

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Forgan v. Tuolumne County Jail

Forgan · No. 2:25-cv-1325-JDP (P) · Decided August 5, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 DANIEL J. FORGAN, Case No. 2:25-cv-1325-JDP (P) 12 Plaintiff, 13 v.
ORDER 14 TUOLUMNE COUNTY JAIL, et al., 15 Defendants. 16 17 18 Plaintiff brings this
action against numerous defendants employed at Calaveras County 19 Adult Detention Facility
and Tuolumne County Jail.

As in plaintiff’s prior complaint, he alleges 20 unconnected claims. I will dismiss the complaint
with leave to amend and give plaintiff one final 21 opportunity to remedy this deficiency. Should
plaintiff continue to combine multiple, unrelated 22 claims in the same complaint, I will
recommend that this action be dismissed. 23 Screening and Pleading Requirements 24 A federal
court must screen the complaint of any claimant seeking permission to proceed 25 in forma
pauperis.

See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and 26 dismiss any
portion of the complaint that is frivolous or malicious, fails to state a claim upon 27 28 1 which
relief may be granted, or seeks monetary relief from a defendant who is immune from such 2
relief. Id. 3 A complaint must contain a short and plain statement that plaintiff is entitled to relief,
4 Fed.

R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its 5
face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not 6
require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S. 7
662, 678 (2009). If the allegations “do not permit the court to infer more than the mere 8
possibility of misconduct,” the complaint states no claim.

Id. at 679. The complaint need not 9 identify “a precise legal theory.” *Kobold v. Good Samaritan*
Reg’l Med. Ctr., 832 F.3d 1024, 10 1038 (9th Cir. 2016). Instead, what plaintiff must state is a
“claim”—a set of “allegations that 11 give rise to an enforceable right to relief.” *Nagrampa v.*
MailCoups, Inc., 469 F.3d 1257, 1264 12 n.2 (9th Cir. 2006) (en banc) (citations omitted).

13 The court must construe a pro se litigant’s complaint liberally. See *Haines v. Kerner*, 404 14
U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it 15

appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which 16 would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir.

2017). 17 However, ““a liberal interpretation of a civil rights complaint may not supply essential elements 18 of the claim that were not initially pled.”” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 19 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 20 Analysis 21 Plaintiff’s amended complaint continues to raise insufficiently related claims against at 22 least six defendants at the Calaveras County Adult Detention Center (“CCADC”) and the County 23 of Tuolumne (some defendants are listed as unknown).

The allegations largely center around 24 CCADC not providing plaintiff with a Kosher diet. ECF No. 8 at 5-6. Plaintiff alleges that 25 defendants Dr. Sung and nurse Bowline put him on a diet of pureed food because he has issues 26 with food getting stuck in his esophagus due to his hiatal hernia. *Id.* at 6.

Because of this medical 27 order, plaintiff had some of his commissary taken away from him. *Id.* Plaintiff also alleges that 28 he was denied legal copies and law library access at CCADC, Tuolumne County Jail, and Napa 1 | State Hospital. *Jd.* at 8. 2 As I previously explained to plaintiff, there is no legal or factual overlap in these claims, 3 | and success in one would have no bearing on or relation to the other.

Multiple, unrelated claims 4 | against more than one defendant belong in separate suits. See *George v. Smith*, 507 F.3d 605, 607 5 | (7th Cir. 2007). 6 Plaintiff may file an amended complaint that remedies this deficiency. He is advised that 7 | the amended complaint will supersede the current complaint. See *Lacey v. Maricopa County*, 693 8 | F.3d 896, 907 n.1 (9th Cir.

2012) (en banc). The amended complaint should be titled “Second 9 | Amended Complaint” and refer to the appropriate case number. 10 Accordingly, it is ORDERED that: 11 1. Plaintiff’s amended complaint, ECF No. 8, is DISMISSED with leave to amend. 12 2. Within thirty days from service of this order, plaintiff shall file either (1) an amended 13 | complaint or (2) notice of voluntary dismissal of this action without prejudice.

14 3. Failure to timely file either an amended complaint or notice of voluntary dismissal may 15 result in the imposition of sanctions, including a recommendation that this action be dismissed 16 || with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 17 4.

The Clerk of Court shall send plaintiff a complaint form with this order. 18 19 IT IS SO ORDERED. 20 (q oy — Dated: _ August 5, 2025 a—— 21 JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE 23 24 25 26 27 28