

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

Bouligny v. Ruiz

Bouligny · No. 2:24-CV-2069-DMC-P · Decided July 2, 2025

OPINION

1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE EASTERN
DISTRICT OF CALIFORNIA 10 11 WADRICK BOULIGNY, No. 2:24-CV-2069-DMC-P 12
Plaintiff, 13 v. ORDER 14 O. RUIZ, et al., 15 Defendants. 16 17 Plaintiff, a prisoner proceeding
pro se, brings this civil rights action pursuant to 18 42 U.S.C. § 1983. Pending before the Court is
Plaintiff’s first amended complaint, ECF No. 16.

19 The Court is required to screen complaints brought by prisoners seeking relief 20 against a
governmental entity or officer or employee of a governmental entity. See 28 U.S.C. 21 §
1915A(a). This provision also applies if the plaintiff was incarcerated at the time the action was 22
initiated even if the litigant was subsequently released from custody. See *Olivas v. Nevada ex rel.*

23 Dep’t of Corr., 856 F.3d 1281, 1282 (9th Cir. 2017). The Court must dismiss a complaint or 24
portion thereof if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can 25
be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. See 26
28 U.S.C. § 1915A(b)(1), (2). 27 / / / 28 / / / 1 Moreover, the Federal Rules of Civil Procedure
require that complaints contain a 2 “... short and plain statement of the claim showing that the
pleader is entitled to relief.” Fed.

R. 3 Civ. P. 8(a)(2). This means that claims must be stated simply, concisely, and directly. See 4
McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996) (referring to Fed. R. Civ. P. 8(e)(1)). 5
These rules are satisfied if the complaint gives the defendant fair notice of the plaintiff’s claim 6
and the grounds upon which it rests. See *Kimes v. Stone*, 84 F.3d 1121, 1129 (9th Cir.

1996). 7 Because Plaintiff must allege with at least some degree of particularity overt acts by
specific 8 defendants which support the claims, vague and conclusory allegations fail to satisfy
this 9 standard. Additionally, it is impossible for the Court to conduct the screening required by
law 10 when the allegations are vague and conclusory. 11 12 I. PLAINTIFF’S ALLEGATIONS
13 This action proceeds on Plaintiff’s first amended complaint.¹ See ECF No. 16, pg.

14 1. Plaintiff names the following as Defendants: (1) California Department of Corrections and
15 Rehabilitation (CDCR); (2) R. St. Andre, warden; (3) O. Ruiz, correctional officer; and (4) E.
16 Alamillo, correctional officer.² See ECF No. 16, pgs. 1-2. Plaintiff presents three claims for 17
relief. 18 In Claim I, Plaintiff sues CDCR in its official capacity.

See id. at 3. Plaintiff 19 alleges his Eighth Amendment rights were violated with cruel and unusual punishment, along 20 with his rights under the Americans with Disabilities Act. See id. Plaintiff contends that CDCR is 21 responsible for all of its employees, including those who execute violations, policies, and 22 procedures. See id. Plaintiff further contends CDCR is liable for enforcement of all federal and 23 state laws.

See id. Plaintiff alleges he suffered “extreme and severe fear.” Plaintiff says he is still 24 emotional and weak. See id. 25 / / / 26 27 1 Plaintiff amended his original complaint as of right pursuant to Federal Rule of Civil Procedure 15. 28 2 CDCR and St. Andre were not named in the original complaint. 1 In Claim II, Plaintiff sues Defendants Ruiz and Alamillo in their official and 2 personal capacities.

See id. at 5. Plaintiff alleges his Eighth Amendment rights were violated with 3 cruel and unusual punishment, along with his rights under the Americans with Disabilities Act. 4 See id. Plaintiff recalls being transported by wheelchair to High Desert State Prison (HSDP) 5 Central Triage Center (CTC) on January 26, 2024. See id. Plaintiff alleges he is permanently 6 confined to his wheelchair as an “A.D.A., Plata v. Newsom, & Armstrong class member.” Id. 7 While Plaintiff was being transported, he asked Defendants Ruiz and Alamillo if his wheelchair 8 would be secured.

See id. To that, Plaintiff alleges Defendant Ruiz replied by saying, “we are just 9 going around the corner to CTC, so there is no reason to secure you.” Id. Plaintiff alleges he 10 suffered physically and emotionally, and still suffers to this day. See id. 11 In Claim III, Plaintiff alleges Defendants Ruiz and Alamillo had a constitutional 12 obligation to secure Plaintiff and his wheelchair as custodians of Plaintiff’s life, person, and 13 liberty.

See id. at 6. Plaintiff alleges Defendants Ruiz and Alamillo knowingly made a choice “to 14 ignore policy & procedure & training” by refusing to secure Plaintiff’s wheelchair when being 15 transported on prison grounds in a HDSP/CDCR transportation vehicle. Id. Plaintiff contends he 16 flipped and slammed into the metal interior of the vehicle due to a turn.

See id. at 7. This is 17 allegedly when Plaintiff was rendered unconscious. See id. Plaintiff alleges other inmates yelled 18 for Defendants Ruiz and Alamillo to stop the vehicle. See id. Plaintiff recalls waking up and not 19 being able to feel any sensation in his legs or feet. See id. Plaintiff also could not move his neck. 20 See id. At this point, Plaintiff contends Defendants Ruiz and Alamillo contacted medical staff 21 called the Lassen County Fire Department.

See id. Plaintiff was then airlifted to a medical center 22 in Reno, Nevada. See id. 23 / / / 24 / / / 25 / / / 26 / / / 27 / / / 28 / / / 1 II. DISCUSSION 2 The Court finds that Plaintiff has stated a plausible Eighth Amendment claim 3 against Defendants Ruiz and Alamillo.

