

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Dee'Angelo Lamar Gathrite v. Infante, et al.

Gathrite v. Infante · No. 25-cv-10822-RMI · Decided January 21, 2026

SUMMARY

The United States District Court for the Northern District of California screened a pro se prisoner’s 42 U.S.C. § 1983 complaint alleging deliberate indifference to a serious medical and mental-health need after he attempted suicide. The court found cognizable claims against Correctional Officer Infante and an unidentified Doe defendant, ordered electronic service on Infante, and directed the plaintiff to identify the Doe defendant. The order also established deadlines and procedures for dispositive motions, discovery, service, and prosecution of the case.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Robert M. Illman
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 21, 2026
DOCKET	25-cv-10822-RMI
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se filed a civil-rights complaint under 42 U.S.C. § 1983 and was granted leave to proceed in forma pauperis. The court screened the complaint under 28 U.S.C. § 1915A, found cognizable claims concerning allegedly inadequate medical and mental-health care, ordered service on Defendant Infante, and directed the plaintiff to identify the unnamed defendant.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must screen a prisoner's complaint seeking relief from a governmental entity or employee and dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pro se pleadings are liberally construed. The complaint must satisfy Federal Rule of Civil Procedure 8(a)(2) and contain factual allegations sufficient to state a plausible claim for relief.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Dee'Angelo Lamar Gathrite v. Ms. Infante, John Doe defendant, other defendants identified in the complaint

TOPICS

section 1983 prisoners rights civil rights pleadings service of process

PRACTICE AREAS

prisoner civil rights constitutional torts federal civil procedure

QUESTIONS PRESENTED

1. Whether the complaint stated cognizable claims under 42 U.S.C. § 1983 for violation of the Eighth Amendment based on failure to provide medical and mental-health care after an alleged suicide attempt.
2. Whether the action should proceed to service against Defendant Infante and an unidentified Doe defendant.

HOLDINGS

1. The complaint states a cognizable Eighth Amendment claim against the defendants for allegedly failing to provide medical care and mental-health care after Plaintiff communicated an intent to commit suicide and attempted to do so.
2. The complaint was sufficient to proceed beyond preliminary screening because, liberally construed, its factual allegations plausibly stated claims for relief.
3. Service was ordered on Defendant Infante, but the court could not serve the unidentified Doe defendant; Plaintiff must eventually identify that defendant or face dismissal of the claims against that defendant.

KEY QUOTATIONS

“Liberally construed, this states a claim against all Defendants for failing to provide medical care and mental health care.” (2)

“A serious medical need exists where “failure to treat a prisoner’s condition could result in further significant injury or the unnecessary and wanton infliction of pain.”” (2)

“A prison official exhibits deliberate indifference when he knows of and disregards a substantial risk of serious harm to inmate health.” (2)

FACTUAL BACKGROUND

Gathrite alleged that on June 20, 2025, he told Defendant Infante that he intended to hang himself, and that Infante watched him wrap an extension cord around his neck, stand on his walker, and jump. He alleged that he fell and injured his neck, knee, and wrist, but Infante and an unidentified Doe defendant neither assisted him nor activated an alarm, while the Doe defendant also allegedly skipped a required security check of his cell.

PROCEDURAL HISTORY

Gathrite filed a prisoner civil-rights complaint alleging that prison officials failed to respond after he announced an attempt to commit suicide and then injured himself. The court conducted preliminary screening, concluded that the allegations stated cognizable claims against all defendants, ordered electronic service on Infante, and deferred service on the unidentified Doe defendant until that defendant can be identified.

