

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Grayson v. Lynch

Grayson v. Lynch · No. 2:24-cv-1488-JDP (P) · Decided May 12, 2025

SUMMARY

The court screens a state prisoner’s third amended complaint under 42 U.S.C. § 1983 alleging Eighth Amendment violations. It finds a cognizable conditions-of-confinement claim against defendant Vang based on prolonged exposure to extremely cold temperatures, but concludes that the remaining claims and allegations against Sergeant Nelson fail to state a claim. The court gives plaintiff thirty days to proceed on the cognizable claim or file a fourth amended complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 12, 2025
DOCKET	2:24-cv-1488-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Screening order in a pro se state-prisoner action under 42 U.S.C. § 1983.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e), the court screened the complaint to determine whether it was frivolous, malicious, failed to state a claim, or sought monetary relief from an immune defendant. The court applied the Rule 8(a)(2) plausibility standard, construing the pro se complaint liberally.
PRECEDENTIAL VALUE	Unpublished district-court screening order; precedential status unknown and no reporter citation appears.

TOPICS

- prisoners rights
- cruel and unusual punishment
- section 1983
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the third amended complaint stated a cognizable Eighth Amendment conditions-of-confinement claim against Vang based on prolonged exposure to extremely cold temperatures.
2. Whether the complaint stated an Eighth Amendment deliberate-indifference claim against Nelson when it did not allege Nelson's personal participation in the alleged wrongdoing.
3. Whether Vang's alleged failure to obtain an additional mental-health clinician stated an Eighth Amendment claim.
4. Whether the allegations supported an Eighth Amendment claim against Vang for placing Grayson in the outside holding cell when the complaint alleged that Diaz and Vazquez placed him there.

HOLDINGS

1. Yes. Grayson's allegations that Vang knowingly left him in prolonged freezing temperatures while aware that he was in pain and seeking help sufficiently alleged deprivation of adequate heating and deliberate indifference to a substantial risk of serious harm.
2. No. The complaint failed to state a claim against Nelson because it did not indicate that Nelson personally participated in any wrongdoing.
3. No. The allegations that Vang said he had called for a clinician, but that no clinician arrived, did not plausibly show that Vang failed to take reasonable steps to address a serious risk to Grayson's mental-health needs.
4. No. The complaint did not state a claim against Vang for placement in the holding cell because it alleged that Diaz and Vazquez, neither of whom was a named defendant, placed Grayson there.

KEY QUOTATIONS

"The Eighth Amendment guarantees adequate heating." (at 3)

"A prison official is deliberately indifferent if he knows that a prisoner faces a substantial risk of serious harm and disregards that risk by failing to take reasonable steps to abate it." (at 3)

"Plaintiff may either notify the court that he wishes to proceed only with his Eighth Amendment conditions of confinement claim against Vang, in which case I will direct service, or plaintiff may elect to amend his complaint." (at 5)

FACTUAL BACKGROUND

Grayson, a state prisoner, alleged that he reported suicidal ideations and was taken to a medical facility, but remained in an outside holding cell after delays in obtaining clinical evaluations. He alleged that the cell was exposed to bird feces and blood and that, after Vang relieved another officer, the temperature fell to approximately thirty to forty degrees, causing pain and an arthritis flare-up. Grayson claimed that Vang knew of his pain and pleas for help but ignored his welfare and left him in the cell overnight.

PROCEDURAL HISTORY

Grayson filed a third amended complaint alleging that correctional officers violated his Eighth Amendment rights by leaving him in an extremely cold holding cell, failing to obtain mental-health treatment, and placing him in the cell. The court screened the complaint and found one cognizable conditions-of-confinement claim against Vang, while concluding that the claims against Nelson and the remaining claims against Vang failed to state a claim. The court gave Grayson thirty days either to proceed solely on the cognizable claim or to file a fourth amended complaint, and directed that defendants not be served if he amended.

