

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Thomas Allen Chavez v. Unknown Cota, et al.

No. CV-25-00419-TUC-JCH (P) (D. Ariz. Jan. 9, 2026) · No. No. CV-25-00419-TUC-JCH (P); 4:25-cv-00419 ·
Decided January 9, 2026

SUMMARY

The United States District Court for the District of Arizona grants Thomas Allen Chavez’s application to proceed in forma pauperis but dismisses his 42 U.S.C. § 1983 complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B). The Court finds that the complaint insufficiently alleges Eighth Amendment excessive-force and failure-to-protect claims, while granting Chavez 30 days to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	John C. Hinderaker
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 9, 2026
DOCKET	No. CV-25-00419-TUC-JCH (P); 4:25-cv-00419
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court screened a pro se prisoner civil-rights complaint under 28 U.S.C. § 1915(e)(2)(B) while considering the plaintiff’s application to proceed in forma pauperis.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an in forma pauperis complaint that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from an immune defendant. In assessing failure to state a claim, the court applied the Rule 8 plausibility standard and construed the pro se pleading liberally.
PRECEDENTIAL VALUE	Unpublished district-court order; limited persuasive value.
PARTIES	Thomas Allen Chavez v. Unknown Cota, Chris Nanos, Unknown Defendants

TOPICS

section 1983

prisoners rights

cruel and unusual punishment

pleadings

civil procedure

PRACTICE AREAS

Civil rights

Prisoner civil rights

Federal civil procedure

Constitutional law

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible Eighth Amendment excessive-force claim under 42 U.S.C. § 1983.
2. Whether the complaint stated a plausible Eighth Amendment failure-to-protect claim under 42 U.S.C. § 1983.
3. Whether the complaint should be dismissed without prejudice under 28 U.S.C. § 1915(e)(2)(B), with leave to amend.

HOLDINGS

1. The complaint failed to state a plausible Eighth Amendment excessive-force claim because it did not provide factual context showing that the force was applied maliciously and sadistically for the purpose of causing harm rather than in a good-faith effort to achieve a legitimate purpose.
2. The complaint failed to state a plausible Eighth Amendment failure-to-protect claim because it did not identify the defendant against whom the claim was asserted or allege facts showing an objectively serious deprivation and a defendant's actual awareness of and deliberate indifference to a substantial risk of serious harm.
3. The complaint and all defendants were dismissed without prejudice, and Chavez was granted 30 days to file a complete first amended complaint curing the identified deficiencies.

KEY QUOTATIONS

“The Court must screen IFP complaints and under § 1915(e)(2) and dismiss the case if the Court determines the action “(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.”” (at 1)

“A pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief.”” (at 2)

“Thus, to prevail on his excessive force claim, Plaintiff must show (1) the defendants used force against him; (2) the use of such force was excessive and applied maliciously and sadistically for the very purpose of causing him harm and not in a good faith effort to achieve a legitimate purpose; and (3) he suffered harm as a direct result of this use of force.” (at 3)

“To state an Eighth Amendment failure-to-protect claim, plaintiffs must meet a two-part test.” (at 4)

FACTUAL BACKGROUND

Chavez alleged that Unknown Cota used excessive force by punching him in the head, lifting him by his cuffed hands, and slamming his face into a stairwell. He also alleged that he was returned to the same pod as an inmate who had assaulted him, which the court construed as a failure-to-protect claim. The complaint sought monetary damages and injunctive relief, but it did not provide sufficient factual context concerning the purpose of the force, the safety risk, or any defendant's awareness of and response to that risk.

PROCEDURAL HISTORY

Plaintiff filed a two-count complaint under 42 U.S.C. § 1983 alleging excessive force and failure to protect in connection with his incarceration at the Pima County Adult Detention Center. The court granted leave to proceed in forma pauperis, screened the complaint, dismissed all counts and defendants without prejudice, and granted 30 days to file a first amended complaint.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678–79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam)
- Lopez v. Smith, 203 F.3d 1122, 1127–29 (9th Cir. 2000) (en banc)
- Farmer v. Brennan, 511 U.S. 825, 832, 834–37, 841 (1994)
- Whitley v. Albers, 475 U.S. 312, 318–19 (1986)
- Ingraham v. Wright, 430 U.S. 651, 664, 670 (1977)
- Hudson v. McMillian, 503 U.S. 1, 6–7 (1992)
- Hudson v. Palmer, 468 U.S. 517, 526–27 (1984)
- Lacey v. Maricopa County, 693 F.3d 896, 928 (9th Cir. 2012) (en banc)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260–61 (9th Cir. 1992)

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF
ARIZONA 8 9 Thomas Allen Chavez, No. CV-25-00419-TUC-JCH (P) 10 Plaintiff, ORDER 11 v.
12 Unknown Cota, et al., 13 Defendants. 14 15 Before the Court is pro se Plaintiff’s Application
for Leave to Proceed In Forma 16 Pauperis (Doc. 10).

