

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. Mar. 7, 2025) · No. 5:20-cv-06326-EJD · Decided March 7, 2025

SUMMARY

The United States District Court for the Northern District of California screens a pro se prisoner’s civil rights complaint concerning the May 2020 transfer of inmates from California Institution for Men to San Quentin State Prison during the COVID-19 pandemic. The court finds plausible Eighth Amendment deliberate-indifference claims against several defendants, dismisses claims against Governor Gavin Newsom, Federal Receiver J. Clark Kelso, and Dr. R. Steven Tharratt, and orders service on the remaining defendants. The case remains 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	March 7, 2025
DOCKET	5:20-cv-06326-EJD
DISPOSITION	other
PROCEDURAL POSTURE	Order screening a pro se prisoner civil-rights complaint under 28 U.S.C. § 1915A and directing service on certain defendants while dismissing other defendants and staying the consolidated case for all purposes other than service.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must identify cognizable claims or dismiss a complaint, or portion thereof, that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Pro se pleadings are liberally construed, and the complaint must contain enough factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	nonprecedential district court order

TOPICS

- prisoners rights
- section 1983
- service of process
- civil procedure
- cruel and unusual punishment

PRACTICE AREAS

civil procedure

prisoner civil rights

constitutional law

government liability

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible Eighth Amendment deliberate-indifference claim under 42 U.S.C. § 1983 against the named prison and correctional officials.
2. Whether the complaint stated a plausible claim against Governor Gavin Newsom based on his alleged connection to the prisoner transfer.
3. Whether J. Clark Kelso was protected by quasi-judicial immunity.
4. Whether Dr. Steven Tharratt could properly be named as a defendant when he died before the action was filed.
5. Whether service should proceed on the remaining defendants while the consolidated cases remained stayed for other purposes.

HOLDINGS

1. Liberally construed, the allegations stated a plausible claim for deliberate indifference to plaintiff's safety in violation of the Eighth Amendment against the majority of the named defendants in their individual capacities.
2. The complaint did not state a plausible claim against Governor Newsom because it did not plausibly allege that he was involved in the decisions surrounding the transfer; the claim was dismissed without prejudice.
3. J. Clark Kelso was dismissed on the basis of quasi-judicial immunity.
4. Dr. Steven Tharratt was dismissed because he died before the action was filed and therefore was not an appropriately named defendant at the onset of the litigation.
5. The court ordered service through the CDCR e-service program, with USMS service to follow for defendants who did not waive service, and kept the consolidated case stayed for all purposes other than service.

KEY QUOTATIONS

"Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity." (at 1)

"A complaint must proffer 'enough facts to state a claim for relief that is plausible on its face.'" (at 1)

"Liability may be imposed on an individual defendant under § 1983 only if plaintiff can show that the defendant proximately caused the deprivation of a federally protected right." (at 4)

"A person deprives another of a constitutional right within the meaning of § 1983 if he does an affirmative act, participates in another's affirmative act or omits to perform an act which he is legally required to do, that causes the deprivation of which the plaintiff complains." (at 4)

FACTUAL BACKGROUND

Plaintiff, a California prisoner, alleged that more than 100 inmates, some infected with COVID-19, were transferred from the California Institution for Men to San Quentin State Prison in May 2020. He alleged that the transfer was rushed, prisoners were inadequately tested and spaced on buses, and arriving prisoners were not quarantined despite COVID-19 symptoms. Plaintiff further alleged that his COVID-positive cellmate was not separated from him after plaintiff requested a cell move, and that healthcare staff refused to perform blood testing to determine whether he had contracted COVID-19.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights complaint concerning the transfer of prisoners from the California Institution for Men to San Quentin State Prison during the COVID-19 pandemic. The action was consolidated with related transfer cases under Case No. 5:20-cv-06326-EJD. On screening, the court found plausible Eighth Amendment deliberate-indifference claims against most named defendants, dismissed Governor Newsom, J. Clark Kelso, and Dr. Steven Tharratt, ordered service on the remaining defendants, and continued the stay except for service.

DISPOSITION

other

CASES CITED

- *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990)
- *Erickson v. Pardus*, 127 S. Ct. 2197, 2200 (2007)
- *Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1955, 1964-1965, 1974 (2007)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Leadsinger, Inc. v. BMG Music Pub.*, 512 F.3d 522, 532 (9th Cir. 2008)
- *Farmer v. Brennan*, 511 U.S. 825, 837 (1994)
- *Leer v. Murphy*, 844 F.2d 628, 633-634 (9th Cir. 1988)
- *Harris v. City of Roseburg*, 664 F.2d 1121, 1125 (9th Cir. 1981)
- *Harris v. Allison*, No. 20-CV-09393-CRB, 2022 WL 2232526, at *1 (N.D. Cal. June 7, 2022)
- *In re CIM-SQ Transfer Cases*, No. 22-mc-80066-WHO, 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)