

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Anderson Purnell Thurston v. Babb, et al.

Thurston v. Babb · No. 2:25-cv-1925-JDP (P) · Decided December 1, 2025

SUMMARY

The United States District Court for the Eastern District of California screened a pro se former county inmate’s complaint against Yuba County Sheriff’s Deputies Babb and Dutt. The court found cognizable Fourteenth Amendment conditions-of-confinement claims based on alleged inadequate ventilation and delayed assistance during transport, but held that the equal protection claim was insufficiently articulated. The plaintiff was permitted to proceed on the cognizable claims or file an amended complaint, and the court corrected a defendant’s name on the docket.

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	December 1, 2025
DOCKET	2:25-cv-1925-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Screening order on a pro se former county inmate's civil-rights complaint brought against two Yuba County sheriff's deputies.
STANDARD OF REVIEW	Mandatory screening under 28 U.S.C. § 1915(e); the complaint must satisfy Federal Rule of Civil Procedure 8(a)(2) and allege enough facts to state a plausible claim for relief.
PRECEDENTIAL VALUE	Unknown; district-court screening order with no reporter citation.

TOPICS

- prisoners rights
- section 1983
- due process
- equal protection
- pleadings

PRACTICE AREAS

- prisoner civil rights
- constitutional litigation
- federal civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff's allegations that defendants exposed him to inadequate ventilation and delayed assistance during inmate transport stated a cognizable Fourteenth Amendment conditions-of-confinement claim.
2. Whether plaintiff's allegations of racially disrespectful remarks sufficiently stated an equal-protection claim under 42 U.S.C. § 1983.

HOLDINGS

1. Because plaintiff appeared to have been a pretrial detainee, his allegations that defendants subjected him to inadequate conditions during transport and failed to respond adequately to his asthma attack were sufficient to proceed past screening as a Fourteenth Amendment claim.
2. The equal-protection claim could not proceed as currently articulated because plaintiff did not allege facts showing that defendants acted with an intent or purpose to discriminate against him based on membership in a protected class.

KEY QUOTATIONS

“A complaint must contain a short and plain statement that plaintiff is entitled to relief, Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its face,”” (at 1)

“Given that plaintiff appears to have been a pretrial detainee at the time of the incident, these allegations are sufficient to state a Fourteenth Amendment claim for inadequate conditions of confinement.” (at 2)

“To state a claim under 42 U.S.C. § 1983 for a violation of the Equal Protection Clause of the Fourteenth Amendment a plaintiff must show that the defendants acted with an intent or purpose to discriminate against the plaintiff based upon membership in a protected class.” (at 2)

FACTUAL BACKGROUND

During transport from Sacramento County Jail to Yuba County Jail, plaintiff, who has asthma, was allegedly left in a poorly ventilated van with two other inmates. He claimed that he experienced an asthma attack, requested his rescue inhaler, lost consciousness, and received an allegedly delayed and inadequate response from defendants. Plaintiff also alleged that defendants made racially disrespectful sarcastic remarks, but did not identify the racial language used or the protected class involved.

PROCEDURAL HISTORY

Plaintiff filed a complaint alleging that defendants violated his Fourteenth Amendment rights through inadequate conditions of confinement and discriminatory conduct. The court screened the complaint under 28 U.S.C. § 1915(e), found the conditions-of-confinement claims cognizable, and concluded that the equal-protection claim was insufficiently pleaded. Plaintiff was permitted either to proceed on the cognizable claims or to delay service and file an amended complaint within thirty days.

DISPOSITION

other

CASES CITED

- Bell v. Wolfish, 441 U.S. 520, 535 (1979)
- Castro v. County of Los Angeles, 833 F.3d 1060, 1067-68 (9th Cir. 2016)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- 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)
- Barren v. Harrington, 152 F.3d 1193, 1194 (9th Cir. 1998)

OPINION

Babb

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 ANDERSON PURNELL THURSTON, Case No. 2:25-cv-1925-JDP (P) 12 Plaintiff, 13 v.
ORDER 14 BABB, et al., 15 Defendants. 16 17 18 Plaintiff, a former county inmate proceeding
pro se, brings this action against two Yuba 19 County Sherriff's Deputies, Babb and Dutt.¹ His
allegations that the defendants violated his 20 Fourteenth Amendment rights by denying him
adequate conditions of confinement are sufficient 21 to proceed past screening. By contrast, his
equal protection claim is non-cognizable as currently 22 articulated. Plaintiff may proceed only
with his cognizable claims, or he may delay serving any 23 defendant and file another amended
complaint. 24 Screening and Pleading Requirements 25 A federal court must screen the complaint
of any claimant seeking permission to proceed 26 in forma pauperis. See 28 U.S.C. § 1915(e). The
court must identify any cognizable claims and 27 1 Plaintiff has filed a request to update the
spelling of Duff's name to Dutt. ECF No. 10. 28 That request is granted, and I will ask that the
Clerk of Court update Dutt's name on the docket. 1 dismiss any portion of the complaint that is
frivolous or malicious, fails to state a claim upon 2 which relief may be granted, or seeks monetary
relief from a defendant who is immune from such 3 relief. Id. 4 A complaint must contain a short
and plain statement that plaintiff is entitled to relief, 5 Fed. R. Civ. P. 8(a)(2), and provide "enough
facts to state a claim to relief that is plausible on its 6 face," Bell Atl. Corp. v. Twombly, 550 U.S.