The Court will also screen Plaintiff’s Complaint under 28 U.S.C. 17 § 1915(e)(2)(B). For the
following reasons, the Court will grant Plaintiff’s Application 18 (Doc. 10) and dismiss Plaintiff’s
Complaint. 19 I. Application for Leave to Proceed in Forma Pauperis (Doc. 10) 20 In his

Application for Leave to Proceed in Forma Pauperis, Plaintiff asserts that he 21 is unable to pay the filing fees and costs because he is living in intensive outpatient housing, 22 is unemployed, and has mental health issues.

Plaintiff asserts he has no money in any bank 23 account or financial institution and owns no assets. The Court is persuaded that Plaintiff 24 cannot afford the costs associated with filing suit and will grant Plaintiff in forma pauperis 25 (“IFP”) status. 26.... 27.... 28 1 II. Statutory Screening of a Pro Se Complaint 2 A. Legal Standard 3 The Court must screen IFP complaints and under § 1915(e)(2) and dismiss the case 4 if the Court determines the action “(i) is frivolous or malicious; (ii) fails to state a claim on 5 which relief may be granted; or (iii) seeks monetary relief against a defendant who is 6 immune from such relief.” 7 A pleading must contain a “short and plain statement of the claim showing that the 8 pleader is entitled to relief.” Fed.

R. Civ. P. 8(a)(2) (emphasis added). While Rule 8 does 9 not require detailed factual allegations, “it demands more than an unadorned, 10 the-defendant-unlawfully-harmed-me accusation.” Ashcroft v. Iqbal, 556 U.S. 662, 678 11 (2009). Conclusory and vague allegations will not support a cause of action. Ivey v. Bd. of 12 Regents, 673 F.2d 266, 268 (9th Cir. 1982).

Instead, “a complaint must contain sufficient 13 factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” Iqbal, 566 at 678 (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)). A 14 claim is plausible “when the plaintiff pleads factual content that allows the court to draw 15 the reasonable inference that the defendant is liable for the misconduct alleged.” Id. 16 Determining whether a claim is plausible is “a context-specific task that requires the 17 reviewing court to draw on its judicial experience and common sense.” Id. at 679.

18 Still, the Court must “construe pro se filings liberally.” Hebbe v. Pliler, 627 F.3d 19 338, 342 (9th Cir. 2010). A pro se complaint “must be held to less stringent standards than 20 formal pleadings drafted by lawyers.” Id. (quoting Erickson v. Pardus, 551 U.S. 89, 94 21 (2007) (per curiam)). If the Court determines a complaint could be cured by the allegation 22 of additional facts, a pro se litigant is entitled to an opportunity to amend that complaint 23 before dismissal of the action.

See Lopez v. Smith, 203 F.3d 1122, 1127–29 (9th Cir. 2000) 24 (en banc). 25 B. The Complaint 26 The two-count Complaint alleges violations under 42 U.S.C. § 1983 against 27 Defendants Unknown Cota and Chris Nanos, in his capacity as the acting Sheriff at the 28 Pima County Adult Detention Center. (Doc. 1 at 1–2).

In Count One, Plaintiff alleges he 1 suffered head injuries from Unknown Cota using excessive force against him, punching 2 him in the head multiple times, lifting him up by his cuffed hands, and slamming his face 3 into a stairwell. (Id. at 3.)

In Count Two, Plaintiff alleges a threat to his safety occurred 4 when he was placed back in the same pod with an inmate he was assaulted by, which the 5 Court construes as a failure-to-protect claim. (Id. at 4.) The Complaint seeks monetary 6 damages and injunctive relief. (Id. at 6.) 7 Section 1983 “merely provides a cause of action... to state a violation of [an] 8 underlying constitutional right.” *Farmer v. Brennan*, 511 U.S. 825, 841 (1994).

