

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Thomas v. Fernandes

Thomas · No. 1:25-cv-00404-HBK (PC) · Decided April 22, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Plaintiff Michael Thomas’s motion to exceed the court’s 25-page limit and motion to subpoena the identities of unidentified defendants. The court found that the § 1983 complaint alleging deliberate indifference to serious medical needs failed to comply with Federal Rule of Civil Procedure 8 because it was excessively detailed and lengthy. The court allowed Thomas to file an amended complaint, stand on the existing complaint subject to a recommendation of dismissal, or voluntarily dismiss the action by May 28, 2025.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 22, 2025
DOCKET	1:25-cv-00404-HBK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner civil-rights complaint under 42 U.S.C. § 1983 was referred for screening under 28 U.S.C. § 1915A. Before screening, plaintiff moved to exceed the court's twenty-five-page limit and to subpoena the identities of Doe defendants and effect service. The court denied both motions without prejudice, found that the complaint failed to comply with Federal Rule of Civil Procedure 8, and gave plaintiff options to amend, stand on the complaint, or voluntarily dismiss without prejudice.
STANDARD OF REVIEW	At screening under 28 U.S.C. § 1915A, the court accepts well-pleaded factual allegations as true, construes a pro se complaint liberally, and resolves doubts in the plaintiff's favor, but need not accept conclusory allegations, unreasonable inferences, or allegations contradicted by exhibits or matters subject to judicial notice.

PRECEDENTIAL VALUE	unpublished
PARTIES	Michael Thomas v. Carlo Fernandes, Physician at KVSP, et al.

TOPICS

pleadings section 1983 prisoners rights discovery dispute civil procedure

PRACTICE AREAS

civil rights prisoner litigation civil procedure pleading practice

QUESTIONS PRESENTED

1. Whether plaintiff should be permitted to exceed the Eastern District of California's twenty-five-page complaint limit.
2. Whether discovery and service-related subpoenas should issue before the complaint had been screened and any defendant had been served.
3. Whether the complaint's length and excessive factual detail violated Federal Rule of Civil Procedure 8.
4. What pleading and defendant-identification requirements plaintiff must satisfy if he elects to amend the complaint.

HOLDINGS

1. The motion to exceed the twenty-five-page limit was denied without prejudice because plaintiff did not explain why an additional forty-eight pages were necessary, and the asserted medical difficulty and complexity of the deliberate-indifference claims did not excuse compliance with the Federal Rules.
2. Requests to subpoena the identities of Doe defendants and to effect service were premature because the complaint had not yet been screened to determine whether the action could proceed.
3. The complaint violated Rule 8 because it was approximately seventy-three pages long, included excessive and extraneous factual detail, and failed to present short, plain, organized statements showing how each defendant was liable.
4. Because the deficiencies might be cured by alleging different facts and organizing the claims properly, plaintiff was entitled to an opportunity to file an amended complaint before dismissal.
5. Section 1983 does not impose liability solely on a supervisory basis; liability requires personal participation, direction, knowledge with failure to prevent the violation, or in limited circumstances implementation of a constitutionally deficient policy. Monetary claims against state officials in their official capacities are barred by the Eleventh Amendment, while individual-capacity claims and claims for declaratory or injunctive relief against officials in their official capacities are not barred on that basis.

KEY QUOTATIONS

“The Federal Rules of Civil Procedure require only that a complaint include “a short and plain statement of the claim showing the pleader is entitled to relief” (at 2)

“The amended complaint cannot exceed twenty-five pages and cannot refer back or incorporate by reference any earlier complaint.” (at 7)

FACTUAL BACKGROUND

Michael Thomas, a former California prisoner then detained in South Dakota, alleged that CDCR medical personnel were deliberately indifferent to serious spinal conditions, including herniated discs, spinal stenosis, and nerve impingement. He claimed that medical officials misrepresented findings, falsified records, and refused to authorize surgery allegedly recommended by independent neurosurgeons. His complaint consisted of approximately seventy-three handwritten pages, including extensive summaries of medical records dating back to 2000, and named five identified or Doe groups of defendants.

PROCEDURAL HISTORY

Plaintiff filed an approximately seventy-three-page complaint alleging deliberate indifference to serious medical needs by prison medical staff and officials. No defendant had been served. The magistrate judge denied plaintiff's motions, declined to complete merits screening of the deficient pleading, and ordered plaintiff by May 28, 2025, to file an amended complaint, stand on the existing complaint subject to a recommendation of dismissal, or voluntarily dismiss the action.

