

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA**

Walker v. Adams

Case No. 5:24-cv-08901 EJD (PR) (N.D. Cal. Aug. 5, 2025) · No. 5:24-cv-08901 EJD (PR) · Decided August 5,
2025

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 NORTHERN DISTRICT OF CALIFORNIA
8 JEFFERY WALKER, Case No. 5:24-cv-08901 EJD (PR) 9 Plaintiff, 10 v. ORDER STRIKING
DEFICIENT CLAIMS AND OF SERVICE; 11 DIRECTING DEFENDANTS TO FILE
DISPOSITIVE MOTION OR NOTICE 12 CHIEF ADAMS, et al., REGARDING SUCH
MOTION; INSTRUCTIONS TO CLERK 13 Defendants. 14 15 Plaintiff, a civil detainee at the
San Francisco County Jail (“CJ2”), filed the instant 16 pro se civil rights action pursuant to 42
U.S.C. § 1983 against officers and medical staff at 17 the County Jail in San Bruno (“CJ3”).

Dkt. No. 1. Plaintiff’s motion for leave to proceed 18 in forma pauperis will be addressed in a
separate order. On May 22, 2025, the Court 19 screened the complaint and granted leave to amend
to correct the deficiencies with respect 20 to various claims. Dkt. No. 9.

In the alternative, Plaintiff could file notice that he wished 21 to strike the deficient claims and
proceed on the following cognizable claims: (1) due 22 process claim against Defendants Perez
and Collins, and (2) deficient medical care claim 23 against Defendants Main, Asa, Baker, and
Jane Does. Id. at 8-9. 24 On July 28, 2025, Plaintiff filed a request to strike the deficient claims
and proceed 25 on the cognizable claims.

Dkt. No. 12. Despite the lateness of this request, it is 26 GRANTED. This action shall proceed on
the cognizable claims identified in the Court’s 27 screening order. 1 DISCUSSION 2 A. Standard
of Review 3 A federal court must conduct a preliminary screening in any case in which a 4
prisoner seeks redress from a governmental entity or officer or employee of a 5 governmental
entity.

See 28 U.S.C. § 1915A(a). In its review, the court must identify any 6 cognizable claims and
dismiss any claims that are frivolous, malicious, fail to state a claim 7 upon which relief may be
granted or seek monetary relief from a defendant who is immune 8 from such relief. See id. §
1915A(b)(1), (2). Pro se pleadings must, however, be liberally 9 construed.

See *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1988). 10 To state a claim
under 42 U.S.C. § 1983, a plaintiff must allege two essential 11 elements: (1) that a right secured

by the Constitution or laws of the United States was 12 violated, and (2) that the alleged violation was committed by a person acting under the 13 color of state law.

See *West v. Atkins*, 487 U.S. 42, 48 (1988). 14 B. Plaintiff's Claims 15 Below is the Court's discussion of the cognizable claims in the complaint from the 16 screening order: 17 Plaintiff is a civil detainee who was held at the San Francisco County Jail since October 27, 2021, pending a new probable cause hearing under the 18 SVPA (California's Sexually Violent Predator Act).

Dkt. No. 1 at 6. On May 2, 2024, Plaintiff was transferred to the County Jail in San Bruno 19 ("CJ3"). Id. ¶ 9. Plaintiff claims that CJ3 does not house civil detainees and that the transfer was done in retaliation for his filing complaints and 20 grievances. Id. ¶ 10. Plaintiff claims he informed Defendants Captain Quantico, and Lt. Rold that he was not supposed to be housed at CJ3 and 21 had paperwork in support.

Id. ¶ 12. He also claims Defendants Captain Collins, Undersheriff Johnson, Sheriff Miyamoto, and Chief Adams were 22 aware of his numerous complaints regarding his housing. Id. ¶¶ 11, 14. 23 The claim that Plaintiff's due process rights were violated based on his status as a civil detainee who was housed in conditions at CJ3 that were 24 punitive is cognizable.

See *Jones*, 393 F.3d at 932. Accordingly, this claim may proceed against Defendant Quantico and Rold who were made aware 25 of Plaintiff's civil detainee status and placed him in restrictive housing. 26 ...¶ 27 Plaintiff's allegation that Dr. Main instructed nursing staff at CJ3 to "not have conditions of confinement for Plaintiff.

On the other hand, the allegation that Dr. 1 Main denied Lidocaine patches and ointment for his injuries is sufficient as are his allegations against Dr. Asa for the denial of medical accommodations. Plaintiff's 2 claim that he was denied medical assistance by Jane Does and Defendant Baker are also sufficient to state a claim.

However, these claims regarding his medical care 3 sound under the Fourteenth Amendment, not the Eighth Amendment, because Plaintiff is a civil detainee and not a prisoner. See *Jones*, 393 F.3d at 932. 4 5 Dkt. No. 9 at 2, 5-6. Based on Plaintiff's notice to strike deficient claims, this action shall 6 proceed solely on the above identified cognizable claims, and all other claims and 7 defendants shall be STRICKEN from the complaint.

