

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Shipley v. Adams

No. 2:24-cv-00032-TLN-EFB (PC) (E.D. Cal. Aug. 12, 2025) · No. 2:24-cv-00032-TLN-EFB (PC) · Decided
August 13, 2025

SUMMARY

The court recommends dismissal of Scott R. Shipley’s amended 42 U.S.C. § 1983 complaint against officials at California Health Care Facility–Stockton. The findings and recommendations conclude that the amended complaint fails to state a viable federal claim, deny the motion for default judgment, recommend dismissal without further leave to amend, and recommend closing the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Edmund F. Brennan, United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 13, 2025
DOCKET	2:24-cv-00032-TLN-EFB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner filed an amended pro se complaint under 42 U.S.C. § 1983 after the original complaint was dismissed with leave to amend. The magistrate judge screened the amended complaint and considered plaintiff's motion for default judgment, recommending dismissal without further leave to amend and denial of the motion.
STANDARD OF REVIEW	Screening under 28 U.S.C. §§ 1915A and 1915(e)(2), accepting factual allegations as true and construing the complaint in the light most favorable to the plaintiff; the complaint must satisfy Federal Rule of Civil Procedure 8(a) and state a facially plausible claim under Twombly and Iqbal.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Scott R. Shipley v. Anise Adams, N. Malakkla, et al.

TOPICS

default judgment

pleadings

section 1983

ada / disability

civil procedure

PRACTICE AREAS

prisoner civil rights

federal civil procedure

pleading

Americans with Disabilities Act

QUESTIONS PRESENTED

1. Whether the amended complaint stated a viable ADA, Equal Protection Clause, or other federal claim sufficient to survive screening under 28 U.S.C. §§ 1915A and 1915(e)(2).
2. Whether the amended complaint satisfied Federal Rule of Civil Procedure 8 and plausibly alleged conduct by identifiable defendants.
3. Whether further leave to amend should be denied as futile after plaintiff failed to cure deficiencies identified in the original complaint.
4. Whether plaintiff was entitled to default judgment despite failing to state a claim.

HOLDINGS

1. The amended complaint failed to state an ADA, Equal Protection Clause, or other federal claim and did not satisfy Rule 8 because its allegations were too sparse and did not identify actionable conduct by a specific defendant.
2. Further leave to amend should be denied because plaintiff failed to cure deficiencies after receiving notice of them, making further amendment futile.
3. Plaintiff's motion for default judgment should be denied because the amended complaint failed to state a claim.

KEY QUOTATIONS

“Vague allegations that do not allege conduct of a specific, identifiable defendant cannot survive screening.”
(at 2)

“Because plaintiff has not stated a claim, his motion for default judgment must be denied.” (at 3)

FACTUAL BACKGROUND

Plaintiff, a state prisoner, alleged that a compassionate-release request prepared by a CDCR physician on October 3, 2023 was based on his inability to perform activities of daily living. He also alleged that the request had not been processed and sent to the court for recall of his sentence. He sued Anise Adams and N. Malakkla, officials at California Health Care Facility–Stockton, but did not provide sufficient facts connecting either defendant to a constitutional or statutory violation.

PROCEDURAL HISTORY

The court previously screened and dismissed the original complaint for failure to state a claim, granting leave to amend. Plaintiff then filed an amended complaint and moved for default judgment. The magistrate judge concluded that the amended complaint still failed to state an ADA, Equal Protection Clause, or other federal

claim and recommended denial of default judgment, dismissal without further leave to amend, termination of pending motions, and closure of the case, subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325, 327-38 (1989)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 554, 555-557, 562-563, 570 (2007)
- Conley v. Gibson, 355 U.S. 41 (1957)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-679 (2009)
- Erickson v. Pardus, 551 U.S. 89 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- McKeever v. Block, 932 F.2d 795, 798 (9th Cir. 1991)
- Plumeau v. School Dist. # 40, 130 F.3d 432, 439 (9th Cir. 1997)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Shipley v. Adams

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 SCOTT R. SHIPLEY, No. 2:24-cv-00032-TLN-EFB (PC)

12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 ANISE ADAMS, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner proceeding without
counsel in an action brought pursuant to 42 18 U.S.C. § 1983. This proceeding was referred to this
court by Local Rule 302 pursuant to 28 19 U.S.C. § 636(b)(1). On screening the original
complaint, the court found that plaintiff had failed 20 to state a claim and dismissed the complaint
with leave to amend. ECF No. 12. Plaintiff has filed 21 an amended complaint and a motion for
default judgment. ECF Nos. 19, 21. 22 I. Screening Requirement and Standards 23 Federal courts
must engage in a preliminary screening of cases in which prisoners seek 24 redress from a
governmental entity or officer or employee of a governmental entity. 28 U.S.C. 25 § 1915A(a).
The court must identify cognizable claims or dismiss the complaint, or any portion 26 of the

