

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

William Cresham v. Kristal Aliwalas, et al.

Cresham v. Aliwalas · No. 2:24-cv-3438-JDP (P) · Decided September 23, 2025

OPINION

Aliwalas

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 WILLIAM CRESHAM, Case No. 2:24-cv-3438-JDP (P) 12 Plaintiff, 13 v. ORDER 14
KRISTAL ALIWALAS, et al., 15 Defendants. 16 17 18 William Cresham, a state prisoner, brings
this action against five defendants, all medical 19 providers, and alleges numerous violations of
his Eighth Amendment right to adequate medical 20 care. The claims raised, however, are not
sufficiently related to proceed together. I will dismiss 21 the operative complaint, ECF Nos. 16 &
16-1, with leave to amend so that plaintiff may bring 22 only related claims. 23 I. Screening and
Pleading Requirements 24 A federal court must screen a prisoner’s complaint that seeks relief
against a governmental 25 entity, officer, or employee. See 28 U.S.C. § 1915A(a). The court must
identify any cognizable 26 claims and dismiss any portion of the complaint that is frivolous or
malicious, fails to state a 27 claim upon which relief may be granted, or seeks monetary relief
from a defendant who is 28 immune from such relief. See 28 U.S.C. §§ 1915A(b)(1), (2). 1 A
complaint must contain a short and plain statement that plaintiff is entitled to relief, 2 Fed. R. Civ.
P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its 3 face,” Bell
Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007). The plausibility standard does not 4 require
detailed allegations, but legal conclusions do not suffice. See Ashcroft v. Iqbal, 556 U.S. 5 662,
678 (2009). If the allegations “do not permit the court to infer more than the mere 6 possibility of
misconduct,” the complaint states no claim. Id. at 679. The complaint need not 7 identify “a
precise legal theory.” Kobold v. Good Samaritan Reg’l Med. Ctr., 832 F.3d 1024, 8 1038 (9th Cir.
2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that 9 give rise to an
enforceable right to relief.” Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 10 n.2 (9th Cir.
2006) (en banc) (citations omitted). 11 The court must construe a pro se litigant’s complaint
liberally. See Haines v. Kerner, 404 12 U.S. 519, 520 (1972) (per curiam). The court may dismiss
a pro se litigant’s complaint “if it 13 appears beyond doubt that the plaintiff can prove no set of
facts in support of his claim which 14 would entitle him to relief.” Hayes v. Idaho Corr. Ctr., 849
F.3d 1204, 1208 (9th Cir. 2017). 15 However, ““a liberal interpretation of a civil rights complaint

may not supply essential elements 16 of the claim that were not initially pled.’’ Bruns v. Nat’l Credit Union Admin., 122 F.3d 1251, 17 1257 (9th Cir. 1997) (quoting Ivey v. Bd. of Regents, 673 F.2d 266, 268 (9th Cir. 1982)). 18 II. Analysis 19 Plaintiff’s lengthy complaint, replete with medical and grievance records, contains three 20 unrelated claims regarding his medical care. First, he alleges that defendants Aliwalas and Davis 21 delayed his necessary hernia surgery for nearly four years, from March 2020 to January 2024. 22 ECF No. 16 at 3-4. Second, he claims that defendant Eleanor Griffith, a physician, violated his 23 rights by curtailing his prescription pain medication in early 2025. Id. at 6. Plaintiff also alleges 24 that Griffith ignored his claims about constipation and stomach pain in July 2025. Id. He claims 25 that Griffith declined to help him in retaliation for his filing this lawsuit. Id. at 16. Finally, 26 plaintiff alleges that defendants Baghai and Shah violated his rights by botching surgical 27 procedures to repair his hernia. ECF No. 16-1 at 4, 14. 28 These allegations, while all related to issues with his hernia, span different years and 1 | represent distinct allegations of wrongdoing against multiple defendants. Whether Aliwalas and 2 | Davis delayed plaintiffs surgery from 2020 to 2024 is a separate factual question from whether 3 | defendants Baghai and Shah inadequately performed the surgery or whether Griffith retaliated 4 | against him in 2025 for filing a lawsuit. Litigating these claims together would be inappropriate. 5 | See George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007). 6 I will give plaintiff an opportunity to amend so that he may bring only related claims. 7 | He is advised that the amended complaint will supersede the current complaint. See Lacey v. 8 | Maricopa County, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc). The amended complaint 9 | should be titled “Third Amended Complaint” and refer to the appropriate case number. 10 Accordingly, it is ORDERED that: 11 1. Plaintiff’s second amended complaint, ECF No. 16 & 16-1, is DISMISSED with leave 12 | to amend. 13 2. Within thirty days from service of this order, plaintiff shall file either (1) an amended 14 | complaint or (2) notice of voluntary dismissal of this action without prejudice. 15 3. Failure to timely file either an amended complaint or notice of voluntary dismissal may 16 result in the imposition of sanctions, including a recommendation that this action be dismissed 17 || with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 18 4. The Clerk of Court shall send plaintiff a complaint form with this order. 19 20 IT IS SO ORDERED. Dated: _ September 23, 2025 q———
22 JEREMY D., PETERSON
54 UNITED STATES MAGISTRATE JUDGE
24 25 26 27 28