

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

DellaCasa v. Emit

DellaCasa · No. 2:25-cv-2130-JDP (P) · Decided September 3, 2025

SUMMARY

The United States District Court for the Eastern District of California screened a pro se detainee’s 42 U.S.C. § 1983 complaint against a nurse practitioner and correctional officer concerning the alleged disclosure of his medical condition and blood-test results. The court held that HIPAA does not provide a private right of action and that the plaintiff lacked a constitutionally protected expectation of privacy in prison treatment records under the circumstances alleged. The complaint was dismissed for failure to state a claim, with leave to amend, and the plaintiff was granted in forma pauperis status.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 3, 2025
DOCKET	2:25-cv-2130-JDP (P)
DISPOSITION	dismissed
PROCEDURAL POSTURE	A former county detainee proceeding pro se filed a 42 U.S.C. § 1983 complaint and sought leave to proceed in forma pauperis. The court screened the complaint under 28 U.S.C. § 1915(e), found that it failed to state a claim, dismissed it with leave to amend, and granted in forma pauperis status.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915(e); the complaint must contain a short and plain statement of entitlement to relief and enough factual matter to state a plausible claim, and legal conclusions alone do not suffice.
PRECEDENTIAL VALUE	unpublished
PARTIES	Joseph DellaCasa v. Emit, Kent

TOPICS

pleadings

section 1983

hipaa

prisoners rights

civil rights

PRACTICE AREAS

civil procedure

civil rights

health law

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable claim based on the alleged disclosure of plaintiff's medical condition and blood-test results.
2. Whether HIPAA provides a private right of action that a prisoner may enforce.
3. Whether a prisoner has a constitutionally protected expectation of privacy in prison treatment records when the state has a legitimate interest in accessing them.
4. Whether the complaint should be dismissed under the in forma pauperis screening standard and whether plaintiff should receive leave to amend.

HOLDINGS

1. HIPAA does not provide a private right of action, and a prisoner therefore has no private cause of action under HIPAA.
2. A prisoner does not have a constitutionally protected expectation of privacy in prison treatment records when the state has a legitimate interest in access to those records.
3. The complaint failed to state a claim and was subject to dismissal under the in forma pauperis screening requirements, but plaintiff was granted leave to amend.

KEY QUOTATIONS

“A federal court must screen the complaint of any claimant seeking permission to proceed in forma pauperis.” (at 1)

“However, ‘‘a liberal interpretation of a civil rights complaint may not supply essential elements of the claim that were not initially pled.’’’ (at 2)

“However, HIPPA does not provide a private right of action.” (at 2)

“Neither does a prisoner have a ‘‘constitutionally protected expectation of privacy in prison treatment records when the state has a legitimate interest in access to them.’’’ (at 2)

FACTUAL BACKGROUND

On December 3, 2024, while plaintiff was housed in his cell at the Placer County Jail, defendants allegedly loudly announced that he had stage-three liver disease and disclosed the results of his blood test. Plaintiff appeared to assert a claim based on HIPAA, although he did not identify the legal basis for his claim.

PROCEDURAL HISTORY

Plaintiff filed a complaint against a nurse practitioner and a correctional officer based on the alleged disclosure of his medical condition and blood-test results. The district court granted leave to proceed in forma pauperis, screened the complaint, dismissed it for failure to state a claim, and allowed thirty days to file an amended complaint or a notice of voluntary dismissal.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-679 (2009)
- Kobold v. Good Samaritan Reg'l Med. Ctr., 832 F.3d 1024, 1038 (9th Cir. 2016)
- Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hayes v. Idaho Corr. Ctr., 849 F.3d 1204, 1208 (9th Cir. 2017)
- Bruns v. Nat'l Credit Union Admin., 122 F.3d 1251, 1257 (9th Cir. 1997)
- Ivey v. Bd. of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Webb v. Smart Document Sols., LLC, 499 F.3d 1078, 1081 (9th Cir. 2007)
- Seaton v. Mayberg, 610 F.3d 530, 533-534 (9th Cir. 2010)
- Lacey v. Maricopa Cnty., 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc)

