

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Christopher G. Valencia v. Samantha Medina, et al.

No. 1:22-cv-00569 GSA (PC) (E.D. Cal. Aug. 30, 2025) · No. No. 1:22-cv-00569 GSA (PC) · Decided
September 2, 2025

SUMMARY

The United States District Court for the Eastern District of California screened Christopher G. Valencia’s second amended complaint under 28 U.S.C. § 1915A. The court found viable Eighth Amendment claims against Sergeant Samantha Medina for failure to protect and deliberate indifference to serious medical needs arising from alleged exposure to chemical gas, and ordered service of the complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Gary S. Austin
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 2, 2025
DOCKET	No. 1:22-cv-00569 GSA (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a state prisoner’s second amended complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	The court screened the prisoner complaint under 28 U.S.C. § 1915A and applied the Rule 8(a)(2) and plausibility standards, accepting factual allegations as true but not accepting legal conclusions or unwarranted inferences.
PRECEDENTIAL VALUE	Nonprecedential screening order; precedential status unknown
PARTIES	Christopher G. Valencia v. Samantha Medina, et al.

TOPICS

- section 1983
- prisoners rights
- cruel and unusual punishment
- service of process
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the second amended complaint plausibly alleged an Eighth Amendment failure-to-protect claim against Sergeant Medina.
2. Whether the second amended complaint plausibly alleged an Eighth Amendment deliberate-indifference-to-serious-medical-need claim against Sergeant Medina.
3. Whether the allegations labeled as torture stated a separate claim or were properly considered together with the deliberate-indifference claim.

HOLDINGS

1. The second amended complaint stated a viable Eighth Amendment failure-to-protect claim because it alleged that Plaintiff was confined and unable to escape chemical-gas exposure, that Medina knew of the exposure and Plaintiff's resulting distress, and that she failed to take reasonable measures to assist or remove him.
2. The second amended complaint stated a viable Eighth Amendment deliberate-indifference claim because it alleged that Medina knew Plaintiff was suffering from chemical-gas exposure, burning eyes and skin, and breathing problems, yet intentionally refused to provide or summon medical assistance or decontamination.
3. The court treated the torture allegations in Claim Three together with the deliberate-indifference allegations in Claim Two because the claims were based on virtually the same facts and the torture allegations ultimately amounted to a deliberate-indifference-to-serious-medical-need claim.

KEY QUOTATIONS

"For these reasons, Plaintiff has stated a viable Eighth Amendment failure to protect claim against Defendant Medina." (at 13)

"Plaintiff has also stated a viable Eighth Amendment deliberate indifference to serious medical need claim against Defendant Medina." (at 13)

FACTUAL BACKGROUND

Plaintiff, an incarcerated person at California State Prison–Corcoran, alleged that on March 19, 2022, CN gas released on a nearby prison yard spread into the locked and caged yard where he was confined. He alleged that Sergeant Medina failed to evacuate or assist him, leaving him exposed to the gas for approximately twenty minutes despite his requests for help. He further alleged that Medina refused to summon medical aid or arrange decontamination, and that he remained without medical treatment for four days while suffering respiratory problems and burning eyes and skin.

