

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Ramsey v. Thompson

No. 3:23-cv-1920-JAH-DDL (S.D. Cal. Mar. 25, 2025) · No. 3:23-cv-1920-JAH-DDL · Decided March 25, 2025

SUMMARY

The court grants pro se plaintiff Daniel C. Ramsey leave to file a second amended complaint in his 42 U.S.C. § 1983 action concerning his transfer between California correctional facilities and alleged deliberate indifference, failure to protect, and due process violations. The court recommends denying as moot the defendant’s motion for partial dismissal of the first amended complaint because the forthcoming pleading may supersede it. The order provides instructions for filing the second amended complaint and sets deadlines for objections and filing.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	David D. Leshner
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 25, 2025
DOCKET	3:23-cv-1920-JAH-DDL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se under 42 U.S.C. § 1983, moved for leave to file a second amended complaint while Defendant Thompson's motion for partial dismissal of the first amended complaint was pending. The magistrate judge granted leave to amend and recommended that the motion to dismiss be denied as moot because the forthcoming amended complaint would supersede the prior pleading.
STANDARD OF REVIEW	Leave to amend under Federal Rule of Civil Procedure 15(a)(2) is committed to the court's discretion, guided by the policy favoring decisions on the merits and against denial absent prejudice, bad faith, futility, or undue delay.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

motion to amend

motions to dismiss

pleadings

section 1983

prisoners rights

PRACTICE AREAS

civil rights litigation

prisoner litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff should be granted leave under Federal Rule of Civil Procedure 15(a)(2) to file a second amended complaint correcting an alleged meaningful error in the first amended complaint.
2. Whether Defendant Thompson's motion for partial dismissal of the first amended complaint should be denied as moot because the first amended complaint would be superseded by a second amended complaint.
3. What pleading requirements and limitations should govern Plaintiff's second amended complaint.

HOLDINGS

1. Leave to file a second amended complaint should be granted because the proposed amendment would clarify a meaningful alleged error, was sought promptly, would not prejudice Defendants, was not shown to be futile or brought in bad faith, and would not cause undue delay.
2. Plaintiff must file a complete second amended complaint rather than amend by motion or supplementation, and the second amended complaint will supersede the first amended complaint and all earlier pleadings.
3. The court recommended that Defendant Thompson's motion for partial dismissal be denied as moot because it addressed a complaint that would be superseded by the second amended complaint.

KEY QUOTATIONS

"The Court must be especially generous permitting a pro se plaintiff to amend his or her pleadings." (at 5)

"An amended complaint supersedes any prior complaint." (at 7)

"Rather than expend judicial resources resolving a Motion to Dismiss that pertains to a superseded complaint, the Court finds the interests of judicial economy would be best served by requiring Defendants to respond to Plaintiff's Second Amended Complaint." (at 11)

FACTUAL BACKGROUND

Ramsey is a wheelchair-bound inmate with paraplegia and a high-risk medical designation. He alleged that Defendant Thompson removed that designation and approved his transfer from Richard J. Donovan Correctional Facility to High Desert State Prison, where he claimed his medical needs could not be adequately addressed and a recommended surgery was delayed. Ramsey also alleged that he was not interviewed before the transfer, but later explained that an error in the first amended complaint incorrectly stated that he had waived his right to an interview.

PROCEDURAL HISTORY

Ramsey filed a § 1983 complaint alleging Eighth Amendment violations. After screening under 28 U.S.C. § 1915A, the court dismissed claims against one defendant and claims based on equal protection and conspiracy, leaving an Eighth Amendment claim against Thompson. Ramsey later filed a first amended complaint asserting deliberate-indifference, failure-to-protect, and due-process theories. After Thompson moved for partial dismissal, Ramsey sought leave to correct an alleged wording error concerning whether he waived an interview before his prison transfer. The court granted leave to amend and recommended that Thompson's motion be denied as moot.

DISPOSITION

other

CASES CITED

- DCD Programs, Ltd. v. Leighton, 833 F.2d 183, 186 (9th Cir. 1987)
- Moss v. U.S. Secret Serv., 572 F.3d 962, 972 (9th Cir. 2009)
- Ramirez v. Galaza, 334 F.3d 850, 861 (9th Cir. 2003)
- Yakama Indian Nation v. State of Wash. Dep't of Revenue, 176 F.3d 1241, 1246 (9th Cir. 1999)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Eminence Cap. LLC v. Aspeon, Inc., 316 F.3d 1048, 1052 (9th Cir. 2003)
- Ctr. for Biological Diversity v. United States Forest Serv., 80 F.4th 943, 956 (9th Cir. 2023)
- CDK Global LLC v. Brnovich, 16 F.4th 1266, 1274 (9th Cir. 2021)
- Lacey v. Maricopa Cnty., 693 F.3d 896, 925 (9th Cir. 2012)
- Rhodes v. Robinson, 621 F.3d 1002, 1005 (9th Cir. 2010)
- Turley v. Lezano, No. 3:22-CV-1719-GPC-DDL, 2023 WL 3727939, at *2 (S.D. Cal. May 30, 2023)
- Est. of Osuna v. Cnty. of Stanislaus, 392 F. Supp. 3d 1162, 1169 (E.D. Cal. 2019)
- Cuda v. Emps./Contractors/Agents at or OCCC, No. CV 19-00084 DKW-KJM, 2019 WL 2062945, at *4 (D. Haw. May 9, 2019)
- De Souza v. Dawson Tech., Inc., No. 21-CV-1103 JLS (MSB), 2022 WL 3006045, at *4 (S.D. Cal. July 28, 2022)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)