

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Shaw v. Macomber

Shaw · No. 3:25-cv-0089-RBM-MSB · Decided May 8, 2025

SUMMARY

The United States District Court for the Southern District of California grants Plaintiff James D. Shaw’s motion to proceed in forma pauperis and assesses an initial partial filing fee of \$4.75. The court dismisses without prejudice his claims under the Equal Protection Clause, the ADA, the Rehabilitation Act, and the Eighth Amendment for failure to state a claim, while granting leave to amend. The court also denies without prejudice his motion for a preliminary injunction seeking single-cell housing and related relief.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Ruth Bermudez Montenegro
JURISDICTION	United States District Court for the Southern District of California
DECIDED	May 8, 2025
DOCKET	3:25-cv-0089-RBM-MSB
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner filed a 42 U.S.C. § 1983 civil-rights complaint, a motion to proceed in forma pauperis, and a motion for a preliminary injunction. The district court granted in forma pauperis status, screened and dismissed the complaint without prejudice for failure to state a claim, denied preliminary injunctive relief without prejudice, and granted leave to amend.
STANDARD OF REVIEW	The court applied the Federal Rule of Civil Procedure 12(b)(6) plausibility standard in screening the prisoner complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). For preliminary injunctive relief, it applied the Winter four-factor test and the Ninth Circuit sliding-scale approach.
PRECEDENTIAL VALUE	nonprecedential district-court order
PARTIES	James D. Shaw v. Jeff Macomber, James Hill, Dr. Santo, Y. Sato

TOPICS

prisoners rights

section 1983

ada / disability

motions to dismiss

injunctions

PRACTICE AREAS

prisoner civil rights

civil procedure

disability discrimination

constitutional law

equitable relief

QUESTIONS PRESENTED

1. Whether the complaint plausibly stated an equal-protection claim based on the denial of single-cell housing.
2. Whether the complaint plausibly stated claims under Title II of the Americans with Disabilities Act and section 504 of the Rehabilitation Act.
3. Whether the complaint plausibly stated an Eighth Amendment claim based on the denial of single-cell housing.
4. Whether plaintiff was entitled to a preliminary injunction requiring reclassification and single-cell housing.
5. Whether plaintiff should be granted leave to amend the deficient complaint.

HOLDINGS

1. The complaint failed to state an equal-protection claim because plaintiff did not allege that he was intentionally discriminated against based on protected status or intentionally treated differently from similarly situated persons without a rational basis.
2. The complaint failed to state claims under Title II of the ADA and section 504 of the Rehabilitation Act because it did not allege facts showing that defendants denied single-cell housing by reason of plaintiff's disability or, for the Rehabilitation Act claim, that the denial occurred in a federally funded program.
3. The complaint failed to state an Eighth Amendment claim because plaintiff did not allege facts showing an objectively sufficiently serious deprivation or that any defendant knowingly disregarded a substantial risk of serious harm.
4. Plaintiff was not entitled to a preliminary injunction because he failed to state a plausible underlying claim and therefore failed to carry his burden of persuasion.
5. The court granted plaintiff leave to amend because, given his pro se status, it was not absolutely clear that the pleading deficiencies could not be cured by amendment.

KEY QUOTATIONS

"A prisoner does not have an Eighth Amendment right to be housed in a single cell." (Opinion at 8)

"Intentional discrimination means that a defendant acted at least in part because of a plaintiff's protected status." (Opinion at 6)

"A preliminary injunction is an extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion." (Opinion at 10)

FACTUAL BACKGROUND

Plaintiff, an incarcerated person classified as incontinent, requested single-cell housing because he could not control his bowel movements. He alleged that he had been ridiculed and assaulted by prior cellmates, remained housed in a double-cell or dormitory setting, and experienced embarrassment and mental distress. He alleged that other inmates with disabilities received single-cell accommodations, but did not identify specific conduct by any named defendant showing discriminatory intent, disability-based denial, or deliberate indifference.