However, Plaintiff's complaint suffers other defects. 4 First, Plaintiff's claim against Defendant CDCR cannot proceed because CDCR is immune under 5 the Eleventh Amendment. Second, Plaintiff failed to allege any facts to show Defendant St. 6 Andre's causal role in the alleged constitutional deprivation. 7 A. Eleventh Amendment Immunity – Defendant CDCR 8 The Eleventh Amendment prohibits federal courts from hearing suits brought 9 against a state both by its own citizens, as well as by citizens of other states.

See *Brooks v. 10 Sulphur Springs Valley Elec. Coop.*, 951 F.2d 1050, 1053 (9th Cir. 1991). This prohibition 11 extends to suits against states themselves, and to suits against state agencies. See *Lucas v. Dep't 12 of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995) (per curiam); *Taylor v. List*, 880 F.2d 1040, 1045 (9th 13 Cir. 1989). A state's agency responsible for incarceration and correction of prisoners is a state 14 agency for purposes of the Eleventh Amendment.

See *Alabama v. Pugh*, 438 U.S. 781, 782 15 (1978) (per curiam); *Hale v. Arizona*, 993 F.2d 1387, 1398-99 (9th Cir. 1993) (en banc). 16 Here, Plaintiff asserts liability against CDCR. Because CDCR is the state's agency 17 responsible for corrections and incarceration, it is immune from suit and should be dismissed with 18 prejudice. 19 B. Supervisory Liability – Defendant St. Andre 20 Supervisory personnel are generally not liable under § 1983 for the actions of their 21 employees.

See *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989) (holding that there is no 22 respondeat superior liability under § 1983). A supervisor is only liable for the constitutional 23 violations of subordinates if the supervisor participated in or directed the violations. See *id.* 24 Supervisory personnel who implement a policy so deficient that the policy itself is a repudiation 25 of constitutional rights and the moving force behind a constitutional violation may be liable even 26 where such personnel do not overtly participate in the offensive act.

See *Redman v. Cnty of San 27 Diego*, 942 F.2d 1435, 1446 (9th Cir. 1991) (en banc). A supervisory defendant may also be 28 liable where he or she knew of constitutional violations but failed to act to prevent them. See 1 *Taylor*, 880 F.2d at 1045; see also *Starr v. Baca*, 633 F.3d 1191, 1209 (9th Cir. 2011). 2 When a defendant holds a supervisory position, the causal link between such 3 defendant and the claimed constitutional violation must be specifically alleged.

See *Fayle v. 4 Stapley*, 607 F.2d 858, 862 (9th Cir. 1979); *Mosher v. Saalfeld*, 589 F.2d 438, 441 (9th Cir. 5 1978). Vague and conclusory allegations concerning the involvement of supervisory personnel in 6 civil rights violations are not sufficient. See *Ivey v. Board of Regents*, 673 F.2d 266, 268 (9th 7 Cir. 1982). “[A] plaintiff must plead that each Government-official defendant, through the 8 official's own individual actions, has violated the constitution.” See *Ashcroft v. Iqbal*, 556 U.S. 9 662, 676 (2009).

10 In this case, Plaintiff asserts liability against Defendant St. Andre in a supervisory 11 capacity as the prison warden. Plaintiff, however, fails to provide any facts to show how 12 Defendant St. Andre's actions resulted in a violation of Plaintiff's constitutional rights. More 13 specifically, Defendant St. Andre is not mentioned at all in the amended complaint except in the 14 caption where he is named as a defendant.

Plaintiff will be provided leave to amend to allege 15 specific facts as to Defendant St. Andre's personal involvement. 16 17 III. CONCLUSION 18 Because it is possible that the deficiencies identified in this order may be cured by 19 amending the complaint, except as to Defendant CDCR, which is immune from suit as explained 20 above, Plaintiff is entitled to leave to amend.

See *Lopez v. Smith*, 203 F.3d 1122, 1126, 1131 21 (9th Cir. 2000) (en banc). Plaintiff is informed that, as a general rule, an amended complaint 22 supersedes the original complaint. See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). 23 Therefore, if Plaintiff amends the complaint, the Court cannot refer to the prior pleading in order 24 to make Plaintiff's amended complaint complete.

See Local Rule 220. An amended complaint 25 must be complete in itself without reference to any prior pleading. See *id.* 26 / / / 27 / / / 28 / / /] If Plaintiff chooses to amend the complaint, Plaintiff must demonstrate how the 2 || conditions complained of have resulted in a deprivation of Plaintiffs constitutional rights. See 3 || *Ellis v. Cassidy*, 625 F.2d 227 (9th Cir.

1980). The complaint must allege in specific terms how 4 | each named defendant is involved and must set forth some affirmative link or connection between 5 || each defendant's actions and the claimed deprivation. See *May v. Enomoto*, 633 F.2d 164, 167 6 || (9th Cir. 1980); *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978). 7 Because the complaint appears to otherwise state cognizable claims, if no amended 8 | complaint is filed within the time allowed therefor, the Court will issue findings and 9 || recommendations that the claims identified herein as defective be dismissed, as well as such 10 || further orders as are necessary for service of process as to the cognizable claims.

11 Accordingly, IT IS HEREBY ORDERED that Plaintiff may file a second amended 12 || complaint within 30 days of the date of service of this order. 13 14 | Dated: July 2, 2025 SS GC 1S DENNIS M. COTA 16 UNITED STATES MAGISTRATE JUDGE 17 18 19 20 21 22 23 24 25 26 27 28