OPINION

(PC) DellaCasa v. Emit

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 JOSEPH DELLACASA, Case No. 2:25-cv-2130-JDP (P) 12 Plaintiff, 13 v. ORDER 14
EMIT, et al., 15 Defendants. 16 17 Plaintiff, a former county detainee proceeding pro se, brings
this § 1983 action against 18 Emit, a nurse practitioner, and Kent, a correctional officer. ECF No.
1. The allegations fail to 19 state a claim. Plaintiff may, if he chooses, file an amended complaint
that addresses the 20 deficiencies noted herein. I will grant plaintiff's application to proceed in
forma pauperis. ECF

21 No. 4.

22 Screening and Pleading Requirements 23 A federal court must screen the complaint of any
claimant seeking permission to proceed 24 in forma pauperis. See 28 U.S.C. § 1915(e). The court
must identify any cognizable claims and 25 dismiss any portion of the complaint that is frivolous
or malicious, fails to state a claim upon 26 which relief may be granted, or seeks monetary relief

from a defendant who is immune from such relief. *Id.* 28 1 A complaint must contain a short and plain statement that plaintiff is entitled to relief, 2 Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its 3 face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not 4 require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S. 5 662, 678 (2009). If the allegations “do not permit the court to infer more than the mere 6 possibility of misconduct,” the complaint states no claim. *Id.* at 679. The complaint need not 7 identify “a precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024, 8 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that 9 give rise to an enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 10 n.2 (9th Cir. 2006) (en banc) (citations omitted). 11 The court must construe a pro se litigant’s complaint liberally. See *Haines v. Kerner*, 404 12 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it 13 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which 14 would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). 15 However, “a liberal interpretation of a civil rights complaint may not supply essential elements 16 of the claim that were not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 17 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 18 Analysis 19 Plaintiff alleges that on December 3, 2024, while he was in his cell at the Placer County 20 Jail, defendants loudly announced plaintiff’s medical condition (stage three liver disease) and the 21 results of his blood test. ECF No. 1 at 1. While plaintiff does not state the basis for his claim, he 22 appears to be asserting a violation of the Health Insurance Portability and Accountability Act 23 (“HIPPA”). However, HIPPA does not provide a private right of action. *Webb v. Smart 24 Document Sols., LLC*, 499 F.3d 1078, 1081 (9th Cir. 2007). A prisoner therefore has no private 25 cause of action under HIPPA. *Seaton v. Mayberg*, 610 F.3d 530, 533 (9th Cir. 2010). Neither 26 does a prisoner have a “constitutionally protected expectation of privacy in prison treatment 27 records when the state has a legitimate interest in access to them.” *Id.* at 534. 28 1 Accordingly, plaintiff’s complaint is dismissed for failure to state a claim. I will allow 2 | plaintiff a chance to amend his complaint before recommending that this action be dismissed. 3 | Plaintiff should take care to add specific factual allegations against each defendant. If plaintiff 4 | decides to file an amended complaint, the amended complaint will supersede the current one. See 5 | *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc). This means that the 6 | amended complaint will need to be complete on its face without reference to the prior pleading. 7 | See E.D. Cal. Local Rule 220. Once an amended complaint is filed, the current one no longer 8 || serves any function. Therefore, in an amended complaint, as in the original, plaintiff will need to 9 | assert each claim and allege each defendant’s involvement in sufficient detail. The amended 10 | complaint should be titled “First Amended Complaint” and refer to the appropriate case number. 11 | If plaintiff does not file an amended complaint, I will recommend that this action be dismissed. 12 Accordingly, it is hereby ORDERED that: 13 1. Plaintiff’s request for leave to

proceed in forma pauperis, ECF No. 2, is GRANTED. 14 2. Plaintiff's complaint, ECF No. 1, is DISMISSED with leave to amend. 15 3. Within thirty days from service of this order, plaintiff shall file either (1) an amended 16 | complaint or (2) notice of voluntary dismissal of this action without prejudice. 17 4. Failure to timely file either an amended complaint or notice of voluntary dismissal may 18 | result in the imposition of sanctions, including a recommendation that this action be dismissed 19 | with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 20 5. The Clerk of Court shall send plaintiff a complaint form with this order. 21 IT IS SO ORDERED.

Dated: _ September 3, 2025 q————

24 JEREMY D., PETERSON

95 UNITED STATES MAGISTRATE JUDGE

26 27 28