DISPOSITION

other

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Kobold v. Good Samaritan Reg'l Med. Ctr., 832 F.3d 1024, 1038 (9th Cir. 2016)
- Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hayes v. Idaho Corr. Ctr., 849 F.3d 1204, 1208 (9th Cir. 2017)
- Bruns v. Nat'l Credit Union Admin., 122 F.3d 1251, 1257 (9th Cir. 1997)
- Ivey v. Bd. of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Foster v. Runnels, 554 F.3d 807, 812 (9th Cir. 2009)
- Morgan v. Morgensen, 465 F.3d 1041, 1045 (9th Cir. 2006)
- Hudson v. Palmer, 468 U.S. 517, 526-27 (1984)
- Kennan v. Hall, 83 F.3d 1083, 1091 (9th Cir. 1996), amended on denial of reh'g, 135 F.3d 1318 (9th Cir. 1998)
- Farmer v. Brennan, 511 U.S. 825, 837 (1994)
- Lacey v. Maricopa Cnty., 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 JASON GRAYSON, Case No. 2:24-cv-1488-JDP (P) 12 Plaintiff, 13 v.
ORDER 14 JEFF LYNCH, et al., 15 Defendants. 16 17 18 Plaintiff, a state prisoner proceeding
pro se, brings this § 1983 action against Vang, a 19 correctional officer, and Sergeant Nelson,
alleging that they violated his Eighth Amendment right 20 to be free from cruel and unusual
punishment.

ECF No. 15. For the purposes of screening, 21 plaintiff has sufficiently alleged an Eighth
Amendment conditions of confinement claim against 22 Vang. However, the remainder of his

allegations fail to state a claim. Plaintiff may, if he 23 chooses, file an amended complaint that addresses the deficiencies noted herein, or he may 24 proceed only on the cognizable Eighth Amendment claim.

25 Screening and Pleading Requirements 26 A federal court must screen the complaint of any claimant seeking permission to proceed 27 in forma pauperis. See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and 28 dismiss any portion of the complaint that is frivolous or malicious, fails to state a claim upon 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 In his third amended complaint, plaintiff alleges that at approximately 5:00 p.m. on March 22 14, 2024, he informed officer Diaz that he was experiencing suicidal ideations.

ECF No. 18 at 8. 23 He claims that Diaz and Vazquez, another officer on duty, escorted him to the medical facility to 24 be evaluated by a clinician, who arrived between two and four hours later. *Id.* When plaintiff 25 tried to explain his concerns, he alleges that the clinician stated that he could not hear plaintiff 26 and left. *Id.* at 9. Diaz and Vazquez asked plaintiff whether he wanted to return to his cell, but 27 plaintiff insisted on seeing another clinician.

Id. at 9-10. Plaintiff alleges that Diaz and Vazquez 28 then took him to an outside holding cell covered in bird feces and blood. Id. at 10. Two to four 1 hours later, another clinician arrived and spoke with plaintiff. Id. at 11. This clinician 2 determined that plaintiff could return to his cell, but plaintiff was not satisfied with this response. 3 Id. Diaz offered to take him back to his cell, but plaintiff declined, stating that he would wait in 4 the outside cell until he got help.

Id. 5 Shortly thereafter, Diaz was relieved by defendant Vang during a shift change. Id. 6 Plaintiff alleges that it began to get cold in the cell and his arthritis started to flare up from 7 standing for so many hours. Id. at 12. He alleges that he called Vang to the outside cell and 8 informed Vang that he was in pain, and he asked if Vang had called for another clinician, and 9 Vang responded that he and another individual had called for one.

Id. Following this interaction, 10 plaintiff alleges that Vang “watched plaintiff suffer in silence and intentionally ignored his 11 welfare and plea for mental health treatment.” Id. He alleges that he remained in the cell 12 overnight in thirty-to-forty-degree temperatures. Id. at 12-13. 13 During the next shift change, plaintiff alleges that he was approached by two other 14 officers, who informed him that no clinician was coming, and that if he did not return to his cell, 15 things would “get worse” for him.

Id. at 13. Plaintiff ultimately returned to his cell. Id. 16 Plaintiff claims that Vang left him “to freeze” and failed to contact a clinician, which 17 could have prevented him from staying in the outside cell overnight. Id. at 14. He contends that 18 Vang and Nelson acted with a deliberate indifference to his mental health needs by falsely 19 informing him that they had contacted a clinician.

Id. at 15. He also alleges that Vang and 20 Nelson acted with a deliberate indifference when they left him outside overnight in frigid 21 temperatures, and when they placed him in the holding cell. Id. 22 As an initial matter, plaintiff’s allegations against Nelson fail to state cognizable Eighth 23 Amendment claims because there is no indication in the complaint that Nelson was involved in 24 any wrongdoing.

See Ivey, 673 F.2d at 268 (“Vague and conclusory allegations of official 25 participation in civil rights violations are not sufficient to withstand a motion to dismiss.”). 26 As for plaintiff’s claims against Vang, plaintiff sufficiently alleges a cognizable Eighth 27 Amendment conditions of confinement claim, but his remaining allegations fail.

