

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

In re CIM-SQ Transfer Cases

No. 5:20-cv-06326-EJD (N.D. Cal. May 8, 2025) · No. 5:20-cv-06326-EJD · Decided May 8, 2025

SUMMARY

The United States District Court for the Northern District of California screens a pro se civil rights complaint concerning the transfer of prisoners from California Institution for Men to San Quentin State Prison during the COVID-19 pandemic. The court dismisses Clark Kelso and R. Steven Tharratt as defendants, while finding a plausible Eighth Amendment deliberate-indifference claim against the remaining defendants in their individual capacities. The court orders service through the California Department of Corrections and Rehabilitation e-service program and keeps the case stayed for purposes other than service.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Edward J. Davila
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 8, 2025
DOCKET	5:20-cv-06326-EJD
DISPOSITION	other
PROCEDURAL POSTURE	Pro se former prisoner brought a civil-rights action under 42 U.S.C. § 1983 concerning COVID-19-related prisoner transfers. The district court screened the complaint under 28 U.S.C. § 1915(e)(2)(B), dismissed two defendants, found a cognizable Eighth Amendment claim against the remaining defendants, ordered service, and stayed the case for all purposes other than service.
STANDARD OF REVIEW	The court screened the in forma pauperis complaint under 28 U.S.C. § 1915(e)(2)(B), dismissing claims that are frivolous or malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pro se pleadings were liberally construed, and the complaint was evaluated under Federal Rule of Civil Procedure 8(a)(2) and the plausibility standard.

PRECEDENTIAL VALUE

Unpublished federal district court order; precedential status is unknown in the provided metadata.

TOPICS

prisoners rights

section 1983

service of process

civil procedure

constitutional law

PRACTICE AREAS

civil rights

prisoner litigation

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable Eighth Amendment deliberate-indifference claim under 42 U.S.C. § 1983 against the remaining defendants.
2. Whether Clark Kelso was immune from the plaintiff's claims under quasi-judicial immunity.
3. Whether R. Steven Tharratt could be named as a defendant when he died before the action was filed.
4. Whether the action should proceed to service and remain stayed for purposes other than service.

HOLDINGS

1. Liberally construed, the plaintiff's allegations stated a plausible claim for deliberate indifference to his safety, in violation of the Eighth Amendment, against the remaining defendants in their individual capacities.
2. Clark Kelso was dismissed because he was entitled to quasi-judicial immunity.
3. R. Steven Tharratt was dismissed because he died before the action was filed and therefore was not an appropriately named defendant at the inception of the litigation.

KEY QUOTATIONS

"A claim is legally frivolous when it lacks an arguable basis either in law or in fact." (at 2)

"To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged violation was committed by a person acting under the color of state law." (at 2)

"Liberally construed, plaintiff's allegations state a plausible claim for deliberate indifference to plaintiff's safety, in violation of the Eighth Amendment, against the remaining named defendants in their individual capacities." (at 5)

FACTUAL BACKGROUND

The plaintiff, a former California prisoner, alleged that defendants participated in transferring more than 100 inmates, including some infected with COVID-19, from California Institution for Men to San Quentin State Prison in May 2020. He alleged inadequate testing and symptom screening, insufficient distancing during

transportation, and inadequate precautions upon arrival, and claimed that he later developed COVID-19 symptoms. He sought compensatory and punitive damages.

PROCEDURAL HISTORY

The plaintiff filed an action in the Northern District of California alleging that officials transferred prisoners from California Institution for Men to San Quentin State Prison without adequate COVID-19 safeguards. The action was consolidated with related transfer cases under Case No. 5:20-cv-06326-EJD, while the plaintiff's individual docket, No. 5:24-cv-04517-EJD, was closed. After screening, the court dismissed Clark Kelso on quasi-judicial-immunity grounds and R. Steven Tharratt because he had died before the action was filed, found the allegations sufficient to state a deliberate-indifference claim against the remaining defendants, ordered service, and stayed the case except for service.

DISPOSITION

other

CASES CITED

- *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)
- *Martin v. Sias*, 88 F.3d 774, 775
- *United States v. Qazi*, 975 F.3d 989, 993 (9th Cir. 2020)
- *Erickson v. Pardus*, 551 U.S. 89, 93 (2007)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Leadsinger, Inc. v. BMG Music Pub.*, 512 F.3d 522, 532 (9th Cir. 2008)
- *Harris v. Allison*, No. 20-CV-09393-CRB, 2022 WL 2232526, at *1 (N.D. Cal. June 7, 2022)
- *Transfer Cases*, No. 22-mc-80066-WHO at Dkt. No. 63 (N.D. Cal. July 21, 2022)
- *Patterson v. Kelso*, 698 F. App'x 393, 394 (9th Cir. 2017)
- *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006)
- *Bullock v. Johnson*, No. CV 15-2070 PA (AS), 2018 WL 5880736, at *13 n.19 (C.D. Cal. Aug. 10, 2018), report and recommendation adopted, No. CV 15-2070 PA (AS), 2018 WL 4791089 (C.D. Cal. Oct. 3, 2018)
- *LN Mgmt., LLC v. JPMorgan Chase Bank, N.A.*, 957 F.3d 943, 955 (9th Cir. 2020)
- *Farmer v. Brennan*, 511 U.S. 825, 837 (1994)

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