

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Mark A. Crozier v. Valley Health Team, Inc., et al.

No. 1:24-cv-00255-KES-BAM (E.D. Cal. Dec. 4, 2025) · No. 1:24-cv-00255-KES-BAM · Decided December 4, 2025

SUMMARY

The document contains Findings and Recommendations recommending dismissal of Mark A. Crozier’s pro se action against Valley Health Team, Inc. arising from alleged negligent dental treatment. The court concluded that the complaint plausibly alleged medical negligence but failed to adequately establish timely exhaustion of administrative remedies and timely filing under the Federal Tort Claims Act, 28 U.S.C. § 2401(b), or entitlement to equitable tolling. The parties were given fourteen days to file objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 4, 2025
DOCKET	1:24-cv-00255-KES-BAM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Findings and recommendations on screening of a third amended complaint filed by a pro se plaintiff proceeding in forma pauperis under the Federal Tort Claims Act.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915(e)(2), including whether the complaint is frivolous, malicious, seeks relief from an immune defendant, or fails to state a claim. The pleading must satisfy Federal Rule of Civil Procedure 8(a)(2) and the facial-plausibility standard.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Mark A. Crozier v. Valley Health Team, Inc., et al.

TOPICS

- medical malpractice
- professional negligence
- exhaustion of remedies
- statute of limitations
- civil procedure

PRACTICE AREAS

Federal Tort Claims Act

medical malpractice

professional negligence

federal civil procedure

administrative exhaustion

QUESTIONS PRESENTED

1. Whether the third amended complaint stated a cognizable medical-negligence or malpractice claim.
2. Whether the complaint adequately alleged that Plaintiff timely presented an administrative FTCA claim within two years after accrual.
3. Whether the complaint adequately alleged that the action was filed within six months after notice of final administrative denial.
4. Whether Plaintiff adequately alleged facts supporting equitable tolling of either FTCA deadline.
5. Whether Valley Health Team, Inc. was a proper defendant in an FTCA action.

HOLDINGS

1. Liberally construed, the third amended complaint stated a cognizable claim for medical negligence or malpractice.
2. The United States is the only proper defendant in an FTCA action; Valley Health Team, Inc. was not a proper FTCA defendant.
3. The complaint did not adequately allege timely presentation of an administrative claim within two years after accrual as required by 28 U.S.C. § 2401(b).
4. The complaint did not adequately allege that the action was filed within six months after notice of final administrative denial, as required by 28 U.S.C. § 2401(b).
5. Plaintiff's conclusory allegations that he did not receive a response from HHS and that the lack of response was not his fault were insufficient to establish equitable tolling.

KEY QUOTATIONS

“A complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief”” (at 2)

“The United States is the only proper defendant in a FTCA action.” (at 3)

“A tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within two years after such claim accrues or unless action is begun within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented.” (at 3)

“To be entitled to equitable tolling, a plaintiff must establish “(1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way and prevented timely filing.”” (at 4)

FACTUAL BACKGROUND

Plaintiff alleged that on September 24, 2019, while receiving a deep dental cleaning at Valley Health Team, Inc., a doctor drilled two of his teeth without his permission, causing injury and disfigurement. He asserted professional negligence and personal-injury claims and sought \$303,000. Plaintiff alleged that he filed an administrative claim with the Department of Health and Human Services but did not provide the date of the initial filing, did not adequately allege whether or when HHS denied the claim, and did not establish timely filing of the federal action.

PROCEDURAL HISTORY

Plaintiff initiated the action on February 29, 2024. The court previously granted him a final opportunity to amend to allege timely compliance with the FTCA's administrative and filing deadlines, and later granted a sixty-day extension. Plaintiff filed a third amended complaint on June 23, 2025. After screening, the magistrate judge recommended dismissal because the complaint did not adequately allege timely administrative exhaustion, timely filing of the action, or entitlement to equitable tolling.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Doe I v. Wal-Mart Stores, Inc., 572 F.3d 677, 681 (9th Cir. 2009)
- Moss v. U.S. Secret Serv., 572 F.3d 962, 969 (9th Cir. 2009)
- Blumberger v. Tilley, 115 F.4th 1113, 1117 (9th Cir. 2024)
- Velasquez v. United States, No. 2:13-CV-02559-JAM-AC, 2014 WL 3837294, at *1 (E.D. Cal. Aug. 1, 2014)
- Lance v. United States, 70 F.3d 1093, 1095 (9th Cir. 1995)
- Gelazela v. United States, No. 1:21-cv-01499-AWI-EPG (PC), 2022 WL 17368681, at *9-*10 (E.D. Cal. Dec. 1, 2022)
- United States v. Olson, 546 U.S. 43, 46 (2005)
- Sampson v. Ukiah Valley Med. Ct., No. 15-cv-00160-WHO, 2017 WL 2834001, at *3 (N.D. Cal. June 30, 2017)
- United States v. Wong, 575 U.S. 402, 420 (2015)
- Menominee Indian Tribe of Wisconsin v. United States, 577 U.S. 250, 255, 257 (2016)
- Holland v. Florida, 560 U.S. 631, 649 (2010)
- Ehimika v. United States, No. CV 24-5962-DMG (JCx), 2024 WL 4800680, at *1 (C.D. Cal. Oct. 10, 2024)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)