

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Lemelle v. Nguyen

No. 25-cv-02166 BLF (PR) (N.D. Cal. July 23, 2025) · No. 25-cv-02166 BLF (PR) · Decided July 23, 2025

SUMMARY

The United States District Court for the Northern District of California screened a prisoner’s 42 U.S.C. § 1983 complaint alleging deliberate indifference to serious medical needs. The court allowed Eighth Amendment claims against Dr. Nguyen, Scott Langevine, Nurse Thorne, Nurse Ortiz, and Sgt. Selby to proceed, dismissed the remaining claims with prejudice, and directed service and the filing of dispositive motions.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Beth Labson Freeman
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 23, 2025
DOCKET	25-cv-02166 BLF (PR)
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se filed a 42 U.S.C. § 1983 action against medical and correctional staff at Salinas Valley State Prison. The district court screened the complaint under 28 U.S.C. § 1915A, dismissed some claims with prejudice, allowed Eighth Amendment deliberate-indifference claims to proceed, ordered service, and set a deadline for defendants to file a dispositive motion.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must screen a prisoner's complaint seeking relief from a governmental entity or officer and dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pro se pleadings are liberally construed.
PRECEDENTIAL VALUE	Unknown; district-court order issued at the pleading-screening stage.

TOPICS

- section 1983
- prisoners rights
- health law
- civil rights
- civil procedure

PRACTICE AREAS

civil rights

prisoner medical care

federal civil procedure

constitutional law

health law

QUESTIONS PRESENTED

1. Whether the complaint stated cognizable Eighth Amendment claims for deliberate indifference to serious medical needs against the identified prison medical and correctional defendants.
2. Whether the alleged disclosure of prison medical records stated a claim under HIPAA or the Constitution.
3. Whether the alleged conspiracy between Nurse Ortiz and Sgt. Selby constituted a separate claim under 42 U.S.C. § 1983.
4. Whether the action should proceed to service and dispositive-motion practice on the cognizable claims.

HOLDINGS

1. The allegations that defendants delayed or denied treatment for Plaintiff's serious shoulder injuries and failed to respond reasonably to his medical-care complaints were sufficient at the screening stage to state Eighth Amendment claims for deliberate indifference to serious medical needs.
2. The alleged disclosure of Plaintiff's medical records did not state a viable claim because HIPAA does not provide a private right of action, and a prisoner has no constitutionally protected expectation of privacy in prison treatment records when the state has a legitimate interest in accessing them.
3. The alleged conspiracy between Nurse Ortiz and Sgt. Selby did not state a separate constitutional tort under 42 U.S.C. § 1983.
4. Leave to amend was denied for the records-disclosure and conspiracy claims because the deficiencies were not factually curable, and those claims were dismissed with prejudice.

KEY QUOTATIONS

"To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged violation was committed by a person acting under the color of state law." (at 3)

"These allegations are sufficient to state an Eighth Amendment claim for deliberate indifference to serious medical needs." (at 4)

"HIPPA does not provide a private right of action." (at 5)

"Lastly, conspiracy is not itself a constitutional tort under 42 U.S.C. § 1983." (at 5)

FACTUAL BACKGROUND

Plaintiff alleged that he suffered a torn right rotator cuff in August 2022, experienced severe pain and limited mobility, and repeatedly sought medical treatment and an MRI. He alleged delays and denials of treatment from April 2023 through December 2024, later experiencing problems with his left shoulder as well. Plaintiff claimed that medical and correctional staff prevented access to his primary-care provider, denied or delayed treatment,

and failed to respond reasonably to his complaints, causing continuing pain, sleep problems, limited mobility, and possible lifelong impairment. He also alleged that Nurse Ortiz disclosed medical records to Sgt. Selby without permission and that the two defendants conspired to cause him to leave a medical appointment without an examination.

PROCEDURAL HISTORY

Plaintiff filed the action against staff at Salinas Valley State Prison. The court conducted mandatory prisoner screening under 28 U.S.C. § 1915A, found cognizable Eighth Amendment claims against Dr. Nguyen, Chief Medical Officer Scott Langevine, Nurse Thorne, Nurse Ortiz, and Sgt. Selby, and dismissed all other claims with prejudice. The court directed service through the California Department of Corrections and Rehabilitation's e-service program and ordered defendants to file a summary-judgment or other dispositive motion within 91 days.

DISPOSITION

other

CASES CITED

- *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Estelle v. Gamble*, 429 U.S. 97, 104 (1976)
- *McGuckin v. Smith*, 974 F.2d 1050, 1059 (9th Cir. 1992)
- *WMX Technologies, Inc. v. Miller*, 104 F.3d 1133, 1136 (9th Cir. 1997) (en banc)
- *Webb v. Smart Document Sols., LLC*, 499 F.3d 1078, 1081 (9th Cir. 2007)
- *Seaton v. Mayberg*, 610 F.3d 530, 533-34 (9th Cir. 2010)
- *Lacey v. Maricopa County*, 693 F.3d 896, 935 (9th Cir. 2012) (en banc)
- *Schmier v. United States Court of Appeals*, 279 F.3d 817, 824 (9th Cir. 2002)
- *Rand v. Rowland*, 154 F.3d 952, 963 (9th Cir. 1998) (en banc)
- *Woods v. Carey*, 684 F.3d 934, 940 (9th Cir. 2012)
- *Celotex Corp. v. Catrett*, 47 U.S. 317 (1986)
- *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (per curiam)
- *Brydges v. Lewis*, 18 F.3d 651, 653 (9th Cir. 1994)