

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

McCready v. Wellpath, et al.

McCready · No. 1:24-cv-01208-BAM (PC) · Decided July 21, 2025

SUMMARY

The United States District Court for the Eastern District of California screened Casey McCready’s first amended civil-rights complaint concerning involuntary tuberculosis testing and alleged threats involving medication and disability-related shoes. The magistrate judge found that the complaint failed to state a cognizable claim, recommended dismissal with prejudice, and ordered random assignment of a district judge, allowing 14 days for objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 21, 2025
DOCKET	1:24-cv-01208-BAM (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983 proceeding in forma pauperis. After screening the original complaint and granting leave to amend, the magistrate judge screened the first amended complaint and issued findings and recommendations that the action be dismissed with prejudice for failure to state a claim.
STANDARD OF REVIEW	Screening under 28 U.S.C. §§ 1915A and 1915(e)(2)(B)(ii), accepting factual allegations as true and determining whether the complaint states a facially plausible claim for relief under Federal Rule of Civil Procedure 8(a)(2) and Ashcroft v. Iqbal.
PRECEDENTIAL VALUE	Unpublished magistrate judge findings and recommendations; nonprecedential
PARTIES	Casey McCready v. Wellpath, Nurse Victoria, Victoria's supervisor, ADA Coordinator, Medical staff at Madera County Jail, Does 1-10, Wellpath medical staff

TOPICS

section 1983 prisoners rights due process civil procedure cruel and unusual punishment

PRACTICE AREAS

Civil rights Prisoner litigation Constitutional law Federal civil procedure Medical care in detention

QUESTIONS PRESENTED

1. Whether the first amended complaint plausibly alleged deliberate indifference to medical needs under the Fourteenth Amendment based on involuntary tuberculosis testing and alleged threats concerning medication, medical access, and ADA-approved shoes.
2. Whether the alleged coercion and administration of tuberculosis testing stated an excessive-force claim under the applicable constitutional standard.
3. Whether further leave to amend was warranted after Plaintiff had already amended the complaint.

HOLDINGS

1. The first amended complaint failed to state a cognizable deliberate-indifference claim because Plaintiff alleged that tuberculosis testing was against his wishes but did not allege a substantial risk of harm, actual deprivation of medically necessary medication or shoes, or conduct amounting to more than negligence.
2. The alleged coercion and tuberculosis testing did not state an excessive-force claim because Plaintiff did not allege force applied maliciously and sadistically to cause harm, and he did not allege that the threatened deprivation of medication or shoes actually occurred.
3. Further leave to amend was not warranted because Plaintiff had already been given the relevant legal standards and had been unable to cure the deficiencies, which the Court determined could not be cured.

KEY QUOTATIONS

“To survive screening, Plaintiff’s claims must be facially plausible, which requires sufficient factual detail to allow the Court to reasonably infer that each named defendant is liable for the misconduct alleged.” (at 2)

“Indeed, California has created a comprehensive program for containing the serious contagious disease of tuberculosis in the incarceration setting.” (at 3)

FACTUAL BACKGROUND

Plaintiff alleged that, while housed at the Madera County Jail, Nurse Victoria injected him with tuberculosis-testing fluid after he had twice refused testing. He claimed that Victoria threatened to withhold anti-inflammatory medication, disregard sick-call requests, and deny access to ADA-approved shoes if he refused, and that jail medical staff concealed their names. Plaintiff alleged chronic medication needs resulting from a shattered pelvis, but did not allege that he was actually deprived of medically necessary medication or shoes or that the tuberculosis testing caused a risk of harm.

PROCEDURAL HISTORY

Plaintiff, a former county jail inmate and current state prisoner, filed a pro se complaint alleging inadequate medical care, coercive tuberculosis testing, denial of medication and ADA-approved shoes, and related constitutional violations. The Court screened the complaint and granted leave to amend. After reviewing the first amended complaint, the magistrate judge concluded that Plaintiff could not cure the pleading deficiencies, directed the Clerk to randomly assign a district judge, and recommended dismissal with prejudice subject to objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Gordon v. County of Orange, 888 F.3d 1118, 1125 (9th Cir. 2018)
- Lolli v. County of Orange, 351 F.3d 410, 418-19 (9th Cir. 2003)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Doe I v. Wal-Mart Stores, Inc., 572 F.3d 677, 681 (9th Cir. 2009)
- Moss v. U.S. Secret Serv., 572 F.3d 962, 969 (9th Cir. 2009)
- Castro v. County of Los Angeles, 833 F.3d 1060 (9th Cir. 2016)
- Broughton v. Cutter Laboratories, 622 F.2d 458, 460 (9th Cir. 1980)
- Estelle, 429 U.S. at 105-06
- Jolly v. Courghlin, 76 F.3d 468, 477 (2d Cir. 1996)
- Dunn v. White, 880 F.2d 1188, 1195 (10th Cir. 1989)
- Wilson v. Wilkinson, 608 F. Supp. 2d 891 (S.D. Ohio 2007)
- McDougald v. Stone, No. 1:17-cv-72, 2017 WL 8222430, at *5 (S.D. Ohio Aug. 22, 2017)
- Wilkins v. Gaddy, 559 U.S. 34, 37 (2010) (per curiam)
- Gosztyla v. Auld, No. 2:22-CV-01276-EFB (PC), 2022 WL 4388747, at *2 (E.D. Cal. Sept. 22, 2022)
- Washington v. Cambra, No. C 95-3216 TEH, 1996 WL 507313, at *4 (N.D. Cal. Aug. 27, 1996)
- Mack v. Campbell, 1991 WL 243569 (6th Cir. 1991)
- Karolis v. New Jersey Department of Corrections, 935 F. Supp. 523, 527-28 (D.N.J. 1996)
- Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)