First, plaintiff 28 alleges that Vang’s actions in knowingly keeping him outside in extremely cold temperatures 1 violated the Eighth Amendment. To establish an Eighth Amendment violation, a plaintiff must 2 allege that he was deprived of something sufficiently serious, and that the deprivation occurred 3 with a deliberate indifference to the plaintiff’s health or safety.

Foster v. Runnels, 554 F.3d 807, 4 812 (9th Cir. 2009). Inhumane conditions of confinement can violate the Eighth Amendment's 5 prohibition against cruel and unusual punishment. See Morgan v. Morgensen, 465 F.3d 1041, 6 1045 (9th Cir. 2006). Inhumane conditions can take many forms, and the deprivation of 7 "minimal civilized measure of life's necessities" such as adequate food, clothing, shelter, medical 8 care, or safety can violate the Eighth Amendment.

Id. at 834; Hudson v. Palmer, 468 U.S. 517, 9 526-27 (1984). "The Eighth Amendment guarantees adequate heating." Kennan v. Hall, 83 F.3d 10 1083, 1091 (9th Cir. 1996), amended on denial of reh'g, 135 F.3d 1318 (9th Cir. 1998). A prison 11 official is deliberately indifferent if he knows that a prisoner faces a substantial risk of serious 12 harm and disregards that risk by failing to take reasonable steps to abate it.

Farmer v. Brennan, 13 511 U.S. 825, 837 (1994). The prison official must not only "be aware of facts from which the 14 inference could be drawn that a substantial risk of serious harm exists," but he "must also draw 15 the inference." Id. 16 Plaintiff sufficiently alleges that Vang subjected him to prolonged freezing temperatures 17 knowing that plaintiff was in pain, and that Vang ignored his pleas for help.

See ECF No. 15 at 18 12-14. These claims sufficiently allege that plaintiff was deprived of adequate heating, see 19 Kennan, 83 F.3d at 1091, and that Vang was deliberately indifferent, see Farmer, 511 U.S. at 20 837. 21 Plaintiff's remaining allegations against Vang fail to state a claim. Plaintiff alleges that 22 Vang's failure to obtain an additional clinician violated his right to receive adequate healthcare.

23 However, such claim fails to sufficiently allege that Vang acted with a deliberate indifference to 24 plaintiff's mental health needs. Plaintiff's allegations state that Vang called for a mental health 25 clinician to come evaluate him, but no clinician came. These allegations do not demonstrate that 26 Vang failed to take reasonable steps to abate a serious risk to plaintiff's mental health care.

See 27 id. While plaintiff believes Vang did not actually call for a clinician, his allegations are 28 speculative and insufficient to state a claim. See Ivey, 673 F.2d at 268. 1 Plaintiff further claims that Vang's actions in placing him in the outside holding cell 2 | violated his Eighth Amendment rights, but his allegations do not support this contention.

Plaintiff 3 | alleges that Diaz and Vazquez, not Vang, placed him in the outside holding cell; neither Diaz nor 4 | Vazquez is a named defendant in this action. As such, plaintiff does not adequately state a claim 5 | against Vang for placing him in the outside holding cell. 6 Plaintiff may either notify the court that he wishes to proceed only with his Eighth 7 | Amendment conditions of confinement claim against Vang, in which case I will direct service, or 8 | plaintiff may elect to amend his complaint.

If plaintiff amends his complaint, I will delay serving 9 | any defendant and will screen his amended complaint in due course. Plaintiff is reminded that 10 | any amended complaint will supersede the current complaint. See *Lacey v. Maricopa Cnty.*, 693 11 | F.3d 896, 907 n.1 (9th Cir. 2012) (en banc).

The amended complaint should be titled “Fourth 12 || Amended Complaint” and refer to the appropriate case number. 13 Accordingly, it is hereby ORDERED that: 14 1. Within thirty days from the service of this order, plaintiff must indicate his intent to 15 | proceed only with his Eighth Amendment conditions of confinement claim against Vang, or he 16 | must file an amended complaint.

If he selects the latter, no defendant will be served until the new 17 | complaint is screened. 18 2. The Clerk of Court shall send plaintiff a § 1983 complaint form with this order. 19 20 IT IS SO ORDERED. 21 (q Sty - Dated: _ May 12, 2025 q—— 22 JEREMY D., PETERSON 74 UNITED STATES MAGISTRATE JUDGE 24 25 26 27 28 Kc