PROCEDURAL HISTORY

Plaintiff filed this § 1983 civil-rights action after paying the filing fee and submitted a second amended complaint against Sergeant Samantha Medina. The matter was referred to a United States Magistrate Judge under 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On screening, the court found viable Eighth Amendment failure-to-protect and deliberate-indifference-to-serious-medical-need claims and ordered the complaint served.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Whitaker v. Tesla Motors, Inc., 985 F.3d 1173, 1176 (9th Cir. 2021)
- Doe I v. Wal-Mart Stores, Inc., 572 F.3d 677, 681 (9th Cir. 2009)
- Moss v. United States Secret Service, 572 F.3d 962, 969 (9th Cir. 2009)
- Wilder v. Virginia Hospital Ass’n, 496 U.S. 498, 508 (1990)
- Graham v. Connor, 490 U.S. 386, 393-94 (1989)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Ketchum v. Alameda County, 811 F.2d 1243, 1245 (9th Cir. 1987)
- Jones v. Williams, 297 F.3d 930, 934 (9th Cir. 2002)
- Ortez v. Washington County, State of Oregon, 88 F.3d 804, 809 (9th Cir. 1996)
- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- DeShaney v. Winnebago County Department of Social Services, 489 U.S. 189, 199-200 (1989)
- Farmer v. Brennan, 511 U.S. 825, 832-37, 842, 844-45, 847 (1994)
- Frost v. Agnos, 152 F.3d 1124, 1128 (9th Cir. 1998)
- Wilson v. Seiter, 501 U.S. 294, 297 (1991)
- Hearn v. Terhune, 413 F.3d 1036, 1040 (9th Cir. 2005)
- Hudson v. McMillian, 503 U.S. 1, 8 (1992)
- Jett v. Penner, 439 F.3d 1091, 1096 (9th Cir. 2006)
- Wilhelm v. Rotman, 680 F.3d 1113, 1122 (9th Cir. 2012)
- Lemire v. California Department of Corrections and Rehabilitation, 726 F.3d 1062, 1081 (9th Cir. 2013)
- Simmons v. Navajo County, 609 F.3d 1011, 1017-18 (9th Cir. 2010)

OPINION

(PC)Valencia v. Medina

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 CHRISTOPHER G. VALENCIA, No. 1:22-cv-00569 GSA (PC)

12 Plaintiff, SCREENING ORDER (SECOND AMENDED
COMPLAINT)

13 v.

ORDER FINDING SERVICE OF THE

14 MEDINA, et al., COMPLAINT APPROPRIATE

15 Defendants. (ECF No. 18) 16 17 Plaintiff, a state prisoner proceeding pro se, has filed this civil
rights action seeking relief 18 under 42 U.S.C. § 1983. Plaintiff has paid the filing fee. The matter
was referred to a United 19 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and
Local Rule 302. 20 Before this Court is Plaintiff's second amended complaint ("SAC"). ECF No.
18. For the 21 reasons stated below, the Court will order the complaint served on Sergeant
Samantha Medina.

22 I. SCREENING REQUIREMENT

23 The Court is required to screen complaints brought by prisoners seeking relief against a 24
governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The
25 Court must dismiss a complaint or portion thereof if the prisoner has raised claims that are
legally 26 "frivolous or malicious," that fail to state a claim upon which relief may be granted, or
that seek 27 monetary relief from a defendant who is immune from such relief. 28 U.S.C. §
1915A(b)(1)-(2). 28 "Notwithstanding any filing fee, or any portion thereof, that may have been
paid, the court shall 1 dismiss the case at any time if the court determines that the action or appeal
fails to state a claim 2 upon which relief may be granted." 28 U.S.C. § 1915(e)(2)(B)(ii). 3 A
complaint is required to contain "a short and plain statement of the claim showing that 4 the
pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are not 5 required,
but "[t]hreadbare recitals of the elements of a cause of action, supported by mere 6 conclusory
statements, do not suffice." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell 7 Atlantic*
Corp. v. Twombly, 550 U.S. 544, 555 (2007)); see *Whitaker v. Tesla Motors, Inc.*, 985 8 F.3d 1173,
1176 (9th Cir. 2021) (citing *Iqbal*). While a plaintiff's allegations are taken as true, 9 courts "are
not required to indulge unwarranted inferences." *Doe I v. Wal-Mart Stores, Inc.*, 572 10 F.3d 677,
681 (9th Cir. 2009) (internal quotation marks and citation omitted). To state a viable 11 claim,
Plaintiff must set forth "sufficient factual matter, accepted as true, to 'state a claim to relief 12 that
is plausible on its face.'" *Iqbal*, 556 U.S. at 678-79; *Moss v. United States Secret Service*, 13 572
F.3d 962, 969 (9th Cir. 2009). While factual allegations are accepted as true, legal 14 conclusions
are not. *Id.* The mere possibility of misconduct falls short of meeting this 15 plausibility standard.
Id. 16 Finally, under Federal Rules of Civil Procedure 18 and 20, the claims raised against a 17
party in a complaint should be related. In addition, defendants should only be joined in an action
18 if it can be alleged that they are liable for the "same transaction, occurrence, or series of 19

transactions or occurrences” where “any question of law or fact common to all defendants will arise in the action.” See Fed. R. Civ. P. 18(a) and 20(a)(2).