DISPOSITION

other

CASES CITED

- Jenkins v. McKeithen, 395 U.S. 411, 421 (1969)
- Bernhardt v. L.A. County, 339 F.3d 920, 925 (9th Cir. 2003)
- Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir. 1981)
- Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989)
- Petrie v. Elec. Game Card, Inc., 761 F.3d 959, 966 (9th Cir. 2014)
- Lee v. City of Los Angeles, 250 F.3d 668, 688 (9th Cir. 2001)
- Mullis v. United States Bankruptcy Court, 828 F.2d 1385, 1388 (9th Cir. 1987)
- Sprewell v. Golden State Warriors, 266 F.3d 979, 988 (9th Cir.), opinion amended on denial of reh'g, 275 F.3d 1187 (9th Cir. 2001)
- Ashcroft v. Iqbal, 556 U.S. 662, 676, 678 (2009)
- Moss v. U.S. Secret Service, 572 F.3d 962, 969 (9th Cir. 2009)
- Doe I v. Wal-Mart Stores, Inc., 572 F.3d 677, 681 (9th Cir. 2009)
- Lopez v. Smith, 203 F.3d 1122, 1127-29, 1131 n.13 (9th Cir. 2000) (en banc)
- Lucas v. Department of Corr., 66 F.3d 245, 248 (9th Cir. 1995)
- Pliler v. Ford, 542 U.S. 225, 231 (2004)
- Carvalho v. Equifax Info. Srvs., LLC, 629 F.3d 876, 892 (9th Cir. 2010)

- Budd v. Flemming, 2023 WL 4054658, at *1 (E.D. Cal. June 16, 2023)
- Bazzo v. Gates, 2022 WL 2333699, at *2 (E.D. Cal. June 28, 2022)
- Somoza v. Dir. of California Dep't of Corr. & Rehab., 2022 WL 2359679, at *1 (E.D. Cal. June 30, 2022)
- Lal v. United States, 2022 WL 37019, at *2 (E.D. Cal. Jan. 3, 2022)
- Williams v. Corcoran State Prison, 2022 WL 1093976, at *1 (E.D. Cal. Apr. 12, 2022)
- Rivas v. Padilla, 2022 WL 675704, at *2 (E.D. Cal. Mar. 7, 2022)
- Skinner v. Lee, 2021 WL 6617390, at *2-*3 (C.D. Cal. May 20, 2021)
- Cafasso v. Gen. Dynamics C4 Sys., Inc., 637 F.3d 1047, 1059 (9th Cir. 2011)
- McHenry v. Renne, 84 F.3d 1172, 1179 (9th Cir. 1996)
- Nevijel v. North Coast Life Ins. Co., 651 F.2d 671, 673-74 (9th Cir. 1981)
- Sparling v. Hoffman Constr. Co., 864 F.2d 635, 640 (9th Cir. 1988)
- Knapp v. Hogan, 738 F.3d 1106, 1109 (9th Cir. 2013)
- Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978)
- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- Starr v. Baca, 652 F.3d 1202, 1205-06 (9th Cir. 2011)
- Corales v. Bennett, 567 F.3d 554, 570 (9th Cir. 2009)
- Redman v. County of San Diego, 942 F.2d 1435, 1446 (9th Cir. 1991)
- Farmer v. Brennan, 511 U.S. 825 (1970)
- Alabama v. Pugh, 438 U.S. 781, 782 (1978)
- Pennhurst State School & Hospital v. Halderman, 465 U.S. 89, 100 (1984)
- Kentucky v. Graham, 473 U.S. 159, 169 (1985)
- Monell v. New York Department of Social Services, 436 U.S. 658, 690 n.54 (1978)
- Whiting v. City of Cathedral City, 735 F. App'x 927, 928 (9th Cir. 2018)
- Gilmore v. Silva, 812 F. App'x 689, 690 (9th Cir. 2020)
- Fink v. Shedler, 192 F.3d 911, 916-17 (9th Cir. 1999)
- Neil through Cyprian v. Park, 833 F. App'x 689, 690 (9th Cir. 2021)
- Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc., 896 F.2d 1542, 1546 (9th Cir. 1990)
- Lomax v. Ortiz-Marquez, 140 S. Ct. 1721, 1723, 1727 (2020)
- Andrews v. Cervantes, 493 F.2d 1047, 1052 (9th Cir. 2007)
- Belanus v. Clark, 796 F.3d 1021 (9th Cir. 2015)
- Thomas v. Ulit, No. 1:24-cv-00509 (E.D. Cal. Feb. 11, 2025)
- Thomas v. Ulit, No. 1:24-cv-00509 (E.D. Cal. Mar. 12, 2025)