

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Carlos Gilbert Law v. Zuniga, et al.

Law v. Zuniga · No. 25-cv-04812-SI · Decided July 8, 2025

SUMMARY

The United States District Court for the Northern District of California screened and dismissed Carlos Gilbert Law’s amended pro se complaint against San Francisco police officers. The court held that the allegations did not plausibly establish a state-created danger claim or a constitutional right to medical assistance where the plaintiff was not detained or in government custody. The amended complaint was dismissed without leave to amend under 28 U.S.C. § 1915(e)(2)(B).

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Susan Illston
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 8, 2025
DOCKET	25-cv-04812-SI
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff proceeding in forma pauperis filed an amended civil-rights complaint against police officers. The district court screened the amended complaint under 28 U.S.C. § 1915(e)(2)(B) and dismissed it without leave to amend.
STANDARD OF REVIEW	The court applied the same failure-to-state-a-claim standard used for motions to dismiss under Federal Rule of Civil Procedure 12(b)(6), liberally construing the pro se pleading and determining whether it alleged enough facts to state a plausible claim for relief. Dismissal without leave to amend was proper only if it was absolutely clear that the deficiencies could not be cured by amendment.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Carlos Gilbert Law v. Zuniga, et al.

TOPICS

substantive due process

due process

government liability

civil rights

civil procedure

PRACTICE AREAS

civil rights

constitutional law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged a substantive due process claim under the state-created danger doctrine based on the first responding officer's failure to arrest a private assailant.
2. Whether the two officers who responded to the later incident violated the Constitution by allegedly refusing to summon medical assistance and failing to arrest a private assailant.
3. Whether the amended complaint's deficiencies could be cured by further amendment.

HOLDINGS

1. The amended complaint did not state a plausible state-created danger claim because it did not allege affirmative conduct that placed plaintiff in a worse position or exposed him to a foreseeable danger he otherwise would not have faced, and it did not adequately allege deliberate indifference to a known or obvious danger.
2. The amended complaint did not state a plausible constitutional claim against the later responding officers because the alleged failure to summon medical attention or make arrests was a failure to act, not affirmative conduct creating a danger, and plaintiff was not detained or in government custody.
3. Dismissal without leave to amend was appropriate because the court was convinced that the complaint's deficiencies could not be cured by amendment.

KEY QUOTATIONS

"To state a valid claim for relief, the complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief[.]"" (at 2)

"The standard for deliberate indifference "is higher than gross negligence and requires a culpable mental state."" (at 3)

"At this stage, the Court is convinced that the deficiencies of the complaint cannot be cured." (at 4)

FACTUAL BACKGROUND

Plaintiff alleged that an Urban Alchemy employee named Rasheed attacked him near his San Francisco residence and took his sunglasses. After plaintiff called 911, a police officer with badge number 4865 retrieved and returned the sunglasses but made no arrest. Plaintiff later alleged that an Urban Alchemy supervisor assaulted him, that responding officers refused to call an ambulance or make arrests, and that the supervisor continued to intimidate him. Plaintiff claimed that the officers' conduct violated substantive due process under the state-created danger doctrine and sought damages and injunctive relief.

PROCEDURAL HISTORY

Plaintiff filed the original complaint on June 6, 2025, alleging constitutional violations by a San Francisco police officer. The court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e)(2)(B), and dismissed it with leave to amend. Plaintiff filed an amended complaint and supporting affidavit. The court concluded that the amended complaint still failed to state a plausible claim and dismissed it without leave to amend.

DISPOSITION

dismissed

CASES CITED

- *Lopez v. Smith*, 203 F.3d 1122, 1126-27 (9th Cir. 2000)
- *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)
- *Watson v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Balistreri v. Pacifica Police Department*, 901 F.2d 696, 699 (9th Cir. 1990)
- *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012)
- *Herrera v. Los Angeles Unified School District*, 18 F.4th 1156, 1158 (9th Cir. 2021)
- *Martinez v. High*, 91 F.4th 1022, 1028-29 (9th Cir. 2024), cert. denied, 145 S. Ct. 547 (2024)
- *Murguia v. Langdon*, 61 F.4th 1096, 1111 (9th Cir. 2023), cert. denied sub nom. *Tulare v. Murguia*, 144 S. Ct. 553 (2024)
- *DeShaney v. Winnebago County Department of Social Services*, 489 U.S. 189, 201 (1989)
- *Vinatieri v. Mosley*, 787 F. Supp. 2d 1022, 1032 (N.D. Cal. 2011), aff'd, 532 F. App'x 762 (9th Cir. 2013)
- *Estate of Soakai v. Abdelaziz*, 137 F.4th 969, 986 (9th Cir. 2025)