

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Mike Yang v. Sawagasa, et al.

No. 2:25-cv-1811 CSK P (E.D. Cal. July 7, 2025) · No. No. 2:25-cv-1811 CSK P · Decided July 7, 2025

SUMMARY

The Eastern District of California grants Mike Yang leave to proceed in forma pauperis and screens his 42 U.S.C. § 1983 complaint. The court finds potentially cognizable Eighth Amendment claims against Sawagasa concerning unsafe conditions of confinement and against Sawagasa and Dr. Alex Farrar concerning deliberate indifference to serious medical needs, while dismissing other claims with leave to amend. The court also denies without prejudice the motion for appointment of counsel and provides plaintiff with an election to proceed on the cognizable claims or amend the complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 7, 2025
DOCKET	No. 2:25-cv-1811 CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Screening order in a prisoner civil-rights action brought under 42 U.S.C. § 1983. The court considered plaintiff's request to proceed in forma pauperis, screened the complaint under 28 U.S.C. § 1915A, addressed plaintiff's motion for appointment of counsel, and gave plaintiff the option to proceed on specified claims or amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss prisoner claims that are frivolous or malicious, fail to state a claim, or seek monetary relief from an immune defendant. In evaluating whether the complaint states a claim, the court accepts factual allegations as true, construes a pro se pleading liberally, and applies the Rule 8 and plausibility standards.
PRECEDENTIAL VALUE	unpublished
PARTIES	Mike Yang v. Sawagasa, Dr. Alex Farrar

TOPICS

prisoners rights

section 1983

civil rights

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether plaintiff's complaint stated potentially cognizable Eighth Amendment claims against Sawagasa for unsafe conditions of confinement and deliberate indifference to serious medical needs.
2. Whether plaintiff stated an Eighth Amendment excessive-force claim against Sawagasa based on the accidental mace discharge, the order to clean the bedding, and the continued exposure.
3. Whether plaintiff stated deliberate-indifference, excessive-force, sexual-discrimination, due-process, or verbal-abuse claims against Dr. Alex Farrar.
4. Whether plaintiff qualified for appointment of counsel based on exceptional circumstances.
5. Whether plaintiff qualified to proceed in forma pauperis and was subject to the statutory prisoner filing-fee requirements.

HOLDINGS

1. The complaint states a potentially cognizable Eighth Amendment claim against Sawagasa based on unsafe conditions of confinement arising from the alleged continued mace exposure and denial of a cell move or replacement mattress.
2. The complaint states potentially cognizable Eighth Amendment deliberate-indifference claims against Sawagasa and Dr. Alex Farrar.
3. The complaint does not state an excessive-force claim against Sawagasa because plaintiff alleged that the mace canister accidentally discharged and alleged no facts showing that Sawagasa intentionally used force against him.
4. Plaintiff failed to state claims for sexual discrimination, due-process violations, excessive force against Farrar, or separate Eighth Amendment claims based solely on Farrar's verbal abuse and threats.
5. Plaintiff was not entitled to appointment of counsel because he failed to demonstrate exceptional circumstances.

KEY QUOTATIONS

“Thus, there are no facts supporting an excessive force claim against defendant Sawagasa. Instead, the Court finds that plaintiff states potentially cognizable Eighth Amendment claims against defendant Sawagasa for unsafe conditions of confinement, and deliberate indifference to plaintiff’s serious medical needs.” (at 8)

“The allegations in the complaint are sufficient to state potentially cognizable Eighth Amendment claims against defendant Sawagasa for unsafe conditions of confinement and against defendants Sawagasa and Dr. Alex Farrar for deliberate indifference to plaintiff’s serious medical needs.” (at 11)

FACTUAL BACKGROUND

Plaintiff alleged that a mace canister on Correctional Officer Sawagasa's lap belt accidentally discharged into his cell, after which Sawagasa required him to clean mace-soaked bedding and denied decontamination, a shower, a cell move, and a replacement mattress for 22 days. Plaintiff alleged respiratory, asthma, shoulder, and other injuries. He also alleged that Dr. Alex Farrar failed to provide adequate treatment for breathing difficulties, diabetes, and high blood pressure, and made derogatory statements and threats.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se, filed a § 1983 complaint seeking damages and requested in forma pauperis status and appointment of counsel. The court granted in forma pauperis status, assessed the statutory filing fee and initial partial fee, found potentially cognizable Eighth Amendment claims, dismissed the remaining claims with leave to amend, and denied appointment of counsel without prejudice.

DISPOSITION

other

CASES CITED

- *Neitzke v. Williams*, 490 U.S. 319, 325, 327 (1989)
- *Franklin v. Murphy*, 745 F.2d 1221, 1227-28 (9th Cir. 1984)
- *Jackson v. Arizona*, 885 F.2d 639, 640 (9th Cir. 1989)
- *Lopez v. Smith*, 203 F.3d 1122, 1130-31 (9th Cir. 2000)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Conley v. Gibson*, 355 U.S. 41, 47 (1957)
- *Erickson v. Pardus*, 551 U.S. 89, 93 (2007)
- *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974)
- *Helling v. McKinney*, 509 U.S. 25, 31 (1993)
- *Farmer v. Brennan*, 511 U.S. 825, 832, 834, 837 (1994)
- *Estelle v. Gamble*, 429 U.S. 97, 102, 104 (1976)
- *Rhodes v. Chapman*, 452 U.S. 337, 347 (1981)
- *Toussaint v. McCarthy*, 801 F.2d 1080, 1107 (9th Cir. 1986)
- *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006)
- *Hutchinson v. United States*, 838 F.2d 390, 394 (9th Cir. 1988)
- *Colwell v. Bannister*, 763 F.3d 1060, 1066 (9th Cir. 2014)
- *Toguchi v. Chung*, 391 F.3d 1051, 1060 (9th Cir. 2004)
- *Hudson v. McMillian*, 503 U.S. 1, 6-9 (1992)
- *Whitley v. Albers*, 475 U.S. 312, 321 (1986)
- *Rutledge v. Arizona Bd. of Regents*, 660 F.2d 1345, 1353 (9th Cir. 1981)

- *Kush v. Rutledge*, 460 U.S. 719 (1983)
- *Franklin v. Oregon*, 662 F.2d 1337, 1344 (9th Cir. 1982)
- *Ellingburg v. Lucas*, 518 F.2d 1196, 1197 (8th Cir. 1975)
- *Batton v. North Carolina*, 501 F. Supp. 1173, 1180 (E.D.N.C. 1980)
- *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)
- *Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015)
- *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989)
- *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991)
- *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990)
- *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)

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