

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PRECEDENTIAL VALUE	Unpublished district-court order; limited persuasive value.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)