

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Wolinski v. Moseley

No. 25-cv-0802-AGS-LR (S.D. Cal. Aug. 5, 2025) · No. 25-cv-0802-AGS-LR · Decided August 5, 2025

SUMMARY

The United States District Court for the Southern District of California grants Krzysztof Wolinski leave to proceed in forma pauperis and screens his prisoner civil-rights complaint. The court allows certain Eighth Amendment medical-care and retaliation claims against Dr. Blaisdell, and a due-process claim concerning educational credits against J. Cota and Rafael Acevedo, while dismissing the remaining claims and defendants. Wolinski is permitted to amend or proceed on the surviving claims.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Andrew G. Schopler
JURISDICTION	United States District Court for the Southern District of California
DECIDED	August 5, 2025
DOCKET	25-cv-0802-AGS-LR
DISPOSITION	other
PROCEDURAL POSTURE	Screening order on a state prisoner’s in forma pauperis civil-rights complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A.
STANDARD OF REVIEW	The court applied the 12(b)(6) plausibility standard to screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), accepting well-pleaded factual allegations as true and dismissing claims that were frivolous, malicious, failed to state a claim, or sought relief from immune defendants.
PRECEDENTIAL VALUE	Unpublished, not for publication; nonprecedential district-court screening order.
PARTIES	Krzysztof Wolinski v. Howard Moseley, et al.

TOPICS

- prisoners rights
- section 1983
- procedural due process
- civil rights
- pleadings

PRACTICE AREAS

prisoner civil rights

constitutional law

civil procedure

disability law

health law

QUESTIONS PRESENTED

1. Whether Wolinski should be granted leave to proceed in forma pauperis and whether an initial partial filing fee was required.
2. Whether the complaint stated a plausible Eighth Amendment deliberate-indifference claim based on denial or delay of post-surgical medical care.
3. Whether the complaint stated a First Amendment retaliation claim against the defendants.
4. Whether the complaint stated claims under the ADA and Rehabilitation Act.
5. Whether the alleged property deprivation, attempted prison transfers, grievance-related conduct, and denial of educational credits stated Fourteenth Amendment due-process claims.
6. Whether the complaint stated an access-to-courts claim, equal-protection claim, or conspiracy claim.
7. Whether the complaint stated viable state-law claims for intentional infliction of emotional distress and violations of California statutes, regulations, and the California Constitution.

HOLDINGS

1. A prisoner with no average monthly balance, no average monthly deposits, and no available balance may proceed in forma pauperis without an initial partial filing fee, while remaining liable for the statutory filing fee through installment payments.
2. The complaint is screened under the same plausibility standard used for a Rule 12(b)(6) motion, and a claim survives if its factual allegations plausibly state a legally cognizable claim.
3. Wolinski plausibly stated an Eighth Amendment deliberate-indifference claim against Dr. Blaisdell based on the alleged failure to provide prescribed post-surgical pain medication and care, but not based on the alleged refusal to replace the air mattress.
4. The retaliation claim survives screening against Dr. Blaisdell but is dismissed as to the other defendants because only the allegations against Blaisdell plausibly connected an adverse action to protected conduct.
5. The complaint fails to state ADA or Rehabilitation Act claims because it does not plausibly allege a disability or discrimination by reason of disability, and the ADA claim is also improperly asserted against individual defendants.
6. The property-deprivation, prison-transfer, grievance-procedure, and most other due-process theories fail, but Wolinski plausibly stated a due-process claim against Cota and Acevedo based on alleged denial of California educational merit credits.
7. The access-to-courts claim is dismissed because Wolinski did not plausibly allege actual injury or prejudice to a nonfrivolous underlying legal claim.
8. The equal-protection claim is dismissed because the complaint does not plausibly allege intentional discrimination based on membership in a protected class.

9. The § 1983, § 1981(c), § 1985(3), and § 1986 conspiracy claims are dismissed because the allegations are conclusory and do not plausibly show an agreement, meeting of the minds, personal involvement, or the required discriminatory animus.
10. The complaint plausibly states an intentional-infliction-of-emotional-distress claim against Dr. Blaisdell based on the alleged deliberate withholding of prescribed post-surgical pain medication, but the remaining state-law claims are dismissed as conclusory, legally unavailable, or inadequately pleaded.

KEY QUOTATIONS

“All claims in the complaint are DISMISSED, except for the claims (1) against Dr. Blaisdell regarding Eighth Amendment denial of medical care, First Amendment retaliation, and state-law intentional infliction of emotional distress; and (2) against correctional counselor J. Cota and warden Rafael Acevedo for the good-credit-related Fourteenth Amendment due-process claim.” (Conclusion)

FACTUAL BACKGROUND

Wolinski alleged that after his transfer to Richard J. Donovan Correctional Facility, prison officials denied or restricted access to the law library and educational opportunities, retaliated against him for litigation and inmate grievances, denied him prescribed post-surgical pain medication, destroyed or failed to replace an air mattress, interfered with personal property, attempted transfers, and prevented him from earning educational credits. He also alleged disability discrimination, denial of access to courts, equal-protection violations, conspiracies, and various state-law violations. The court found sufficient allegations to permit an Eighth Amendment medical-care claim, a First Amendment retaliation claim, and an intentional-infliction-of-emotional-distress claim against Dr. Blaisdell, as well as a Fourteenth Amendment due-process claim concerning educational credits against Cota and Acevedo.