544, 570 (2007). The plausibility standard does not 7 require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S. 8 662, 678 (2009). If the allegations “do not permit the court to infer more than the mere 9 possibility of misconduct,” the complaint states no claim. *Id.* at 679. The complaint need not 10 identify “a precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024, 11 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that 12 give rise to an enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 13 n.2 (9th Cir. 2006) (en banc) (citations omitted). 14 The court must construe a pro se litigant’s complaint liberally. See *Haines v. Kerner*, 404 15 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it 16 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which 17 would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). 18 However, “a liberal interpretation of a civil rights complaint may not supply essential elements 19 of the claim that were not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 20 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 21 Analysis 22 Plaintiff alleges that on May 22, 2025, during transport from Sacramento County Jail to 23 the Yuba County Jail, defendants left him in a van with two other inmates. ECF No. 8 at 4. Due 24 to a lack of ventilation in the van, plaintiff, an asthmatic, allegedly began to experience an asthma 25 attack. *Id.* Plaintiff claims that he shouted for defendants and asked for his rescue inhaler, which 26 defendant Babb had allegedly denied him at the outset of the transport. *Id.* Defendants did not 27 initially respond, however, and plaintiff claims that he lost consciousness. *Id.* An unnamed 28 female staff member eventually noticed the plight of the inmates in the van and informed 1 defendants of it. *Id.* at 4-5. So notified, defendants allegedly moved lethargically and, despite the 2 serious conditions in the van, unhurriedly turned on the air conditioning, while refusing to 3 otherwise open the vehicle to outside air. *Id.* at 5. 4 Given that plaintiff appears to have been a pretrial detainee at the time of the incident, 5 these allegations are sufficient to state a Fourteenth Amendment claim for inadequate conditions 6 of confinement. “Inmates who sue prison officials for injuries suffered while in custody may do 7 so under the Eighth Amendment’s Cruel and Unusual Punishment Clause or, if not yet convicted, 8 under the Fourteenth Amendment’s Due Process Clause.” *Castro v. County of Los Angeles*, 833 9 F.3d 1060, 1067-68 (9th Cir. 2016) (citing *Bell v. Wolfish*, 441 U.S. 520, 535 (1979)). 10 Plaintiff also references a possible equal protection claim, but this claim is insufficiently 11 articulated to proceed. ECF No. 8 at 6. “To state a claim under 42 U.S.C. § 1983 for a violation 12 of the Equal Protection Clause of the Fourteenth Amendment a plaintiff must show that the 13 defendants acted with an intent or purpose to discriminate against the plaintiff based upon 14 membership in a protected class.” *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998). 15 Here, plaintiff alleges only that defendant defendants used “evil, vulgar, and racially disrespectful 16 sarcastic remarks,” ECF No. 8 at 6, but he does not allege what racial language was used or what 17 protected class he is a part of. Additionally, the allegations indicate that defendants left all their 18 charges in the poorly

ventilated van, not just plaintiff, and it is unclear if all those inmates are part 19 of the contemplated protected class. 20 Plaintiff may proceed only with his conditions of confinement claims, or delay serving 21 any defendant and file an amended complaint. 22 Accordingly, it is ORDERED that: 23 1. Plaintiff's request to update the spelling of defendant Duff's name to "Dutt," ECF No. 24 9, is GRANTED. The Clerk of Court is directed to make this correction to the docket. 25 2. Plaintiff may proceed with the claims deemed cognizable in this order. If he chooses 26 to do so, he should indicate as much in writing within thirty days of this order's entry. If he elects 27 this option, I will order submission of service documents. Alternatively, he may delay serving 28 any defendant and file an amended complaint within thirty days of this order's entry. 1 3. The Clerk of Court shall plaintiff a complaint form with this order. 2 4. The failure to comply with this order may result in dismissal of this action for 3 | failure to prosecute. 4 IT IS SO ORDERED. 5 / © | Dated: _ December 1, 2025 _ gene Ws

7 JEREMY D. PETERSON

UNITED STATES MAGISTRATE JUDGE

8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28