

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

Lee Willis Bender v. D. Perkins, et al.

Bender v. Perkins · No. 1:25-cv-00805-KES-EPG (PC) · Decided January 16, 2026

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8
9 LEE WILLIS BENDER, Case No. 1:25-cv-00805-KES-EPG (PC) 10 Plaintiff, ORDER
PERMITTING PLAINTIFF TO 11 PROCEED ON HIS EIGHTH v. AMENDMENT
CONDITIONS-OF- 12 CONFINEMENT CLAIM AGAINST D. PERKINS, et al.,
DEFENDANTS PERKINS AND MORALES 13 Defendants. (ECF No. 11) 14 15 16 Plaintiff Lee
Willis Bender is a state prisoner proceeding pro se and in forma pauperis 17 in this civil rights
action filed under 42 U.S.C. § 1983.

(ECF Nos. 1, 7, 11). 18 Plaintiff filed a first amended complaint on August 15, 2025, alleging that
unsanitary 19 conditions at his prison have resulted in violations of his Eighth Amendment
rights.¹ (ECF No. 20 11).

The first amended complaint is now before the Court for screening. 21 For the reasons set forth
below, the Court finds that Plaintiff’s first amended complaint 22 may proceed past screening on
his claim against Defendants Perkins and Morales for 23 unconstitutional conditions of
confinement in violation of the Eighth Amendment. 24 \\\ 25 \\\ 26 27 1 Plaintiff filed another
amended complaint on August 21, 2025.

(ECF No. 12). However, it appears identical to the amended complaint at ECF No. 11, except that
it does not attach the Court’s standard 28 complaint form. The Court will analyze the more
complete version of the amended complaint at ECF No. 11. 1 I. SCREENING REQUIREMENT 2
The Court is required to screen complaints brought by prisoners seeking relief against a 3
governmental entity or officer or employee of a governmental entity.

28 U.S.C. § 1915A(a). 4 The Court must dismiss a complaint, or a portion of it, if the prisoner has
raised claims that are 5 frivolous or malicious, that fail to state a claim upon which relief may be
granted, or that seek 6 monetary relief from a defendant who is immune from such relief. 28
U.S.C. § 1915A(b)(1), 7 (2). Additionally, as Plaintiff is proceeding in forma pauperis, the Court
may dismiss a claim 8 on these same bases under 28 U.S.C. § 1915(e)(2)(B)(i-iii).

(ECF No. 5). 9 A complaint is required to contain “a short and plain statement of the claim
showing 10 that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Detailed factual
allegations are not 11 required, but “[t]hreadbare recitals of the elements of a cause of action,

supported by mere 12 conclusory statements, do not suffice.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell 13 Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).

A plaintiff must set forth “sufficient 14 factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Id.* 15 (quoting *Twombly*, 550 U.S. at 570). The mere possibility of misconduct falls short of meeting 16 this plausibility standard. *Id.* at 679. While a plaintiff’s allegations are taken as true, courts 17 “are not required to indulge unwarranted inferences.” *Doe I v. Wal-Mart Stores, Inc.*, 572 F.3d 18 677, 681 (9th Cir.

2009) (citation and internal quotation marks omitted). Additionally, a 19 plaintiff’s legal conclusions are not accepted as true. *Iqbal*, 556 U.S. at 678. 20 Pleadings of pro se plaintiffs “must be held to less stringent standards than formal 21 pleadings drafted by lawyers.” *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010) (holding that 22 pro se complaints should continue to be liberally construed after *Iqbal*).

23 II. SUMMARY OF PLAINTIFF’S FIRST AMENDED COMPLAINT 24 Plaintiff’s first amended complaint states that the events described below occurred at 25 California Substance Abuse Treatment Facility (SATF) and State Prison in Corcoran, 26 California. He names two Defendants: (1) SATF Correctional Food Manager D. Perkins and 27 (2) SATF Warden Raul Morales. 28 In relevant part, Plaintiff alleges as follows.

1 On October 10, 2024, the hot water heater in the inmates’ restroom “blew up.” (ECF 2 No. 11, p. 7). No hot water was available from October 10, 2024, until June 25, 2025, when 3 Plaintiff says he filed his initial complaint.² Plaintiff alleges that the lack of hot water resulted 4 in unsanitary conditions during this time. Plaintiff alleges that kitchen workers were not 5 adequately trained to avoid contamination.