21 II. STANDARD OF REVIEW

22 A. Generally

23 Section 1983 “provides a cause of action for the deprivation of any rights, privileges, or
24 immunities secured by the Constitution and laws of the United States.” *Wilder v. Virginia Hosp.*
25 *Ass’n*, 496 U.S. 498, 508 (1990) (quoting 42 U.S.C. § 1983). Section 1983 is not itself a source
26 of substantive rights, but merely provides a method for vindicating federal rights conferred
27 elsewhere. *Graham v. Connor*, 490 U.S. 386, 393-94 (1989). 28 1 To state a claim under Section
1983, a plaintiff must allege two essential elements: (1) 2 that a right secured by the Constitution
or laws of the United States was violated and (2) that the 3 alleged violation was committed by a
person acting under the color of state law. See *West v. 4 Atkins*, 487 U.S. 42, 48 (1988); *Ketchum*
v. Alameda Cty., 811 F.2d 1243, 1245 (9th Cir. 1987). 5 B. Linkage Requirement 6 In addition,
under Section 1983, a plaintiff bringing an individual capacity claim must 7 demonstrate that each
defendant personally participated in the deprivation of his rights. See *Jones 8 v. Williams*, 297 F.3d
930, 934 (9th Cir. 2002). There must be an actual connection or link 9 between the actions of the
defendants and the deprivation alleged to have been suffered by 10 plaintiff. See *Ortez v.*
Washington County, State of Oregon, 88 F.3d 804, 809 (9th Cir. 1996); 11 see also *Taylor v. List*,
880 F.2d 1040, 1045 (9th Cir. 1989). 12 Government officials may not be held liable for the
actions of their subordinates under a 13 theory of respondeat superior. *Iqbal*, 556 U.S. at 676
(stating vicarious liability is inapplicable in

14 Section 1983 suits). Since a government official cannot be held liable under a theory of
vicarious

15 liability in Section 1983 actions, a plaintiff must plead sufficient facts showing that the official
16 has violated the Constitution through his own individual actions by linking each named
defendant 17 with some affirmative act or omission that demonstrates a violation of plaintiff’s
federal rights. 18 *Iqbal*, 556 U.S. at 676.

19 III. PLAINTIFF’S SECOND AMENDED COMPLAINT

20 A. Facts Alleged 21 Plaintiff, an inmate who is currently incarcerated at California State Prison
– Corcoran 22 (“CSP-Corcoran”), names Sergeant Samantha Medina as the sole Defendant in this
action. See 23 ECF No. 18 at 1-2. He contends that she failed to protect him; that she was
deliberately 24 indifferent to his serious medical need, and that she tortured him in violation of his
Eighth 25 Amendment rights,¹ when, on March 19, 2022, she: “ acting as the supervisor for the
3B yard at 26 1 In Claim One, Plaintiff also vaguely alleges that his rights under the Bill of Rights
were 27 violated by Defendant Medina. See ECF No. 18 at 4. The Bill of Rights consists of the
first ten amendments to the United States Constitution. Plaintiff, however, provides no specific
support 28 for this claim by selecting precisely which of his rights under those amendments have
been 1 Corcoran State Prison, ordered her officers to confine and lock the plaintiff within a caged

