

**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

OPINION

(PC) DellaCasa v. Emit

PER CURIAM.

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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 27 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.”
Nagrapa 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

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