

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Luc Van Nguyen v. S. Suprovici, et al.

Luc Van Nguyen v. S. Suprovici, et al. · No. 2:24-cv-01774-EFB (PC) · Decided May 13, 2025

OPINION

(PC) Nguyen v. Suprovici

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 LUC VAN NGUYEN, No. 2:24-cv-01774-EFB (PC)

12 Plaintiff, 13 v. ORDER 14 S. SUPROVICI, et al., 15 Defendants. 16 17 Plaintiff is a state
inmate proceeding without counsel in an action brought pursuant to 42 18 U.S.C. § 1983. This
proceeding was referred to this court by Local Rule 302 pursuant to 28 19 U.S.C. § 636(b)(1). In
addition to filing a complaint, plaintiff has filed an application to proceed 20 in forma pauperis
pursuant to 28 U.S.C. § 1915. ECF No. 2. 21 I. Application to Proceed In Forma Pauperis 22
Plaintiff’s application makes the showing required by 28 U.S.C. § 1915(a)(1) and (2). 23
Accordingly, by separate order, the court directs the agency having custody of plaintiff to collect
24 and forward the appropriate monthly payments for the filing fee as set forth in 28 U.S.C. § 25
1915(b)(1) and (2). 26 II. Screening Requirement and Standards 27 Federal courts must engage in
a preliminary screening of cases in which prisoners seek 28 redress from a governmental entity or
officer or employee of a governmental entity. 28 U.S.C. 1 § 1915A(a). The court must identify
cognizable claims or dismiss the complaint, or any portion 2 of the complaint, if the complaint “is
frivolous, malicious, or fails to state a claim upon which 3 relief may be granted,” or “seeks
monetary relief from a defendant who is immune from such 4 relief.” Id. § 1915A(b). “[The] term
‘frivolous,’ when applied to a complaint, embraces not only 5 the inarguable legal conclusion, but
also the fanciful factual allegation.” *Neitzke v. Williams*, 490 6 U.S. 319, 325 (1989) (discussing
the predecessor to modern § 1915(e)(2), former § 1915(d)). 7 Thus, § 1915(e)(2) allows judges to
dismiss a claim based on factual allegations that are clearly 8 baseless, such as facts describing
“fantastic or delusional scenarios.” Id. at 327-38. 9 A pro se plaintiff, like other litigants, must
satisfy the pleading requirements of Rule 8(a) 10 of the Federal Rules of Civil Procedure. Rule
8(a)(2) “requires a complaint to include a short and 11 plain statement of the claim showing that
the pleader is entitled to relief, in order to give the 12 defendant fair notice of what the claim is
and the grounds upon which it rests.” *Bell Atl. Corp. v. 13 Twombly*, 550 U.S. 544, 554, 562-563