6 Plaintiff alleges that Defendants knew of these conditions and the “contamination of the 7 food” and “said that a work order was submitted.” (*Id.* at 8). Further, they have “the authority 8 to establish or to change unsanitary feeding procedures at SATF.” (*Id.*).

However, they “turned 9 a blind eye to the unsanitary [conditions].” (*Id.*). 10 Plaintiff asserts that “he and others inmates became ill from the unsanitary conditions” 11 and he “has suffered injury [and] pain.” (*Id.*). 12 As for relief, Plaintiff seeks monetary damages. (*Id.* at 10). 13

III. ANALYSIS OF PLAINTIFF’S COMPLAINT 14 A. Section 1983 15 The Civil Rights Act under which this action was filed provides as follows: 16 Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes 17 to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities 18 secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress....

19 42 U.S.C. § 1983. “[Section] 1983 ‘is not itself a source of substantive rights,’ but merely 20 provides ‘a method for vindicating federal rights elsewhere conferred.’” *Graham v. Connor*, 21 490 U.S. 386, 393-94 (1989) (quoting *Baker v. McCollan*, 443 U.S. 137, 144 n.3 (1979)); see 22 also *Chapman v. Houston Welfare Rights Org.*, 441 U.S. 600, 618 (1979); *Hall v. City of Los Angeles*, 697 F.3d 1059, 1068 (9th Cir.

2012); *Crowley v. Nevada*, 678 F.3d 730, 734 (9th Cir. 24 2012); *Anderson v. Warner*, 451 F.3d 1063, 1067 (9th Cir. 2006). 25 To state a claim under § 1983, a plaintiff must allege that (1) the defendant acted under 26 color of state law, and (2) the defendant deprived him of rights secured by the Constitution or 27 28 2 The Court notes that Plaintiff’s initial complaint was dated July 2, 2025.

(ECF No. 1, p. 6). 1 federal law. *Long v. County of Los Angeles*, 442 F.3d 1178, 1185 (9th Cir. 2006); see also 2 *Marsh v. County of San Diego*, 680 F.3d 1148, 1158 (9th Cir. 2012) (discussing “under color of 3 state law”). A person deprives another of a constitutional right, “within the meaning of § 1983, 4 ‘if he does an affirmative act, participates in another’s affirmative act, or omits to perform an 5 act which he is legally required to do that causes the deprivation of which complaint is 6 made.’” *Preschooler II v. Clark County Sch.*

Bd. of Trs., 479 F.3d 1175, 1183 (9th Cir. 2007) 7 (quoting *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)). “The requisite causal connection 8 may be established when an official sets in motion a ‘series of acts by others which the actor 9 knows or reasonably should know would cause others to inflict’ constitutional 10 harms.” *Preschooler II*, 479 F.3d at 1183 (quoting *Johnson*, 588 F.2d at 743).

This standard of 11 causation “closely resembles the standard ‘foreseeability’ formulation of proximate cause.” 12 *Arnold v. Int’l Bus. Mach. Corp.*, 637 F.2d 1350, 1355 (9th Cir. 1981); see also *Harper v. City 13 of Los Angeles*, 533 F.3d 1010, 1026 (9th Cir. 2008). 14 A plaintiff must demonstrate that each named defendant personally participated in the 15 deprivation of his rights.

Iqbal, 556 U.S. at 676-77. In other words, there must be an actual 16 connection or link between the actions of the defendants and the deprivation alleged to have 17 been suffered by the plaintiff. See *Monell v. Dep’t of Soc. Servs. of City of N.Y.*, 436 U.S. 658, 18 691, 695 (1978). 19 *B. Conditions of Confinement* 20 “It is undisputed that the treatment a prisoner receives in prison and the conditions 21 under which [the prisoner] is confined are subject to scrutiny under the Eighth Amendment.” 22 *Helling v. McKinney*, 509 U.S. 25, 31 (1993); see also *Farmer v. Brennan*, 511 U.S. 825, 832 23 (1994).