PROCEDURAL HISTORY

Wolinski, a state prisoner proceeding without counsel, filed a complaint alleging federal constitutional, statutory, and state-law violations and submitted a prisoner trust-account statement construed as a motion to proceed in forma pauperis. The court granted in forma pauperis status without requiring an initial partial filing fee, denied an extension request as moot, screened the complaint, dismissed most claims and defendants, and permitted Wolinski either to proceed on specified surviving claims or file an amended complaint.

DISPOSITION

other

CASES CITED

- Andrews v. Cervantes, 493 F.3d 1047, 1051 (9th Cir. 2007)
- Andrews v. King, 398 F.3d 1113, 1119 (9th Cir. 2005)
- Bruce v. Samuels, 577 U.S. 82, 84 (2016)
- Lopez v. Smith, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc)

- Rhodes v. Robinson, 621 F.3d 1002, 1004 (9th Cir. 2010)
- Watison v. Carter, 668 F.3d 1108, 1112, 1114 (9th Cir. 2012)
- Wilhelm v. Rotman, 680 F.3d 1113, 1121, 1123 (9th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Estelle v. Gamble, 429 U.S. 97, 104, 106 (1976)
- Colwell v. Bannister, 763 F.3d 1060, 1066, 1068 (9th Cir. 2014)
- Hutchinson v. United States, 838 F.2d 390, 394 (9th Cir. 1988)
- Farmer v. Brennan, 511 U.S. 825, 834, 837 (1994)
- Prewitt v. Roos, 160 F. App'x 609, 610 (9th Cir. 2005)
- Rhodes v. Robinson, 408 F.3d 559, 567-68 (9th Cir. 2005)
- Soranno's Gasco, Inc. v. Morgan, 874 F.2d 1310, 1314 (9th Cir. 1989)
- Wood v. Yordy, 753 F.3d 899, 905 (9th Cir. 2014)
- McGary v. City of Portland, 386 F.3d 1259, 1265 (9th Cir. 2004)
- Cox v. Narkiewicz, No. 19cv1486-JCC-MLP, 2019 WL 11753650, at *6 (W.D. Wash. Oct. 31, 2019)
- Payan v. Los Angeles Community College Dist., 11 F.4th 729, 737 (9th Cir. 2021)
- Lovell v. Chandler, 303 F.3d 1039, 1052 (9th Cir. 2002)
- Vinson v. Thomas, 288 F.3d 1145, 1156 (9th Cir. 2002)
- Wilkinson v. Austin, 545 U.S. 209, 221 (2005)
- Hudson v. Palmer, 468 U.S. 517, 533 (1984)
- Barnett v. Centoni, 31 F.3d 813, 816-17 (9th Cir. 1994)
- Moody v. Daggett, 429 U.S. 78, 88 n.9 (1976)
- Myron v. Terhune, 476 F.3d 716, 718 (9th Cir. 2007)
- Mann v. Adams, 855 F.2d 639, 640 (9th Cir. 1988)
- Ramirez v. Galaza, 334 F.3d 850, 860 (9th Cir. 2003)
- Wolff v. McDonnell, 418 U.S. 539, 557 (1974)
- Lewis v. Casey, 518 U.S. 343, 346, 348-49 (1996)
- Christopher v. Harbury, 536 U.S. 403, 413-14, 417 (2002)
- Hartmann v. California Department of Corrections & Rehabilitation, 707 F.3d 1114, 1123 (9th Cir. 2013)
- Maynard v. City of San Jose, 37 F.3d 1396, 1404 (9th Cir. 1994)
- Fields v. Legacy Health System, 413 F.3d 943, 955 (9th Cir. 2005)
- Franklin v. Fox, 312 F.3d 423, 441 (9th Cir. 2002)
- Woodrum v. Woodward County, 866 F.2d 1121, 1126 (9th Cir. 1989)
- Barren v. Harrington, 152 F.3d 1193, 1194 (9th Cir. 1998)
- Karim-Panahi v. Los Angeles Police Department, 839 F.2d 621, 626 (9th Cir. 1988)
- Bray v. Alexandria Women's Health Clinic, 506 U.S. 263, 267-69 (1993)
- Yoshikawa v. Seguirant, 74 F.4th 1042, 1047 (9th Cir. 2023)

- Huggins v. Longs Drug Stores California, Inc., 6 Cal. 4th 124, 129 (1993)
- Butler-Rupp v. Lourdeaux, 134 Cal. App. 4th 1220, 1226 n.1 (2005)
- Hughes v. Pair, 46 Cal. 4th 1035, 1050 (2009)
- McKeever v. Block, 932 F.2d 795, 798 (9th Cir. 1991)
- Quezada v. California, No. 12cv959-DAD (SAB), 2021 WL 2417119, at *5 (E.D. Cal. June 14, 2021)
- Giraldo v. Department of Corrections & Rehabilitation, 168 Cal. App. 4th 231, 256 (2008)
- Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973)
- Hal Roach Studios, Inc. v. Richard Feiner & Co., 896 F.2d 1542, 1546 (9th Cir. 1990)
- Lacey v. Maricopa County, 693 F.3d 896, 928 (9th Cir. 2012)