complaint will need to be complete on its face without reference to the prior 24 pleading. See E.D. Cal. Local Rule 220. Once an amended complaint is filed, the current one no 25 longer serves any function. Therefore, in an amended complaint, as in the original, plaintiff will 26 need to assert each claim and allege each defendant’s involvement in sufficient detail. The 27 amended

complaint should be titled "First Amended Complaint" and refer to the appropriate case number. If plaintiff does not file an amended complaint, I will recommend that this action be dismissed. Accordingly, it is hereby ORDERED that: 1. Plaintiff's request for leave to proceed in forma pauperis, ECF No.7, is GRANTED, and his earlier request, ECF No. 3, is DENIED as moot. 2. Plaintiffs complaint, ECF No. 1, is DISMISSED with leave to amend. 3. Within thirty days from service of this order, plaintiff shall file either (1) an amended complaint or (2) notice of voluntary dismissal of this action without prejudice. 4. Failure to timely file either an amended complaint or notice of voluntary dismissal may result in the imposition of sanctions, including a recommendation that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 5. The Clerk of Court shall send plaintiff a complaint form with this order. IT IS SO ORDERED. (1 ow — Dated: _ August 4, 2025 q——

16 JEREMY D. PETERSON

7 UNITED STATES MAGISTRATE JUDGE

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