complaint, if the complaint “is frivolous, malicious, or fails to state a claim upon which relief may be granted,” or “seeks monetary relief from a defendant who is immune from such relief.” *Id.* § 1915A(b). 1 This standard is echoed in 28 U.S.C. § 1915(e)(2), which requires that courts dismiss a 2 case in which a plaintiff proceeds in forma pauperis at any time if it determines, among other 3 things, that the action “is frivolous or malicious,” “fails to state a claim on which relief may be 4 granted,” or “seeks monetary relief against a defendant who is immune from such relief.” “[The] 5 term ‘frivolous,’ when applied to a complaint, embraces not only the inarguable legal conclusion, 6 but also the fanciful factual allegation.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989) 7 (discussing the predecessor to modern § 1915(e)(2), former § 1915(d)). Thus, § 1915(e)(2) 8 allows judges to dismiss a claim based on factual allegations that are clearly baseless, such as 9 facts describing “fantastic or delusional scenarios.” *Id.* at 327-38. 10 A pro se plaintiff, like other litigants, must satisfy the pleading requirements of Rule 8(a) 11 of the Federal Rules of Civil Procedure. Rule 8(a)(2) “requires a complaint to include a short and 12 plain statement of the claim showing that the pleader is entitled to relief, in order to give the 13 defendant fair notice of what the claim is and the grounds upon which it rests.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 554, 562-563 (2007) (citing *Conley v. Gibson*, 355 U.S. 41 (1957)). 15 While the complaint must comply with the “short and plain statement” requirements of Rule 8, 16 its allegations must also include the specificity required by *Twombly* and *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). 18 To avoid dismissal for failure to state a claim a complaint must contain more than “naked 19 assertions,” “labels and conclusions” or “a formulaic recitation of the elements of a cause of 20 action.” *Twombly*, 550 U.S. at 555-557. In other words, “[t]hreadbare recitals of the elements of 21 a cause of action, supported by mere conclusory statements do not suffice.” *Iqbal*, 556 U.S. at 22 678. 23 Furthermore, a claim upon which the court can grant relief must have facial plausibility. 24 *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual 25 content that allows the court to draw the reasonable inference that the defendant is liable for the 26 misconduct alleged.” *Iqbal*, 556 U.S. at 678. When considering whether a complaint states a 27 claim upon which relief can be granted, the court must accept the allegations as true, *Erickson v. Pardus*, 551 U.S. 89 (2007), and construe the complaint in the light most favorable to the 1 plaintiff, see *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974). 2 II. Screening Order 3 Plaintiff sues Anise Adams, Chief Medical Officer at California Health Care Facility – 4 Stockton (“CHCF”) and N. Malakkla, Chief Physician and Surgeon at CHCF. ECF No. 19. The 5 entirety of his allegations is as follows: 6 The compassionate release request written by CDCR Dr. Veera Singh on 10-3-23 was written based upon my not being able to do my “activities of daily living.” 7 Any argument given by CDCR based on me being diagnosed with a “malignant neoplasm of the right optic nerve OD” is therefore moot. As of the date of this 8 writing, the “request for compassionate release” has not been processed and sent to the court for recall of sentence. 9 10 *Id.* at 3.

11 In screening the original complaint, the court informed plaintiff he had alleged insufficient 12
facts to state a claim. ECF No. 12. The court provided plaintiff with the necessary legal elements
13 to state a claim under the Americans with Disabilities Act and the Equal Protection Clause of
the 14 14th Amendment (the two authorities cited by plaintiff in that pleading). Plaintiff has again
failed 15 to state sufficient facts to state a viable federal claim. He has not remedied the absence of
16 necessary facts to state an ADA or equal protection claim, nor has he stated sufficient facts to
17 state any other federal claim. Indeed, the factual allegations are too sparse to comply with the
18 basic pleading rules of Federal Rule of Civil Procedure 8. A sufficiently plead complaint under
19 Rule 8 must “put defendants fairly on notice of the claims against them.” *McKeever v. Block*,
932

20 F.2d 795, 798 (9th Cir. 1991). Vague allegations that do not allege conduct of a specific, 21
identifiable defendant cannot survive screening. 22 Despite notice of the deficiencies in his
original complaint an opportunity to amend, 23 plaintiff has not corrected the deficiencies in the
amended complaint, indicating that further leave 24 to amend would be futile. See *Plumeau v.*
School Dist. # 40, 130 F.3d 432, 439 (9th Cir. 1997) 25 (denial of leave to amend appropriate
where further amendment would be futile). 26 /// 27 /// 28 /// 1 | UT. Motion for Default
Judgment 2 Because plaintiff has not stated a claim, his motion for default judgment must be
denied. 3 | IV. Conclusion and Recommendation 4 Accordingly, it is hereby RECOMMENDED
that: 5 1. Plaintiff's motion for default judgment (ECF No. 21) be DENIED; 6 2. The amended
complaint be dismissed without further leave to amend; 7 3. The Clerk of court be directed to
terminate all pending motions and close the case. 8 These findings and recommendations are
submitted to the United States District Judge 9 || assigned to the case, pursuant to the provisions of
28 U.S.C. § 636(b)(1). Within fourteen days 10 || after being served with these findings and
recommendations, any party may file written 11 || objections with the court and serve a copy on all
parties. Such a document should be captioned 12 || “Objections to Magistrate Judge’s Findings and
Recommendations.” Failure to file objections 13 || within the specified time may waive the right to
appeal the District Court’s order. *Turner v.* 14 | *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998);
Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991) 15 16 || Dated: August 12, 2025 Lal til, 7 -
Z20CM*

EDMUND F. BRENNAN

17 UNITED STATES MAGISTRATE JUDGE

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