

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

Jackson v. St. Andre

Jackson · No. 2:24-cv-2556 CKD P · Decided February 28, 2025

OPINION

(PC) Jackson v. St. Andre

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 JULIUS C. JACKSON, No. 2:24-cv-2556 CKD P

12 Plaintiff, 13 v. ORDER 14 ROB ST. ANDRE, et al., 15 Defendants. 16 17 Plaintiff is a state
prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 18 1983. The court is
required to screen complaints brought by prisoners seeking relief against a 19 governmental entity
or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The 20 court must dismiss
a complaint or portion thereof if the prisoner has raised claims that are legally 21 “frivolous or
malicious,” that fail to state a claim upon which relief may be granted, or that seek 22 monetary
relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2). 23
Plaintiff’s amended complaint (ECF No. 10) is before the court for screening. 24 The court finds
that plaintiff may proceed on claim 1 in his amended complaint in which 25 he alleges violations
of the Eighth Amendment by defendants Martinez and Valdez. Claims 2 26 and 3 are not
actionable. Plaintiff has two options: (1) proceed on claim 1 and voluntarily 27 dismiss claims 2
and 3; or (2) seek leave to file a second amended complaint in an attempt to cure 28 the
deficiencies with respect to claims 2 and 3.] If plaintiff wishes to file a second amended
complaint, plaintiff is informed as follows: 2 1. Under the Eighth Amendment, prison officials
have a duty to protect prisoners from 3 | harmful conditions of confinement. See Farmer v.
Brennan, 511 U.S. 825, 833 (1994). A prison 4 || official may be held liable for subjecting an
inmate to harmful conditions of confinement if an 5 || inmate suffers a sufficiently serious injury,
and the prison official was deliberately indifferent to 6 || the risk of harm. Id. at 834, 837. The
relevant inquiry is whether prison officials, “acting with 7 || deliberate indifference, exposed a
prisoner to a sufficiently substantial risk of serious damage to 8 | his future health.” Id. at 834
(internal quotation omitted). With respect to claim 2, unlike his 9 || allegations in claim 1, plaintiff
fails to point to facts suggesting that the named defendants were at 10 || least deliberately
indifferent to specific information that plaintiff might be attacked. 11 2. In claim 3, plaintiff

complains about medical care. Denial or delay of medical care can 12 || violate the Eighth Amendment. *Estelle v. Gamble*, 429 U.S. 97, 104-05 (1976). A violation 13 || occurs when a prison official causes injury as a result of his or her deliberate indifference to a 14 || prisoner's serious medical needs. *Id.* In claim 3, plaintiff fails to any assert any actionable injury 15 || caused by any defendant's conduct. 16 Finally, plaintiff is informed that the court cannot refer to a prior pleading in order to 17 | make plaintiff's amended complaint complete. Local Rule 220 requires that an amended 18 || complaint be complete in itself without reference to any prior pleading. 19 In accordance with the above, IT IS HEREBY ORDERED that plaintiff is granted 30 days 20 || within which to complete and return the attached form notifying the court whether he wants to 21 || proceed on claim 1 in his amended complaint and voluntarily dismiss claims 2 and 3 or whether 22 || plaintiff wishes to file an amended complaint in an attempt to cure the deficiencies. If plaintiff 23 || does not return the form, this action will proceed on claim 1 and the court will recommend that 24 || the other claims be dismissed. 25 | Dated: February 28, 2025 ☐☐ I / dle ae

26 CAROLYNK. DELANEY

27 UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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JULIUS C. JACKSON, No. 2:24-cv-2556 CKD P

11 Plaintiff, 12

v. PLAINTIFF'S NOTICE OF

13 ROB ST. ANDRE, et al., HOW TO PROCEED 14 Defendants. 15 16 Check one: 17 18 _____
Plaintiff wants to proceed immediately on claim 1 in his amended complaint and 19 voluntarily
dismiss claims 2 and 3 OR 20 21 _____ Plaintiff wants time to file a second amended complaint.
22 DATED: 23 _____ 24 Plaintiff 25 26 27 28