yard 2 area for recreational purposes (this is fact). Between approximately 12:15 p.m. and 12:30 p.m., 3 massive volumes of chemical gas, generated from CN gas grenades detonated on the 3C yard, 4 resulted from an excessive and reckless use of force incident on that yard (this is fact). 5 The chemical cloud spread across the 3B yard, immediately causing pain and unwarranted agony 6 to the plaintiffs eyes, lungs, and skin (this is fact). The plaintiff pleaded with the group of officers 7 and Sergeant Medina for help, but instead of assisting, they laughed and retreated into the 3B 8 program office, leaving the plaintiff behind to suffer the effects of the gas (this is fact). Under 9 Sergeant Medina's supervision and orders, the plaintiff was left exposed in the contaminated yard 10 for approximately 20 minutes. Once the gas dissipated from the yard enclosure, Sergeant Medina 11 and the officers emerged from hiding and forced the plaintiff to return to his cell without 12 providing any medical aid. Please note that the chemical gas breach was so severe that the 13 plaintiff was unable to protect himself or escape the effects. Sergeant Medina neither protected 14 the plaintiff nor evacuated the yard. Instead, she intentionally forced the plaintiff to 15 remain in the yard until the gas naturally evaporated on its own.” (Claim One). See *id.* at 3. 16 In Claim 2, Plaintiff alleges, “On 3/19/22, after Sgt. Medina deliberately and intentionally 17 left the plaintiff in a locked yard contaminated by weaponized gas, causing him to suffer, Sgt. 18 Medina also deliberately and intentionally refused to provide or summon medical aid. Despite 19 being fully aware that the inmate population on the yard, including the plaintiff, was exposed to 20 CN gas from the massive volume of gas that came from 3C yard next door, Sgt. Medina ignored 21 the situation. What makes her refusal to summon medical aid even more deliberate was the fact 22 that the plaintiff, along with other inmates, directly asked her for medical assistance and informed 23 her of their injuries, including respiratory problems, burning eyes, and burning skin- classic 24 symptoms of CN gas contamination. CDCR policy mandates the immediate decontamination of 25 any inmate or staff exposed to such chemicals and gas. Sgt. Medina did not summon medical 26 27 violated. Therefore, to the extent that Plaintiff may have been intending to raise additional violations of right under the first ten amendments to the Constitution, the Court does not consider 28 the assertion herein. 1 personnel to decontaminate the plaintiff, nor did she escort him to receive medical treatment for 2 his injuries. Instead, she told the plaintiff 'no' and forced him to return to his cell, where he 3 remained for four days without medical aid, still covered from head to toe in the chemical and 4 burning gas.” 5 Finally, in Claim 3, Plaintiff alleges, “On March 19, 2022, at approximately 12:00 p.m., 6 Plaintiff was confined to the 3B yard at Corcoran State Prison under the supervision of Defendant 7 Sergeant Medina. Between approximately 12:15 p.m. and 12:30 p.m., large amounts of CN gas 8 from grenades deployed in the 3C yard spread to the 3B yard, causing extreme burning, pain, and 9 difficulty breathing for Plaintiff and other inmates. Plaintiff immediately pleaded for assistance 10 and requested medical aid from Defendant Medina and her officers. Instead of intervening, 11 Defendant Medina and her officers retreated into the 3B program office, laughing, and ordered all 12 inmates, including Plaintiff, to remain seated in the contaminated yard for approximately 20 13 minutes while

experiencing excruciating pain. Plaintiff was deliberately tortured for 20 minutes 14 on March 19, 2022, as Defendant Medina made no efforts to protect Plaintiff, evacuate the yard, 15 or mitigate the effects of the CN gas exposure. Once the gas dissipated, Defendant Medina and 16 her officers ordered Plaintiff back to his cell without providing any medical attention, despite 17 Plaintiff's direct requests for aid". 18 B. Harm Caused and Remedy Sought 19 Plaintiff claims that because Defendant Medina's actions and inaction, he suffered 20 unwarranted exposure to pain; he now suffers from respiratory issues and has to use an inhaler; 21 his sleep apnea conditions have been exacerbated, and he suffers from mental anguish and 22 emotional distress. ECF No. 18 at 3-5. He seeks various types of monetary damages, totaling 23 \$9,000,000.00, as well as any other relief that the Court deems just and proper. Id. at 7.

