

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

OPINION

Babb

PER CURIAM.

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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.” Nagraampa 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 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). However, "a liberal interpretation of a civil rights complaint may not supply essential elements of the claim that were not initially pled." *Bruns v. Nat'l Credit Union Admin.*, 122 F.3d 1251, 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)).

Analysis Plaintiff alleges that on May 22, 2025, during transport from Sacramento County Jail to the Yuba County Jail, defendants left him in a van with two other inmates. ECF No. 8 at 4. Due to a lack of ventilation in the van, plaintiff, an asthmatic, allegedly began to experience an asthma attack. Id. Plaintiff claims that he shouted for defendants and asked for his rescue inhaler, which defendant Babb had allegedly denied him at the outset of the transport. Id. Defendants did not initially respond, however, and plaintiff claims that he lost consciousness. Id. An unnamed female staff member eventually noticed the plight of the inmates in the van and informed defendants of it. Id. at 4-5. So notified, defendants allegedly moved lethargically and, despite the serious conditions in the van, unhurriedly turned on the air conditioning, while refusing to otherwise open the vehicle to outside air. Id. at 5.

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. "Inmates who sue prison officials for injuries suffered while in custody may do so under the Eighth Amendment's Cruel and Unusual Punishment Clause or, if not yet convicted, under the Fourteenth Amendment's Due Process Clause." *Castro v. County of Los Angeles*, 833 F.3d 1060, 1067-68 (9th Cir. 2016) (citing *Bell v. Wolfish*, 441 U.S. 520, 535 (1979)).

Plaintiff also references a possible equal protection claim, but this claim is insufficiently articulated to proceed. ECF No. 8 at 6. "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." *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998).

Here, plaintiff alleges only that defendant defendants used "evil, vulgar, and racially disrespectful sarcastic remarks," ECF No. 8 at 6, but he does not allege what racial language was used or what protected class he is a part of. Additionally, the allegations indicate that defendants left all their charges in the poorly ventilated van, not just plaintiff, and it is unclear if all those inmates are part of the contemplated protected class. Plaintiff may proceed only with his conditions of confinement claims, or delay serving any defendant and file an amended complaint.

Accordingly, it is ORDERED that:

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.
2. Plaintiff may proceed with the claims deemed cognizable in this order. If he chooses to do so, he should indicate as much in writing within thirty days of this order's entry. If he elects this option, I will order submission of service documents. Alternatively, he may delay serving 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

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