

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Timothy M. Crawley, as Personal Representative of the Estate of
Gregory A. Buck, deceased v. California Department of Corrections
and Rehabilitation, et al.**

Crawley · No. 1:25-cv-00388 JLT SAB · Decided October 14, 2025

SUMMARY

The United States District Court for the Eastern District of California partially adopted findings and recommendations concerning defendants’ motion to dismiss claims arising from Gregory A. Buck’s death in state prison custody. The court held that allegations that custodial or medical personnel failed to summon emergency medical care for approximately 44 minutes after finding Buck unresponsive were sufficient to state a deliberate-indifference claim. The court otherwise granted the motion to dismiss with leave to amend and required any amended complaint or election to stand on the surviving claim within 30 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 14, 2025
DOCKET	1:25-cv-00388 JLT SAB
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss the first amended complaint for failure to state a claim. After a magistrate judge recommended granting the motion with leave to amend, the district court conducted de novo review and adopted the findings and recommendations in part.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C); on the motion to dismiss, the court viewed the factual allegations in the light most favorable to Plaintiff.
PRECEDENTIAL VALUE	Unknown

TOPICS

- section 1983
- prisoners rights
- motions to dismiss
- civil rights
- civil procedure

PRACTICE AREAS

civil rights

prisoner civil rights

federal civil procedure

QUESTIONS PRESENTED

1. Whether the first amended complaint stated a deliberate-indifference claim against custodial or medical employees who allegedly failed to summon emergency medical care for approximately 44 minutes after finding Buck unresponsive.
2. Whether Doe defendants could remain in the action where the complaint provided sufficient information to identify them through discovery.
3. Whether the magistrate judge's recommendation to grant the motion to dismiss with leave to amend should be adopted.

HOLDINGS

1. The allegations were sufficient to state a deliberate-indifference claim against any custodial or medical employee who found Buck unresponsive and failed to summon medical care for almost three-quarters of an hour.
2. Doe pleading is permissible in federal practice where the complaint provides sufficient information to permit identification of the unknown defendants through discovery.

KEY QUOTATIONS

“Deliberate indifference can be established through “inference from circumstantial evidence” or “from the very fact that the risk was obvious.”” (at 1)

“While Doe pleading is disfavored, it is not prohibited in federal practice.” (at 1)

FACTUAL BACKGROUND

Gregory A. Buck was found unresponsive in his single-occupancy prison cell on February 22, 2024. The complaint alleged that, despite signs of a medical emergency, Buck's medical history, and drug paraphernalia, emergency medical services were not contacted for approximately 44 minutes. The complaint further alleged that custodial and medical personnel either observed his condition and failed to act or failed to monitor his cell despite awareness of his vulnerabilities.

PROCEDURAL HISTORY

Plaintiff filed a first amended complaint asserting federal and state claims arising from Gregory A. Buck's death while in custody. Defendants moved to dismiss under the failure-to-state-a-claim standard. The magistrate judge recommended granting the motion with leave to amend, Plaintiff objected, and the district court adopted the recommendation in part while concluding that a deliberate-indifference claim against custodial or medical employees who failed to summon emergency care could proceed.

DISPOSITION

other

REMAND INSTRUCTIONS

The motion to dismiss was granted in part with leave to amend. Any amended complaint must be filed within 30 days. If Plaintiff elects to proceed only on the surviving claim, Plaintiff must file a statement to that effect by the amendment deadline. Any response must be filed within 21 days after Plaintiff's filing.

CASES CITED

- Farmer v. Brennan, 511 U.S. 825, 842 (1994)
- Lopes v. Vieira, 543 F. Supp. 2d 1149, 1152 (E.D. Cal. 2008)
- Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 TIMOTHY M. CRAWLEY, as Personal Case No. 1:25-cv-00388 JLT SAB 11
Representative of the Estate of Gregory A. Buck, deceased, ORDER ADOPTING FINDINGS
AND 12 RECOMMENDATIONS IN PART AND Plaintiff, GRANTING MOTION TO DISMISS
IN 13 PART v. 14 (Docs. 16, 27) CALIFORNIA DEPARTMENT OF 15 CORRECTIONS AND
REHABILITATION, et al., 16 Defendants.

17 18 Timothy M. Crawley, acting as the personal representative of the estate of Gregory A. 19
Buck, brings federal and state claims related to the death of Mr. Buck while he was in custody at
20 the California's Substance Abuse Treatment Facility and State Prison, Corcoran. (Doc. 11.)

On 21 July 9, 2025, Defendants moved to dismiss the operative first amended complaint (FAC) for
22 failure to state a claim. (Doc. 16.) The Court referred the motion to the assigned magistrate
judge 23 (Doc. 21), and on September 10, 2025, the magistrate judge issued findings and 24
recommendations indicating that the motion should be granted with leave to amend.

(Doc. 27.) 25 On September 24, 2025, Plaintiff filed objections. (Doc. 28.) On October 3, 2025,
Defendants 26 filed a response to the objections. (Doc. 29.) 27 According to 28 U.S.C. § 636(b)(1)
(C), this Court performed a de novo review of this case.

Having carefully reviewed the matter, the Court concludes findings and recommendations 1 are
supported by the record and by proper analysis, with one exception. Plaintiff alleges that: 2 On or
about February 22, 2024, Mr. Buck was found unresponsive at approximately 7:35 a.m. in his
single-occupancy cell. Despite 3 clear signs of a medical emergency, including his condition,
known medical history, and the presence of drug paraphernalia, 4 emergency medical services
were not contacted until approximately 8:19 a.m., reflecting a 44-minute delay without 5 adequate
life-saving intervention 6 Plaintiff is informed and believes that Defendants DOES 1 through 50,

including custody and medical staff who were assigned to Mr. Buck's unit, either observed his condition and failed to act, or failed to monitor his cell as required, despite their awareness of his vulnerabilities and the signs of medical crisis.

9 (Doc. 11, ¶¶ 36–37.) In addition, “the County of Kings Coroner determined the cause of death to be toxic effects of fentanyl, morphine, and methamphetamine.” (Id., ¶ 25.) Deliberate indifference can be established through “inference from circumstantial evidence” or “from the very fact that the risk was obvious.” *Farmer v. Brennan*, 511 U.S. 825, 842 (1994).

Viewing the factual allegations in the light most favorable to the Plaintiff, these allegations are sufficient to state a claim against any custodial or medical employee who found Mr. Buck unresponsive and failed to summon medical care for almost three quarters of an hour. Moreover, “[w]hile Doe pleading is disfavored, it is not prohibited in federal practice.” *Lopes v. Vieira*, 543 F. Supp. 2d 1149, 1152 (E.D.

Ca. 2008); see also *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980) (“[T]he plaintiff should be given an opportunity through discovery to identify the unknown defendants, unless it is clear that discovery would not uncover the identities, or that the complaint would be dismissed on other grounds.”).

Here, the FAC provides sufficient information to permit the identification of the Doe defendants through discovery. Thus, on the present record, the Court concludes that Plaintiff's claim for deliberate indifference due to failure to timely summon emergency medical care should survive dismissal.¹ The Court agrees with the findings and recommendations in all other respects.

25 /// 26 /// 27 1 To the extent the FAC attempts to use the delayed medical care facts to advance other kinds of federal claims, such as 1 Thus, the Court ORDERS: 2 1. The findings and recommendations (Doc. 27) are ADOPTED IN PART. 3 2.

The motion to dismiss (Doc. 16) is GRANTED IN PART, as set forth above with leave to amend. Plaintiff is warned that this will be his last opportunity to amend the Complaint. The Court has provided ample instructions about the deficiencies in the pleadings and will not do so again. 7 3. Any amended complaint SHALL be filed within 30 days. If Plaintiff elects 8 not to amend the complaint and wishes instead to stand on the single claim 9 that survives dismissal, he SHALL file a statement to that effect by the 10 amendment deadline.

11 4. Any response(s) SHALL be filed within 21 days of Plaintiff's filing. 12 B IT IS SO ORDERED. 14| Dated: _ October 13, 2025 Cerin | Tower TED STATES DISTRICT JUDGE 15 16 17 18 19 20 21 22 23 24 25 26 27 28