PROCEDURAL HISTORY

Plaintiff initiated this federal civil-rights action and submitted a prison trust-account statement. The court granted his in forma pauperis motion and assessed an initial partial filing fee of \$4.75. On screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), the court dismissed the equal-protection, ADA, Rehabilitation Act, and Eighth Amendment claims without prejudice, denied the preliminary-injunction motion without prejudice, and allowed a first amended complaint to be filed by May 28, 2025.

DISPOSITION

other

CASES CITED

- Andrews v. Cervantes, 493 F.3d 1047, 1051 (9th Cir. 2007)
- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)
- Bruce v. Samuels, 577 U.S. 82, 84 (2016)
- Taylor v. Delatoore, 281 F.3d 844, 850 (9th Cir. 2002)
- 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 (9th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Tsao v. Desert Palace, Inc., 698 F.3d 1128, 1138 (9th Cir. 2012)
- City of Cleburne v. Cleburne Living Ctr., 473 U.S. 432, 439 (1985)
- Plyler v. Doe, 457 U.S. 202, 216 (1982)
- Hartmann v. Cal. Dep't of Corr. & Rehab., 707 F.3d 1114, 1123 (9th Cir. 2013)
- Serrano v. Francis, 345 F.3d 1071, 1082 (9th Cir. 2003)
- Vill. of Willowbrook v. Olech, 528 U.S. 562, 564 (2000)
- Does 1-5 v. Chandler, 83 F.3d 1150, 1155 (9th Cir. 1996)
- Personnel Adm'r of Mass. v. Feeney, 442 U.S. 256, 279 (1979)
- Dews v. Cnty. of Kern, 599 F. App'x 681, 682 (9th Cir. 2015)
- Williams v. Doe, 343 F. App'x 196, 197 (9th Cir. 2009)
- Guinn v. Lovelock Corr. Ctr., 502 F.3d 1056, 1060 (9th Cir. 2007)

- Lovell v. Chandler, 303 F.3d 1039, 1052 (9th Cir. 2002)
- Zukle v. Regents of the Univ. of Cal., 166 F.3d 1041, 1045 n.11 (9th Cir. 1999)
- Regal v. Cnty. of Santa Clara, 2023 WL 2266135, at *7 (N.D. Cal. Feb. 27, 2023)
- Farmer v. Brennan, 511 U.S. 825, 832, 834, 837-38 (1994)
- Toussaint v. McCarthy, 801 F.2d 1080, 1107 (9th Cir. 1986)
- Sandin v. Connor, 515 U.S. 472 (1995)
- Johnson v. Lewis, 217 F.3d 726, 731 (9th Cir. 2000)
- Rhodes v. Chapman, 452 U.S. 337, 347-48 (1981)
- Wallis v. Baldwin, 70 F.3d 1074, 1076 (9th Cir. 1995)
- Hallett v. Morgan, 296 F.3d 732, 744 (9th Cir. 2002)
- Frost v. Agnos, 152 F.3d 1124, 1128 (9th Cir. 1998)
- Gibson v. Cnty. of Washoe, 290 F.3d 1175, 1187 (9th Cir. 2002)
- Twombly, 550 U.S. 544, 555 (2007)
- Rosati v. Igbinoso, 791 F.3d 1037, 1039 (9th Cir. 2015)
- Akhtar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 2012)
- Benisek v. Lamone, 585 U.S. 155, 158 (2018) (per curiam)
- Winter v. Nat'l Res. Def. Council, Inc., 555 U.S. 7, 20, 24 (2008)
- Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1135 (9th Cir. 2011)
- Mazurek v. Armstrong, 520 U.S. 968, 972 (1997)
- Williams v. Duffy, 2019 WL 95924, at *3 (N.D. Cal. Jan. 3, 2019)
- Asberry v. Beard, 2014 WL 3943459, at *9 (S.D. Cal. Aug. 12, 2014)
- Hal Roach Studios, Inc. v. Richard Feiner & Co., 896 F.2d 1542, 1546 (9th Cir. 1990)
- Lacey v. Maricopa Cnty., 693 F.3d 896, 928 (9th Cir. 2012)
- Lira v. Herrera, 427 F.3d 1164, 1169 (9th Cir. 2005)