Because 9 Plaintiff was incarcerated at the time of the alleged actions, the Court will construe his 10 claims as violations of his Eighth Amendment rights. See *Whitley v. Albers*, 475 U.S. 312, 11 318–19 (1986). 12 i. Count One 13 The Eighth Amendment’s prohibition on “cruel and unusual punishments” manifests “an intention to limit the power of those entrusted with the criminal-law function 14 of government.” *Whitley v. Albers*, 475 U.S. 312, 318 (1986) (quoting *Ingraham v. Wright*, 15 430 U.S. 651, 664 (1977)). “After incarceration, only the unnecessary and wanton infliction 16 of pain... constitutes cruel and unusual punishment forbidden by the Eighth 17 Amendment.” Id. at 319 (quoting *Ingraham*, 430 U.S. at 670).

Thus, to prevail on his 18 excessive force claim, Plaintiff must show (1) the defendants used force against him; 19 (2) the use of such force was excessive and applied maliciously and sadistically for the 20 very purpose of causing him harm and not in a good faith effort to achieve a legitimate 21 purpose; and (3) he suffered harm as a direct result of this use of force.

Hudson v. 22 *McMillian*, 503 U.S. 1, 6–7 (1992). 23 But Plaintiff does not provide the Court with any factual context showing that the 24 force used was applied maliciously and sadistically and not to achieve a legitimate purpose. 25 Even construing the Complaint liberally, Plaintiff has failed to adequately state an Eighth 26 Amendment excessive force claim against Defendant Unknown Cota.

Should Plaintiff 27 choose to amend his Complaint and include this claim, he should give the Court more 28 factual context, including his own behavior leading up to the alleged force. 1 ii. Count Two 2 The Eighth Amendment imposes a duty on prison officials to “take reasonable 3 measures to guarantee the safety of the inmates.” *Farmer v. Brennan*, 511 U.S. 825, 832 4 (1994) (quoting *Hudson v. Palmer*, 468 U.S. 517, 526–527 (1984)).

To state an Eighth 5 Amendment failure-to-protect claim, plaintiffs must meet a two-part test. “First, the 6 deprivation alleged must be, objectively, sufficiently serious” such that the “official’s act 7 or omission must result in the denial of the minimal civilized measure of life’s necessities.” 8 Id. at 834 (1994) (internal quotations omitted).

Second, the prison official must have a 9 “sufficiently culpable state of mind,” i.e., he must act with “deliberate indifference to 10 inmate health or safety.” Id. (internal quotations omitted). Deliberate indifference is a 11 higher standard than negligence or lack of ordinary due care for the prisoner’s safety. Id. 12 at 835.

In defining “deliberate indifference” in this context, the Supreme Court has imposed a subjective test: “the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.” *Id.* at 837 (emphasis added). Plaintiff does not specify which Defendant this claim is against.

He does not allege facts supporting that an official’s act or omission resulted in the denial of “the minimal civilized measure of life’s necessities.” See *id.* at 834. Nor does Plaintiff allege how or when he made a prison official aware of the threat to his safety from the other inmate and therefore does not allege either Defendant was actually aware of a risk to Plaintiff’s safety but failed to act.

See *id.* at 835. As such, the Court will dismiss Count Two. Should Plaintiff choose to amend his Complaint and include this claim, he should provide additional factual context, more thoroughly describing the alleged safety risk and directly connecting a named defendant’s acts or omissions to the alleged safety risk. C. Leave to Amend For the foregoing reasons, the Court will dismiss all counts and Defendants without prejudice.

Within 30 days, Plaintiff may submit a first amended complaint to cure the deficiencies outlined above. The first amended complaint must be retyped or rewritten in its entirety, and no part of the original Complaint may be incorporated by reference. Any cause of action raised in the original Complaint is waived if not alleged in the first amended complaint.

See *Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir. 2012) (en banc). 3. Warnings Plaintiff must file and serve a notice of a change of address in accordance with LRCiv. 83.3(d). Plaintiff must not include a motion for other relief with a notice of change of address. Failure to comply may result in dismissal of this action. 7 If Plaintiff fails to timely comply with every provision of this Order, including these 8 warnings, the Court may dismiss this action without further notice.

See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to comply with any order of the Court). IV. Order IT IS ORDERED granting Plaintiff's Application for Leave to Proceed In Forma Pauperis (Doc. 10). 14 IT IS FURTHER ORDERED dismissing without prejudice the Complaint (Doc. 15) 1).

Plaintiff has 30 days from the date of filing of this Order to file a first amended complaint. If Plaintiff fails to file an amended complaint within 30 days, the Clerk of Court must enter a judgment of dismissal of this action, without prejudice and without further notice to Plaintiff and deny any pending unrelated motions as moot. 19 Dated this 9th day of January, 2026.

20 22 73 // John C. Hinderaker /United States District Judge 24 25 26 27 28 -5-