DISPOSITION

other

CASES CITED

- Balistreri v. Pacifica Police Department, 901 F.2d 696, 699 (9th Cir. 1990)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- McGuckin v. Smith, 974 F.2d 1050, 1059-60 (9th Cir. 1992)
- WMX Technologies, Inc. v. Miller, 104 F.3d 1133 (9th Cir. 1997) (en banc)
- Wilhelm v. Rotman, 680 F.3d 1113, 1122 (9th Cir. 2012)
- Farmer v. Brennan, 511 U.S. 825, 837 (1994)
- Gibson v. County of Washoe, 290 F.3d 1175, 1188 (9th Cir. 2002)
- Rand v. Rowland, 154 F.3d 952, 953-954, 960 (9th Cir. 1998) (en banc)
- Wyatt v. Terhune, 315 F.3d 1108, 1120 n.4 (9th Cir. 2003)
- Woods v. Carey, 684 F.3d 934, 940-941 (9th Cir. 2012)
- Klingele v. Eikenberry, 849 F.2d 409, 411-12 (9th Cir. 1988)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
DEE'ANGELO LAMAR GATHRITE, Case No. 25-cv-10822-RMI 8 Plaintiff, ORDER OF
SERVICE v. 9 10 INFANTE, et al., Defendants. 11 12 13 Plaintiff, a state prisoner proceeding pro
se, filed a civil rights complaint under 42 U.S.C. 14 § 1983. He has been granted leave to proceed
in forma pauperis.

15 DISCUSSION 16 1. Standard of Review 17 Federal courts must engage in a preliminary
screening of cases where prisoners seek 18 redress from a governmental entity, or from an officer
or employee of a governmental entity. 28 19 U.S.C. § 1915A(a).

In its review, the court must identify any cognizable claims and dismiss any 20 claims which are
frivolous, malicious, fail to state a claim upon which relief may be granted, or 21 seek monetary
relief from a defendant who is immune from such relief. Id. at § 1915A(b)(1), (2). 22 Pleadings

submitted by pro se parties must be liberally construed. *Balistreri v. Pacifica Police* 23 Dep’t, 901 F.2d 696, 699 (9th Cir.

1990). 24 Federal Rule of Civil Procedure 8(a)(2) requires only “a short and plain statement of the 25 claim showing that the pleader is entitled to relief.” While specific facts are not necessary, the 26 statement needs to give the defendant fair notice of the nature of the claim and the grounds upon 27 which it rests. *Erickson v. Pardus*, 551 U.S. 89, 93 (2007).

Although a plaintiff need not include 1 cause of action and state conclusions; rather, a plaintiff must state factual allegations sufficient to 2 raise the entitlement to relief “above the speculative level.” *Bell Atlantic Corp. v. Twombly*, 550 3 U.S. 544, 555 (2007). A complaint must proffer “enough facts to state a claim to relief that is 4 plausible on its face.” *Id.* at 570.

The Supreme Court has explained the standard this way: “While 5 legal conclusions can provide the framework of a complaint, they must be supported by factual 6 allegations... [and] [w]hen there are well-pleaded factual allegations, a court should assume their 7 veracity and then determine whether they plausibly give rise to an entitlement to relief.” *Ashcroft 8 v. Iqbal*, 556 U.S. 662, 679 (2009).

9 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: 10 (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that 11 the alleged deprivation was committed by a person acting under the color of state law. *West v. 12 Atkins*, 487 U.S. 42, 48 (1988). 13 2. Legal Claims 14 Plaintiff alleges that Defendants did not provide appropriate medical care when he stated 15 that he was going to attempt suicide.

16 To establish an Eighth Amendment violation based on the failure to attend to medical 17 needs, a prisoner must allege both (1) a serious medical need and (2) deliberate indifference to that 18 need by prison officials. *McGuckin v. Smith*, 974 F.2d 1050, 1059-60 (9th Cir. 1992), overruled on 19 other grounds by *WMX Techs., Inc. v. Miller*, 104 F.3d 1133 (9th Cir.

1997) (en banc). A serious 20 medical need exists where “failure to treat a prisoner’s condition could result in further significant 21 injury or the unnecessary and wanton infliction of pain.” *Wilhelm v. Rotman*, 680 F.3d 1113, 1122 22 (9th Cir. 2012). A prison official exhibits deliberate indifference when he knows of and disregards 23 a substantial risk of serious harm to inmate health.

Farmer v. Brennan, 511 U.S. 825, 837 (1994). 24 If a prison official should have been aware of the risk, but was not, then the official has not 25 violated the Eighth Amendment, no matter how severe the risk. *Gibson v. County of Washoe*, 290 26 F.3d 1175, 1188 (9th Cir. 2002). Instead, deliberate indifference involves a purposeful act or 27 failure to act. *McGuckin*, 974 F.2d at 1060.