Conditions of confinement may, consistent with the Constitution, be “restrictive and 24 even harsh.” See *Rhodes v. Chapman*, 452 U.S. 337, 347 (1981); *Morgan v. Morgensen*, 465 25 F.3d 1041, 1045 (9th Cir. 2006); *Osolinski v. Kane*, 92 F.3d 934, 937 (9th Cir. 1996); *Jordan v. 26*

Gardner, 986 F.2d 1521, 1531 (9th Cir. 1993) (en banc). Prison officials must, however, 27 provide prisoners with “food, clothing, shelter, sanitation, medical care, and personal safety.” 28 *Toussaint v. McCarthy*, 801 F.2d 1080, 1107 (9th Cir.

1986), abrogated in part on other 1 grounds by *Sandin v. Connor*, 515 U.S. 472 (1995); see also *Johnson v. Lewis*, 217 F.3d 726, 2 731 (9th Cir. 2000); *Hoptowit v. Ray*, 682 F.2d 1237, 1246 (9th Cir. 1982); *Wright v. Rushen*, 3 642 F.2d 1129, 1132-33 (9th Cir. 1981). 4 Two requirements must be met to show an Eighth Amendment violation. *Farmer*, 511 5 U.S. at 834. “First, the deprivation alleged must be, objectively, sufficiently serious.” *Id.* 6 (citation and internal quotation marks omitted).

Second, “a prison official must have a 7 sufficiently culpable state of mind,” which for conditions-of-confinement claims “is one of 8 deliberate indifference.” *Id.* (citations and internal quotation marks omitted). Prison officials act 9 with deliberate indifference when they “know[] of and disregard[] an excessive risk to inmate 10 health or safety.” *Id.* at 837. “The circumstances, nature, and duration” of the deprivations are 11 critical in determining whether the conditions complained of are grave enough to form the basis 12 of a viable Eighth Amendment claim.

Johnson v. Lewis, 217 F.3d 726, 731 (9th Cir. 2006). 13 Mere negligence on the part of a prison official is not sufficient to establish liability, but rather, 14 the official’s conduct must have been wanton. *Farmer*, 511 U.S. at 834; *Frost v. Agnos*, 152 15 F.3d 1124, 1128 (9th Cir. 1998). 16 “Adequate food is a basic human need protected by the Eighth Amendment.” *Keenan v. 17 Hall*, 83 F.3d 1083, 1091 (9th Cir.

1996), opinion amended on denial of reh’g, 135 F.3d 1318 18 (9th Cir. 1998) “[I]mates rely on prison officials to provide them with adequate sustenance on a 19 daily basis.” *Foster v. Runnels*, 554 F.3d 807, 814 (9th Cir. 2009).

However, the food served in 20 prisons is only required to be “adequate to maintain health” and does not need to “be tasty or 21 aesthetically pleasing.” *LeMaire v. Maass*, 12 F.3d 1444, 1456 (9th Cir. 1993). However, a 22 “lack of sanitation that is severe or prolonged can constitute an infliction of pain within the 23 meaning of the Eighth Amendment.” *Anderson v. Cty. of Kern*, 45 F.3d 1310, 1314 (9th Cir.), 24 opinion amended on denial of reh’g, 75 F.3d 448 (9th Cir.

1995). 25 Although it is not clear whether the allegations in Plaintiff’s first amended complaint 26 are sufficient to rise to the level of a constitutional violation under the legal standards above, 27 liberally construing those allegations for the purposes of screening only, the Court will permit 28 Plaintiff to proceed past the screening stage on his claim against Defendants Perkins and 1 || *Morales* for unconstitutional conditions of confinement in violation of the Eighth Amendment.

2 IV. CONCLUSION AND ORDER 3 For the reasons given above, IT IS ORDERED as follows:
4 1. Plaintiff may proceed past screening on Plaintiff’s first amended complaint on 5 his claim

against Defendants Perkins and Morales for unconstitutional 6 conditions of confinement in violation of the Eighth Amendment.* 7 Is SO ORDERED. 8 g || Dated: _January 16, 2026 _ sf my 10 UNITED STATES MAGISTRATE JUDGE 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 The Court will issue an order regarding service of Plaintiff's first amended complaint in due course.

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