24 IV. APPLICABLE LAW

25 A. Eighth Amendment Duty to Protect 26 "[W]hen the State takes a person into its custody and holds him there against his will, the 27 Constitution imposes upon it a corresponding duty to assume some responsibility for his safety 28 and general well-being." *DeShaney v. Winnebago County Dep't of Social Services*, 489 U.S. 1 189, 199-200 (1989). "[An] affirmative duty to protect arises . . . from the limitation which [the 2 State] has imposed on his freedom to act on his own behalf." Id. at 200 (brackets added). 3 The duty to protect a prisoner from serious harm requires that prison officials take 4 reasonable measures to guarantee the safety and well-being of the prisoner. See *Farmer v. 5 Brennan*, 511 U.S. 825, 832-33 (citations omitted); *Frost v. Agnos*, 152 F.3d 1124, 1128 (9th Cir. 6 1998) (stating classification type does not relieve jail officials of duty to provide for inmate's 7 safety). Specifically, prison officials have a duty to protect prisoners from violence at the hands 8 of other prisoners. *Farmer*, 511 U.S. at 833 (citation omitted) (quotation marks omitted). 9 To state a cognizable Eighth Amendment claim under a failure to protect theory, a 10 prisoner must reasonably allege that a correctional official knew of but disregarded an excessive 11 risk to his health or safety. *Farmer*, 511 U.S. at 837. "[O]nly the unnecessary and wanton 12 infliction of pain implicates the Eighth Amendment." *Wilson v. Seiter*, 501 U.S. 294, 297 (1991) 13 (internal quotation marks and emphasis omitted) (citations omitted). The deprivation alleged 14 must be objectively sufficiently serious, and there must be evidence which shows that a defendant 15 acted with a "sufficiently culpable state of mind." *Hearns v. Terhune*, 413 F.3d 1036, 1040 (9th 16 Cir. 2005). In addition, the wanton infliction of pain a prisoner experiences must be inconsistent 17 with "contemporary standards of decency." See *Hudson v. McMillian*, 503 U.S. 1, 8 (1992) 18 (citations and internal quotation marks omitted). 19 B. Eighth Amendment Deliberate Indifference to Serious Medical Need 20 "The Constitution does not mandate comfortable prisons, but neither does it permit 21 inhumane ones." *Farmer v. Brennan*, 511 U.S. 825, 832 (1994) (internal quotation marks and 22 citations omitted). "[A] prison official violates the Eighth Amendment only when two 23 requirements are met. First, the deprivation alleged must be, objectively, sufficiently serious; a 24 prison official's act or omission must result in the denial of the minimal civilized measure of 25 life's necessities." Id. at 834

(internal quotation marks and citations omitted). Second, the prison 26 official must subjectively have a sufficiently culpable state of mind, “one of deliberate 27 indifference to inmate health or safety.” *Id.* (internal quotation marks and citations omitted). 28 1 This second prong... “is satisfied by showing (a) a purposeful act or failure to respond to a 2 prisoner’s pain or possible medical need and (b) harm caused by the indifference.” *Jett v. Penner*, 3 439 F.3d 1091, 1096 (9th Cir. 2006) (internal citations, punctuation and quotation marks 4 omitted); accord, *Wilhelm v. Rotman*, 680 F.3d 1113, 1122 (9th Cir. 2012); *Lemire v. CDCR*, 5 726 F.3d 1062, 1081 (9th Cir. 2013). 6 Serious medical need can be shown by demonstrating that a failure to treat a prisoner 7 could result in significant injury or worsening pain. *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 8 2006). A deliberately indifferent response can be shown by a purposeful act or failure to respond 9 to a prisoner’s pain or possible medical need coupled with harm caused by that indifference. *Id.* 10 Whether a defendant had requisite knowledge of a substantial risk of harm is a question of 11 fact. *Farmer*, 511 U.S. at 842. Thus, liability may be avoided by presenting evidence that the 12 defendant lacked knowledge of the risk and/or that his response was reasonable in light of all the 13 circumstances. See *Farmer*, 511 U.S. at 844–45; see also *Simmons v. Navajo County Ariz.* 609 14 F.3d 1011, 1017-18 (9th Cir. 2010) (requiring official be subjectively aware of serious medical 15 need and fail to adequately respond to need to establish deliberate indifference). 16 The official is not liable under the Eighth Amendment unless he “knows of and disregards 17 an excessive risk to inmate health or safety; the official must both be aware of facts from which 18 the inference could be drawn that a substantial risk of serious harm exists, and he must also draw 19 the inference.” *Farmer*, 511 U.S. at 837. Then he must fail to take reasonable measures to abate 20 the substantial risk of serious harm. *Id.* at 847. Mere negligent failure to protect an inmate from 21 harm is not actionable under § 1983. See *id.* at 835. “Mere negligent failure to protect an inmate 22 from harm does not violate the Cruel and Unusual Punishments Clause.” *Farmer*, 511 U.S. at 23 835. 24