Deliberate indifference may be shown when prison 1 way in which they provide medical care. Id. at 1059. 2 Plaintiff states that on June 20, 2025, he informed Defendant Infante that he was going to 3 hang himself until he was dead. She watched him wrap an extension cord around his neck, stand 4 on his walker, then jump off. Plaintiff fell down and injured his neck, knee, and wrist.

Infante 5 informed an unidentified John Doe Defendant, but neither of them provided any assistance or 6 activated any alarm. A short while later, Plaintiff observed an emergency response team go to a 7 different cell to help another inmate, but he was not provided any assistance.

The Doe Defendant 8 was supposed to perform a security check on Plaintiff's cell but skipped that cell and others 9 nearby. 10 Liberally construed, this states a claim against all Defendants for failing to provide medical 11 care and mental health care. Service will be ordered on Infante.

The Court cannot serve an 12 unidentified Defendant. Plaintiff must provide the name for this second Defendant. He should 13 review his paperwork and appeals regarding the incident and once Infante appears he may seek 14 this information through discovery. Failure to eventually identify this Defendant will result in his 15 dismissal. 16 CONCLUSION 17 The Court orders that Defendant Correctional Officer Ms. Infante be served electronically 18 at Salinas Valley State Prison 19 Service on the listed Defendant will be effected via the California Department of 20 Corrections and Rehabilitation's (CDCR) e-service program for civil rights cases from prisoners 21 in CDCR custody.

In accordance with the program, the Clerk is directed to serve on CDCR via 22 email the following documents: the operative complaint (dkt. 1), this order of service, the notice of 23 assignment of prisoner case to a United States magistrate judge and accompanying magistrate 24 judge jurisdiction consent or declination to consent form, a CDCR Report of E-Service Waiver 25 form and a summons.

The Clerk is also requested to serve a copy of this order on Plaintiff. 26 No later than 40 days after service of this order via email on CDCR, CDCR shall provide 27 the Court a completed CDCR Report of E-Service Waiver advising the Court which Defendants 1 States Marshal Service (USMS) and which Defendants decline to waive service or could not be 2 reached.

CDCR also shall provide a copy of the CDCR Report of E-Service Waiver and of the 3 notice of assignment of prisoner case to a magistrate judge and accompanying magistrate judge 4 jurisdiction consent or declination to consent form to the California Attorney General's Office, 5 which, within 21 days, shall file with the Court a waiver of service of process for the Defendants 6 who are waiving service and, within 28 days thereafter, shall file a magistrate judge jurisdiction 7 consent or declination to consent form as to the defendants who waived service.

8 Upon receipt of the CDCR Report of E-Service Waiver, the Clerk is requested to prepare 9 for each Defendant who has not waived service according to the CDCR Report of E-Service 10

Waiver a USM-285 Form. The Clerk will provide to the USMS the completed USM-285 forms 11 and copies of this order, the summons and the operative complaint for service upon each 12 Defendant who has not waived service.

The Clerk will also provide to the USMS a copy of the 13 CDCR Report of E-Service Waiver. 14 In order to expedite the resolution of this case, the Court orders as follows: 15 No later than sixty days from the date of service, Defendant shall file her motion for 16 summary judgment or other dispositive motion.

The motion shall be supported by adequate factual 17 documentation and shall conform in all respects to Federal Rule of Civil Procedure 56 and shall 18 include as exhibits all records and incident reports stemming from the events at issue. If Defendant 19 is of the opinion that this case cannot be resolved by such a motion, she shall so inform the Court 20 prior to the date that such motion is due.

Moreover, all papers filed with the Court shall be 21 promptly served on Plaintiff. 22 At the time the dispositive motion is served, Defendant shall also serve, on a separate 23 paper, the appropriate notice or notices required by *Rand v. Rowland*, 154 F.3d 952, 953-954 (9th 24 Cir. 1998) (en banc), and *Wyatt v. Terhune*, 315 F.3d 1108, 1120 n.4 (9th Cir. 2003); see *Woods v. 25 Carey*, 684 F.3d 934, 940-941 (9th Cir.

