

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

Goodwin v. Butte County

Goodwin · No. 2:25-cv-0320 CKD P · Decided February 26, 2025

OPINION

(PC) Goodwin v. Butte County

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 MICHELLE RENEE GOODWIN, No. 2:25-cv-0320 CKD P

12 Plaintiff, 13 v. ORDER 14 BUTTE COUNTY, et al., 15 Defendants. 16 17 Plaintiff is a Butte
County Jail prisoner proceeding pro se and seeking relief pursuant to 18 42 U.S.C. § 1983. This
proceeding was referred to this court by Local Rule 302 pursuant to 28 19 U.S.C. § 636(b)(1). 20
I. Request to Proceed In Forma Pauperis 21 Plaintiff requests leave to proceed in forma pauperis.
As plaintiff has submitted a 22 declaration that makes the showing required by 28 U.S.C. §
1915(a), his request will be granted. 23 Plaintiff is required to pay the statutory filing fee of
\$350.00 for this action. 28 U.S.C. §§ 24 1914(a), 1915(b)(1). By separate order, the court will
direct the appropriate agency to collect the 25 initial partial filing fee from plaintiff's trust account
and forward it to the Clerk of the Court. 26 Thereafter, plaintiff will be obligated for monthly
payments of twenty percent of the preceding 27 month's income credited to plaintiff's prison trust
account. These payments will be forwarded by 28 // 1 the appropriate agency to the Clerk of the
Court each time the amount in plaintiff's account 2 exceeds \$10.00, until the filing fee is paid in
full. 28 U.S.C. § 1915(b)(2). 3 II. Screening 4 The court is required to screen complaints brought
by prisoners seeking relief against a 5 governmental entity or officer or employee of a
governmental entity. 28 U.S.C. § 1915A(a). The 6 court must dismiss a complaint or portion
thereof if the prisoner has raised claims that are legally 7 "frivolous or malicious," that fail to state
a claim upon which relief may be granted, or that seek 8 monetary relief from a defendant who is
immune from such relief. 28 U.S.C. § 1915A(b)(1),(2). 9 The court has reviewed plaintiff's
complaint and finds that plaintiff states a claim upon 10 which she may proceed against defendant
Pamela Johansen for denial of medical care in violation 11 of the Fourteenth Amendment. With
respect to the other defendants and claims identified in 12 plaintiff's complaint, plaintiff's
complaint fails to state a claim upon which relief can be granted. 13 At this point, plaintiff has two
options: 1) proceed on the claim described above; or 2) 14 attempt to cure the deficiencies in the

complaint. In deciding whether to file an amended 15 complaint, plaintiff is advised that as to state claims against the other defendants, plaintiff must 16 allege in specific terms how each named defendant is involved. There can be no liability under 17 42 U.S.C. § 1983 unless there is some affirmative link or connection between a defendant's 18 actions and the claimed deprivation. *Rizzo v. Goode*, 423 U.S. 362 (1976). Furthermore, vague 19 and conclusory allegations of official participation in civil rights violations such as plaintiff's 20 allegations against the Butte County Sheriff are not sufficient. *Ivey v. Board of Regents*, 673 21 F.2d 266, 268 (9th Cir. 1982). 22 With respect to defendant Butte County, municipalities cannot be held vicariously liable 23 under § 1983 for the actions of their employees. *Monell v. Dep't of Social Services*, 436 U.S. 24 585 at 691, 694 (1978). "Instead, it is when execution of a government's policy or custom, 25 whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent 26 official policy, inflicts the injury that the government as an entity is responsible under § 1983."

27 Id. at 694.

28 As for plaintiff's claims arising under state law, plaintiff is informed that to proceed on 1 | such claims, plaintiff must comply with the terms of the California Tort Claims Act, and then 2 || plead compliance in her amended complaint. See Cal. Gov't Code § 910 et seq.; *Mangold v. Cal. 3 | Pub. Utils. Comm'n*, 67 F.3d. 1470, 1477 (9th Cir. 1995). Complaints must present facts 4 || demonstrating compliance, rather than simply conclusions suggesting as much. *Shirk v. Vista 5 || Unified School Dist.*, 42 Cal.4th 201, 209 (2007). 6 || II. Motion to Compel 7 Finally, the court notes that plaintiff has filed a motion to compel responses to discovery. 8 || Discovery is not open yet. Once the appropriate defendant(s) are served with process, the court 9 || will set a time frame for discovery. 10 In accordance with the above, IT IS HEREBY ORDERED that: 11 1. Plaintiff's request for leave to proceed in forma pauperis (ECF No. 2) is GRANTED. 12 2. Plaintiff is granted 30 days within which to complete and return the attached form 13 || notifying the court whether she wants to proceed on a claim for denial of medical care arising 14 | under the Fourteenth Amendment against defendant Pamela Johansen or whether plaintiff wishes 15 || to file an amended complaint in an attempt to cure some or all of the deficiencies in the 16 | complaint. If plaintiff does not return the form, this action will proceed on the claim described 17 || above against the defendant identified, and the court will recommend that the other defendants 18 || and claims be dismissed. 19 3. Plaintiff's motion to compel discovery (ECF No. 3) is DENIED. 20 |

Dated: February 26, 2025 / ae / a ly. ae

21 CAROLYNK. DELANEY

22 UNITED STATES MAGISTRATE JUDGE

23 24 25 26 | 1 4 good0320.14 28 1 2 3 4 5 6 7 8

9 UNITED STATES DISTRICT COURT

10 FOR THE EASTERN DISTRICT OF CALIFORNIA

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MICHELLE RENEE GOODWIN, No. 2:25-cv-0320 CKD P

13 Plaintiff, 14

v. PLAINTIFF'S NOTICE OF

15

BUTTE COUNTY, et al., HOW TO PROCEED

16 Defendants. 17

18 Check one: 19 20 _____ Plaintiff wants to proceed immediately on a claim for denial of
medical care arising under 21 the Fourteenth Amendment against defendant Pamela Johansen. OR

22 23 _____ Plaintiff wants time to file an amended complaint. 24 DATED: 25

Plaintiff 26 27 28