V. DISCUSSION

25 At the outset, the Court finds that Claims Two and Three – deliberate indifference to 26 serious medical need, and “torture,” respectively – consist of virtually the same facts. Compare 27 ECF No. 18 at 4 (Claim Two), with ECF No. 18 at 5 (Claim Three). Moreover, Plaintiff’s 28 1 “torture” allegations in Claim Three, ultimately amount to a claim of deliberate indifference to 2 serious medical need. Consequently, the Court considers the facts alleged in Claims Two and 3 Three together. 4 For the reasons stated below, the Court finds that Plaintiff has raised viable Eighth 5 Amendment failure to protect and deliberate indifference to serious medical need claims against 6 Defendant Medina. Therefore, the SAC will be served, and Defendant Medina will be ordered to 7 file a response to it. 8 A. Failure to Protect 9 Plaintiff has made a threshold showing that Defendant Medina failed to protect him, 10 when, on March 19, 2022, gas grenades were detonated on a nearby yard causing gas to spread 11 to his yard causing immediate pain and unwarranted agony to Plaintiff’s eyes, lungs and skin— 12 followed by Plaintiff being left on the

yard for 20 minutes while the gas dissipated, all this while 13 Plaintiff was confined and locked in a caged area unable to escape from exposure to the 14 chemical gas. 15 These facts as alleged support a finding that the detonation of the chemical gas on a 16 nearby yard , which spread to Plaintiff's yard while Plaintiff was locked up and caged and could 17 not remove himself from the spread of the gas, was sufficiently serious, and that Defendant 18 Medina's failure to act to assist Plaintiff by removing him from the situation, instead letting him 19 sit in the chemical gas air for twenty minutes, was done with a sufficiently culpable state of mind. 20 See Hearn, 413 F.3d at 1040. 21 For these reasons, Plaintiff has stated a viable Eighth Amendment failure to protect claim 22 against Defendant Medina. Accordingly, she will be directed to file a response to it. 23 B. Deliberate Indifference to Serious Medical Need 24 Plaintiff has also stated a viable Eighth Amendment deliberate indifference to serious 25 medical need claim against Defendant Medina. According to Plaintiff, after he was exposed to 26 the chemical gas on the yard for twenty minutes, he was in pain – e.g., his eyes and skin were 27 burning, and he was having breathing problems. ECF No. 18 at 4-5. He says that he told 28 Defendant Medina this, and he asked her for help. Id. However, she purportedly refused to help 1 Plaintiff so that he could be decontaminated, and she also refused to call for medical help so that 2 someone else could assist with his medical needs. See ECF No. 18 at 4. Instead, she laughed, 3 retreated to a program office with other prison officials forced him to return to his cell. Id. at 4-5. 4 As a result, Plaintiff says he remained without medical care for four days all while covered with 5 the burning chemical gas substance. Id. 6 These alleged facts show that Plaintiff was suffering from a serious medical need to be 7 treated for exposure to the chemical gas that had been released on a nearby yard and which had 8 spread to his yard, and that despite Defendant Medina being aware of Plaintiff's need, she appears 9 to have intentionally failed to respond to it. Because her knowing failure to respond to Plaintiff's 10 medical need led to Plaintiff being in prolonged pain and discomfort, a threshold Eighth 11 Amendment deliberate indifference to serious medical need claim has been raised by Plaintiff. 12 Therefore, Defendant Medina will also be ordered to file a response to this claim as well. 13 Accordingly, IT IS HEREBY ORDERED that: 14 1. In accordance with 28 U.S.C. § 1915A and 42 U.S.C. § 1997e(c), the Court has 15 screened and found service of the second amended complaint (ECF No. 18) appropriate. If a 16 Defendant either waives service or is personally served, the Defendant is required to reply to the 17 complaint. 42 U.S.C. § 1997e(g)(2). 18 2. Service is appropriate on the following Defendant, was employed at California State 19 Prison – Corcoran, on the date of the incident in question, for the following violations of right: 20 • Sergeant Samantha Medina for Eighth Amendment failure to protect and 21 deliberate indifference to serious medical need. 22 3. Under separate order, the Court will direct the complaint to be served. 23 24 IT IS SO ORDERED. 25 26 Dated: August 30, 2025 /s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE

