

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

Torres v. St. Andre, et al.

Torres · No. 2:24-cv-2447-JDP (P) · Decided August 4, 2025

OPINION

(PC) Torres v. Newsome

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 ABRAHAM L. TORRES, Case No. 2:24-cv-2447-JDP (P) 12 Plaintiff, 13 v. ODER 14 ST.
ANDRE, et al., 15 Defendants. 16 17 18 Plaintiff brings this action against eighteen different
defendants and alleges numerous 19 violations of his rights. It is difficult to understand the precise
number of claims at issue, whether 20 those claims are all sufficiently related, and how each of the
eighteen named defendants is 21 implicated in those claims. Accordingly, I will dismiss the
complaint with leave to amend, so that 22 plaintiff may file an intelligible complaint that complies
with the Federal Rules of Civil 23 Procedure. 24 Screening Order 25 I. Screening and Pleading
Requirements 26 A federal court must screen a prisoner’s complaint that seeks relief against a
governmental 27 entity, officer, or employee. See 28 U.S.C. § 1915A(a). The court must identify
any cognizable 28 claims and dismiss any portion of the complaint that is frivolous or malicious,
fails to state a 1 claim upon which relief may be granted, or seeks monetary relief from a
defendant who is 2 immune from such relief. See 28 U.S.C. §§ 1915A(b)(1), (2). 3 A complaint
must contain a short and plain statement that plaintiff is entitled to relief, 4 Fed. R. Civ. P. 8(a)(2),
and provide “enough facts to state a claim to relief that is plausible on its 5 face,” Bell Atl. Corp.
v. Twombly, 550 U.S. 544, 570 (2007). The plausibility standard does not 6 require detailed
allegations, but legal conclusions do not suffice. See Ashcroft v. Iqbal, 556 U.S. 7 662, 678
(2009). If the allegations “do not permit the court to infer more than the mere 8 possibility of
misconduct,” the complaint states no claim. Id. at 679. The complaint need not 9 identify “a
precise legal theory.” Kobold v. Good Samaritan Reg’l Med. Ctr., 832 F.3d 1024, 10 1038 (9th
Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that 11 give rise to
an enforceable right to relief.” Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 12 n.2 (9th Cir.
2006) (en banc) (citations omitted). 13 The court must construe a pro se litigant’s complaint
liberally. See Haines v. Kerner, 404 14 U.S. 519, 520 (1972) (per curiam). The court may dismiss
a pro se litigant’s complaint “if it 15 appears beyond doubt that the plaintiff can prove no set of
facts in support of his claim which 16 would entitle him to relief.” Hayes v. Idaho Corr. Ctr., 849

F.3d 1204, 1208 (9th Cir. 2017). 17 However, ““a liberal interpretation of a civil rights complaint may not supply essential elements 18 of the claim that were not initially pled.”” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 19 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 20 II. Analysis 21 Plaintiff names eighteen defendants in the caption of his complaint and alleges that his 22 rights were violated in August 2024 when he contracted Covid-19 after being forced to lodge in a 23 cell with an infected inmate. The complaint is difficult to read owing, in part, to organization. 24 While the complaint is typed, plaintiff has not used paragraphs or divided his claims in any 25 coherent manner. This might be an inconvenience in a case with a limited number of defendants, 26 but it makes following the allegations exceptionally difficult when they are being levied against 27 eighteen individuals. Additionally, plaintiff has several sections where allegations repeat, and it 28 is unclear to me whether this is an error, intended for effect, or if these are, in some way I cannot 1 grasp, meant to be separate claims. For instance, pages five, eight, and ten—each of which 2 denotes the start of a new claim—all begin by alleging that plaintiff’s cellmate contracted the 3 Covid-19 virus and go on to describe alleged wrongdoing by various officers and medical staff. 4 Based on these deficiencies, the pleading fails to give each defendant fair notice of the claims 5 against him or her, as the Federal Rules of Civil Procedure require. *Bell Atl. Corp. v. Twombly*, 6 U.S. 544, 555 (2007). 7 As a final matter, plaintiff also brings claims alleging that, in December 2024, defendants 8 retaliated against him for protected conduct by destroying his property, keeping him in a holding 9 cage for an extended period, and subjecting him to other adverse consequences. *Id.* at 18. These 10 claims do not appear sufficiently related to his other claims for inadequate medical care to 11 proceed in the same suit. 12 Accordingly, I will dismiss the complaint and afford plaintiff a final opportunity to amend 13 so that he may remedy these deficiencies. He is advised that the amended complaint will 14 supersede the current complaint. See *Lacey v. Maricopa County*, 693 F. 3d 896, 907 n.1 (9th Cir. 15 2012) (en banc). The amended complaint should be titled “Third Amended Complaint” and refer 16 to the appropriate case number. 17 It is ORDERED that: 18 1. Plaintiff’s complaint, contained in ECF No. 17, is DISMISSED with leave to amend. 19 2. Within thirty days from service of this order, plaintiff shall file either (1) an amended 20 complaint or (2) notice of voluntary dismissal of this action without prejudice. 21 3. Failure to timely file either an amended complaint or notice of voluntary dismissal may 22 result in the imposition of sanctions, including a recommendation that this action be dismissed 23 with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 24 4. The Clerk of Court shall send plaintiff a complaint form with this order. 25 26 27 28 1 > IT IS SO ORDERED. 3 (| { Wine Dated: _ August 4, 2025 q——

4 JEREMY D. PETERSON

5 UNITED STATES MAGISTRATE JUDGE

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