

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Angelo Joseph Flores v. Monivirin Son, Jeremy Martin, and the
Amador County Sheriff's Department

Flores v. Son · No. 2:22-cv-02077-KJM-JDP (PC) · Decided March 6, 2023

SUMMARY

The United States District Court for the Eastern District of California grants Angelo Joseph Flores’s application to proceed in forma pauperis and screens his 42 U.S.C. § 1983 complaint. The court finds cognizable a Fourteenth Amendment deliberate-indifference-to-medical-needs claim against Dr. Monivirin Son, but finds the claims against Jeremy Martin and the Amador County Sheriff’s Department insufficiently pleaded. Flores is ordered either to proceed only against Dr. Son or to file an amended complaint within thirty days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 6, 2023
DOCKET	2:22-cv-02077-KJM-JDP (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se prisoner's complaint under 28 U.S.C. § 1915(e), together with consideration of the plaintiff's application to proceed in forma pauperis.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e), the court must identify cognizable claims and dismiss claims that are frivolous or malicious, fail to state a claim, or seek monetary relief from an immune defendant. The complaint must satisfy Federal Rule of Civil Procedure 8(a)(2) and state a plausible claim for relief.
PRECEDENTIAL VALUE	nonprecedential district-court screening order
PARTIES	Angelo Joseph Flores v. Monivirin Son, Jeremy Martin, Amador County Sheriff's Department

TOPICS

section 1983

prisoners rights

fourteenth amendment

pleadings

civil procedure

PRACTICE AREAS

civil rights

constitutional law

prisoner civil rights

federal civil procedure

QUESTIONS PRESENTED

1. Whether the complaint states a cognizable Fourteenth Amendment deliberate-indifference-to-medical-needs claim against Dr. Son.
2. Whether the complaint states a claim against Captain Martin based on an alleged failure to intervene or involvement in plaintiff's medical care.
3. Whether the complaint states a municipal-liability claim against the Amador County Sheriff's Department.
4. Whether plaintiff should be permitted to proceed in forma pauperis.

HOLDINGS

1. For screening purposes, plaintiff's allegation that Dr. Son refused without justification to provide necessary prescription medication stated a viable Fourteenth Amendment claim.
2. The complaint failed to state a cognizable claim against Martin because it did not allege that he knew of Dr. Son's refusal or was otherwise involved in plaintiff's medical care.
3. The complaint failed to state a municipal-liability claim because it did not allege that a departmental policy, custom, or practice was the moving force behind the alleged constitutional violation.
4. The court granted plaintiff's application to proceed in forma pauperis.

KEY QUOTATIONS

"The Fourteenth Amendment claim against Dr. Son is cognizable. The claims against the other defendants are not." (Opinion at 1)

"A complaint must contain a short and plain statement that plaintiff is entitled to relief, Fed. R. Civ. P. 8(a)(2), and provide "enough facts to state a claim to relief that is plausible on its face,"" (Opinion at 2)

"liability for an entity of municipal or local government requires an allegation that "a deliberate policy, custom, or practice . . . was the 'moving force' behind the constitutional violation . . . suffered."" (Opinion at 2)

FACTUAL BACKGROUND

Plaintiff was being held as a pretrial detainee in the Amador County Jail. He alleged that Dr. Son refused without justification to provide prescription medication necessary to treat his drug addiction, and that he obtained the medication only after going on a hunger strike and having his attorney intervene. He also alleged that Captain

Martin and the Amador County Sheriff's Department should be liable for failing to intervene or direct Dr. Son to provide the medication.

PROCEDURAL HISTORY

Plaintiff filed a 42 U.S.C. § 1983 complaint alleging that a jail physician refused to provide prescribed medication and that other defendants failed to intervene or direct the physician to provide it. The court screened the complaint, granted plaintiff's application to proceed in forma pauperis, found a Fourteenth Amendment deliberate-indifference claim against Dr. Son cognizable, and found the claims against Martin and the Sheriff's Department insufficient. Plaintiff was given thirty days either to proceed only against Dr. Son or to file an amended complaint.

DISPOSITION

other

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-679 (2009)
- Kobold v. Good Samaritan Reg'l Med. Ctr., 832 F.3d 1024, 1038 (9th Cir. 2016)
- Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hayes v. Idaho Corr. Ctr., 849 F.3d 1204, 1208 (9th Cir. 2017)
- Bruns v. Nat'l Credit Union Admin., 122 F.3d 1251, 1257 (9th Cir. 1997)
- Ivey v. Bd. of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Galen v. County of Los Angeles, 477 F.3d 652, 667 (9th Cir. 2007)
- Lacey v. Maricopa County, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc)