

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

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OPINION

Crawley

PER CURIAM.

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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. 7 Buck's unit, either observed his condition and failed to act, or failed to monitor his cell as required, despite their awareness of his 8 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 10 be toxic effects of fentanyl, morphine, and methamphetamine." (Id., ¶ 25.) 11 Deliberate indifference can be established through "inference from circumstantial 12 evidence" or "from the very fact that the risk was obvious." Farmer v. Brennan, 511 U.S. 825, 13 842 (1994). Viewing the factual allegations in the light most favorable to the Plaintiff, these 14 allegations are sufficient to state a claim against any custodial or medical employee who found 15 Mr. Buck unresponsive and failed to summon medical care for almost three quarters of an hour. 16 Moreover, "[w]hile Doe pleading is disfavored, it is not prohibited in federal practice." Lopes v. 17 Vieira, 543 F. Supp. 2d 1149, 1152 (E.D. Ca. 2008); see also Gillespie v. Civiletti, 629 F.2d 637, 18 642 (9th Cir. 1980) ("[T]he plaintiff should be given an opportunity through discovery to 19 identify the unknown defendants, unless it is clear that discovery would not uncover the 20 identities, or that the complaint would be dismissed on other grounds."). Here, the FAC provides 21 sufficient information to permit the identification of the Doe defendants through discovery. Thus, 22 on the present record, the Court concludes that Plaintiff's claim for deliberate indifference due to 23 failure to timely summon emergency medical care should survive dismissal.1 24 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 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 4 with leave to amend. Plaintiff is warned that this will be his last opportunity to 5 amend the Complaint. The Court has provided ample instructions about the 6 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  
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