(2007) (citing *Conley v. Gibson*, 355 U.S. 41 (1957)). 14 While the complaint must comply with the “short and plain statement” requirements of Rule 8, 15 its allegations must also include the specificity required by *Twombly* and *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). 17 To avoid dismissal for failure to state a claim a complaint must contain more than “naked 18 assertions,” “labels and conclusions” or “a formulaic recitation of the elements of a cause of 19 action.” *Twombly*, 550 U.S. at 555-557. In other words, “[t]hreadbare recitals of the elements of 20 a cause of action, supported by mere conclusory statements do not suffice.” *Iqbal*, 556 U.S. at 21 678. 22 Furthermore, a claim upon which the court can grant relief must have facial plausibility. 23 *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual 24 content that allows the court to draw the reasonable inference that the defendant is liable for the 25 misconduct alleged.” *Iqbal*, 556 U.S. at 678. When considering whether a complaint states a 26 claim upon which relief can be granted, the court must accept the allegations as true, *Erickson v. Pardus*, 551 U.S. 89 (2007), and construe the complaint in the light most favorable to the 28 plaintiff, see *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974). 1 III. Screening Order 2 Plaintiff is an octogenarian Vietnamese inmate at California Health Care Facility 3 (“CHCF”); it is apparent from the complaint that English is not his first language. ECF No. 6 at 4 8. It appears that plaintiff believes he is or has been poisoned multiple times at CHCF. *Id.* at 3-4. 5 He claims that defendant Suprovici, a psychiatrist at CHCF, created an “involuntary medication 6 petition” for plaintiff to cover up a CHCF plot to murder him, somehow involving California 7 Governor Gavin Newsom. *Id.* at 4. An “Involuntary Medication Notice” filled out by Suprovici 8 and attached to the amended complaint reveals that plaintiff has been diagnosed with delusional 9 disorder, and Suprovici determined that plaintiff was “gravely disabled and lacking capacity to 10 accept or refuse medications.” *Id.* at 7. 11 A claim “is frivolous where it lacks an arguable basis either in law or in fact.” *Neitzke*, 12 490 U.S. at 325. Claims based on fanciful, delusional, or fantastic scenarios are considered 13 frivolous as lacking an arguable basis in fact. *Id.* at 327-28; *McKeever v. Block*, 932 F.2d 797, 14 798 (9th Cir. 1991). Plaintiff’s claims plainly fall within this category. 15 Leave to Amend. The court will grant plaintiff an opportunity to file an amended 16 complaint to attempt to cure the defects identified in this order. 17 Any amended complaint must comply with Federal Rule of Civil Procedure 8(a)’s 18 direction to state each claim in a short and plain manner. The amended complaint must contain 19 facts – not legal conclusions – supporting each element of the claims alleged. 20 Any amended complaint must not join unrelated claims. Federal Rule of Civil Procedure 21 18(a) allows a plaintiff to assert multiple claims when they are against a single defendant. 22 Federal Rule of Civil Procedure 20(a)(2) allows a plaintiff to join multiple defendants to a lawsuit 23 where the right to relief arises out of the same “transaction, occurrence, or series of transactions 24 or occurrences” and “any question of law or fact common to all defendants will arise in the 25 action.” Unrelated claims against different defendants must therefore be pursued in separate 26 lawsuits. See *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). This rule is intended “not only 27 to prevent the sort of morass [a multiple claim, multiple

defendant] suit produce[s], but also to ensure that prisoners pay the required filing fees— for the Prison Litigation Reform Act limits to 13 the number of frivolous suits or appeals that any prisoner may file without prepayment of the 2 required fees. 28 U.S.C. § 1915(g).” Id. 3 Any amended complaint must identify as a defendant only persons who personally 4 participated in a substantial way in depriving him of a federal constitutional right. *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978) (a person subjects another to the deprivation of a 6 constitutional right if he does an act, participates in another’s act or omits to perform an act he is 7 legally required to do that causes the alleged deprivation). 8 It must also contain a caption including the names of all defendants. Fed. R. Civ. P. 10(a). 9 Plaintiff may not change the nature of this suit by alleging new, unrelated claims in the 10 amended complaint. *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). 11 Any amended complaint must be written or typed so that it so that it is complete in itself 12 without reference to any earlier filed complaint. E.D. Cal. L.R. 220. This is because an amended 13 complaint supersedes any earlier filed complaint, and once an amended complaint is filed, the 14 earlier filed complaint no longer serves any function in the case. See *Forsyth v. Humana*, 114 15 F.3d 1467, 1474 (9th Cir. 1997) (the ““amended complaint supersedes the original, the latter 16 being treated thereafter as non-existent.””) (quoting *Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 17 1967)). 18 The court cautions plaintiff that failure to comply with the Federal Rules of Civil 19 Procedure, this court’s Local Rules, or any court order may result in this action being dismissed. 20 See Local Rule 110. 21 IV. Summary of Order 22 Accordingly, it is ORDERED that: 23 1. Plaintiff’s application to proceed in forma pauperis (ECF No. 2) is GRANTED. 24 2. Plaintiff shall pay the statutory filing fee of \$350. All payments shall be collected in 25 accordance with the notice to the California Department of Corrections and 26 Rehabilitation filed concurrently herewith. 27 3. The complaint is dismissed with leave to file an amended complaint within 30 days of 28 this order. The amended complaint must bear the docket number assigned to this case] and be titled “Amended Complaint.” 2 4. Failure to comply with this order may result in a recommendation that this action be 3 dismissed for failure to state a claim and/or failure to prosecute. 4 or 7 in, HE hina 5 || Dated: May 12, 2025 ZA? btn = DE 4

6 UNITED STATES MAGISTRATE JUDGE

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