2012) (finding that *Rand* and *Wyatt* notices must be given 26 at the time motions for summary judgment or motion to dismiss for non-exhaustion are filed, not 27 earlier); *Rand*, 154 F.3d at 960 (establishing the separate paper requirement). 1 Plaintiff's opposition to the dispositive motion, if any, shall be filed with the Court and 2 served upon Defendant no later than thirty days from the date the motion is served upon him.

3 || Additionally, Plaintiff must read the attached page headed "NOTICE — WARNING," which is 4 provided to him pursuant to *Rand*, 154 F.3d at 953-954, and *Klinge v. Eikenberry*, 849 F.2d 409, 5 || 411-12 (th Cir. 1988). 6 If Defendant files a motion for summary judgment claiming that Plaintiff failed to exhaust 7 his available administrative remedies as required by 42 U.S.C. § 1997e(a), Plaintiff should take 8 || note of the attached page headed "NOTICE — WARNING (EXHAUSTION)," which is provided 9 to him as required by *Wyatt*, 315 F.3d at 1120 n.4.

10 If Defendant wishes to file a reply brief, she shall do so no later than fifteen days after the 11 opposition is served. The motion shall be deemed submitted as of the date the reply brief is due. 12 || No hearing will be held on the motion unless the Court so orders at a later date. All 13 communications by Plaintiff with the Court must be served on Defendant, or Defendant's counsel, 14 || if and when counsel has been designated, by mailing a true copy of the document to Defendant or 3 15 Defendant's counsel. a 16 Discovery may be taken in accordance with the Federal Rules of Civil Procedure.

No 3 17 further Court order is required before the parties may conduct discovery. 18 Finally, it is Plaintiff's responsibility to prosecute this case. Plaintiff must keep the Court 19 || informed of any change of address by filing a separate paper with the clerk headed "Notice of 20 || Change of Address." He also must comply with the Court's orders in a timely fashion.

Failure to 21 do so may result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of 22 Civil Procedure 41(b). 23 IT IS SO ORDERED. 24 || Dated: January 21, 2026 25 Hh lo 26 RSBERT M. ILLMAN 27 United States Magistrate Judge 28 1 NOTICE -- WARNING (SUMMARY JUDGMENT) 2 If defendants move for summary judgment, they are seeking to have your case dismissed.

3 A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if 4 granted, end your case. 5 Rule 56 tells you what you must do in order to oppose a motion for summary judgment. 6 Generally, summary judgment must be granted when there is no genuine issue of material fact-- 7 that is, if there is no real dispute about any fact that would affect the result of your case, the party 8 who asked for summary judgment is entitled to judgment as a matter of law, which will end your 9 case.

When a party you are suing makes a motion for summary judgment that is properly 10 supported by declarations (or other sworn testimony), you cannot simply rely on what your 11 complaint says. Instead, you must set out specific facts in declarations, depositions, answers to 12 interrogatories, or authenticated documents, as provided in Rule 56(e), that contradict the facts 13 shown in the defendant's declarations and documents and show that there is a genuine issue of 14 material fact for trial.

If you do not submit your own evidence in opposition, summary judgment, 15 if appropriate, may be entered against you. If summary judgment is granted, your case will be 16 dismissed and there will be no trial. 17 NOTICE -- WARNING (EXHAUSTION) 18 If defendants file a motion for summary judgment for failure to exhaust, they are seeking 19 to have your case dismissed.

If the motion is granted it will end your case. You have the right to 20 present any evidence you may have which tends to show that you did exhaust your administrative 21 remedies. Such evidence may be in the form of declarations (statements signed under penalty of 22 perjury) or authenticated documents, that is, documents accompanied by a declaration showing 23 where they came from and why they are authentic, or other sworn papers, such as answers to 24 interrogatories or depositions.

If defendants file a motion for summary judgment for failure to 25 exhaust and it is granted, your case will be dismissed and there will be no trial. 26 27

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