8 The action can also proceed against Jane Doe Defendants if Plaintiff can identify 9 them through discovery. See *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980). 10 CONCLUSION 11 For the foregoing reasons, the Court orders as follows: 12 1. Pursuant to Plaintiff's notice, the deficient claims from the complaint 13 discussed in the Court's screening order shall be STRICKEN.

Dkt. No. 12. This claim 14 shall proceed solely on the following claims: (1) due process claim against Defendants 15 Quantico and Rold for subjecting Plaintiff to punitive conditions of confinement at CJ3 in 16 San Bruno, and (2) deficient medical care claim against Defendants Main, Asa, Baker, and 17 medical “Jane Does.” 18 The Clerk shall terminate all other defendants from this action as all other claims 19 have been stricken from the complaint.

20 2. The Clerk of the Court shall mail a Notice of Lawsuit and Request for 21 Waiver of Service of Summons, two copies of the Waiver of Service of Summons, a copy 22 of the complaint and all attachments thereto (Dkt. No. 1), and a copy of this order upon 23 Defendants Capt. Quantico, Lt. Rold, Dr. Main, Dr. Asa, and Deputy Baker via the Office 24 of Chief Legal Counsel for Sheriff’s Dept. (Sheriff’s Dept., Room 456, One Dr. Carlton 25 B. Goodlett Place, San Francisco, CA 94102, Attn.

Mark Nicco). The Clerk shall also 26 mail a copy of this order to Plaintiff. 27 3. No later than ninety-one (91) days from the date this order is filed, 1 respect to the claims in the complaint found to be cognizable above. 2 a. Any motion for summary judgment shall be supported by adequate 3 factual documentation and shall conform in all respects to Rule 56 of the Federal Rules of 4 Civil Procedure.

Defendants are advised that summary judgment cannot be granted, nor 5 qualified immunity found, if material facts are in dispute. If any Defendant is of the 6 opinion that this case cannot be resolved by summary judgment, he shall so inform the 7 Court prior to the date the summary judgment motion is due. 8 b. In the event Defendants file a motion for summary judgment, the 9 Ninth Circuit has held that Plaintiff must be concurrently provided the appropriate 10 warnings under *Rand v. Rowland*, 154 F.3d 952, 963 (9th Cir.

1998) (en banc). See 11 *Woods v. Carey*, 684 F.3d 934, 940 (9th Cir. 2012). 12 4. Plaintiff’s opposition to the dispositive motion shall be filed with the Court 13 and served on Defendants no later than twenty-eight (28) days from the date Defendants’ 14 motion is filed. 15 Plaintiff is also advised to read Rule 56 of the Federal Rules of Civil Procedure and 16 *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986) (holding party opposing summary judgment 17 must come forward with evidence showing triable issues of material fact on every essential 18 element of his claim).

Plaintiff is cautioned that failure to file an opposition to 19 Defendants’ motion for summary judgment may be deemed to be a consent by Plaintiff to 20 the granting of the motion, and granting of judgment against Plaintiff without a trial. See 21 *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (per curiam); *Brydges v. Lewis*, 18 22 F.3d 651, 653 (9th Cir.

1994). 23 5. Defendants shall file a reply brief no later than fourteen (14) days after 24 Plaintiff’s opposition is filed. 25 6. The motion shall be deemed submitted as of the date the reply brief is due. 26 No hearing will be held on the motion unless the Court so orders at a later date. 27 7. All

communications by the Plaintiff with the Court must be served on 1 || copy of the document to Defendants or Defendants' counsel.

2 8. Discovery may be taken in accordance with the Federal Rules of Civil 3 || Procedure. No further court order under Federal Rule of Civil Procedure 30(a)(2) or Local 4 || Rule 16-1 is required before the parties may conduct discovery. 5 9. While conducting discovery, Plaintiff is directed to attempt to ascertain the 6 || name of Jane Doe Defendants, and file a motion to substitute the amended complaint with 7 || these Defendants' proper names no later than fifty-six (56) days from the date this order 8 || is filed.

Failure to do so will result in the dismissal of the claims against these Jane Doe 9 || Defendants for failure to state a claim for relief. 10 10. 'It is Plaintiff's responsibility to prosecute this case. Plaintiff must keep the 11 || court informed of any change of address and must comply with the court's orders in a timely fashion. Failure to do so may result in the dismissal of this action for failure to 13 || prosecute pursuant to Federal Rule of Civil Procedure 41(b).

14 11. Extensions of time must be filed no later than the deadline sought to be 3 15 || extended and must be accompanied by a showing of good cause. 16 IT IS SO ORDERED. C) () □) 17 || Dated: August 5, 2025 18 EDWARD J. DAVILA United States District Judge 19 20 21 22 23 24 25 26 27 28