IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RAMON ROBLES,

Plaintiff,

v.

DANIEL CUEVA, et al.,

Defendants.

No. 2:25-cv-0443-DAD-DMC-P

FINDINGS AND RECOMMENDATIONS

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff's original complaint. See ECF No. 1.

The Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). The Court must dismiss a complaint or portion thereof if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. See 28 U.S.C. § 1915A(b)(1), (2). Moreover, the Federal Rules of Civil Procedure require that complaints contain a ". . . short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). This means that claims must be stated simply, concisely, and directly. See McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996) (referring to Fed. R. Civ. P. 8(e)(1)). These rules are satisfied if the complaint gives the defendant fair notice of the plaintiff's claim and the grounds upon which it

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rests. See Kimes v. Stone, 84 F.3d 1121, 1129 (9th Cir. 1996). Because Plaintiff must allege with at least some degree of particularity overt acts by specific defendants which support the claims, vague and conclusory allegations fail to satisfy this standard. Additionally, it is impossible for the Court to conduct the screening required by law when the allegations are vague and conclusory.

On June 6, 2025, the Court issued an order addressing the sufficiency of Plaintiff's complaint. See ECF No. 11. Plaintiff's allegations are summarized in that order and not repeated here. The Court concluded as follows:

> The Court finds Plaintiff's complaint asserts five cognizable claims for relief. Specifically, Plaintiff alleges an Eighth Amendment violation based on excessive force when Defendant Wedrall broke Plaintiff's hand with a strike from his baton when Plaintiff was secured in handcuffs and a waist chain. See EFC No. 1, pg. 4. Plaintiff also alleges an excessive force claim against Defendant Cummins for, on multiple occasions, "targeting" Plaintiff's broken hand and kneeing Plaintiff on the side of his head. Id. at 7. Additionally, Plaintiff alleges an excessive force claim against Defendant Favela for punching Plaintiff. See id. The Court finds these allegations gives rise to cognizable Eighth Amendment excessive force claims against Defendant Wedrall, Cummins, and Favela. Next, Plaintiff asserts that Defendant Hume violated policy by directing Defendants Wedrall, Portee, Favela, Torres, and Jackson to handcuff Plaintiff's hands behind his back while Plaintiff had a visibly "obvious" broken hand. Id. at 6. The Court finds this allegation gives rise to both an excessive force claim against Defendants Wedrall, Portee, Favela, Torres, and Jackson, and a cognizable supervisory liability claim against Defendant Hume. Lastly, Plaintiff contends that Defendant Agular is liable for violated his Eighth Amendment rights by failing to examine Plaintiff's hand injury and this failure resulted in further bone displacement. See id. at 6-7. The Court finds that Plaintiff's allegation states facts sufficient to give rise to a cognizable medical needs claim against Defendant Agular.
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> The other claims, discussed further below, are insufficient as currently pled. Plaintiff's claims against Defendants Portee, Torres, and Jackson are not cognizable because the complaint fails to show a causal connection between the Defendants and the Eighth Amendment violation. Plaintiff's municipal liability claim is not cognizable because Plaintiff does not allege that any constitutional violation was the result of a policy or custom. Plaintiff's claim of supervisory liability against Defendant Cueva is not cognizable because the complaint does not show a causal link between the Plaintiff's alleged constitutional deprivations and Defendant Cueva's involvement as a supervisor. Plaintiff's ADA claim against Defendant Agular is not cognizable because Plaintiff fails to show what benefit Plaintiff was entitled to, nor does he describe how Defendant Agular's actions resulted in the exclusion of Plaintiff from that benefit because of Plaintiff's disability. Plaintiff's claim against Defendant Agular for retaliation is not cognizable because Plaintiff's complaint fails to allege facts demonstrating a specific link between the alleged retaliation

> and the exercise of a constitutional right. Plaintiff will be provided an opportunity to amend these claims to cure their deficiencies.
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> ECF No. 11, pgs. 4-5.

Plaintiff was advised of the relevant legal principles and provided leave to amend. See id. at 5-9. Plaintiff was cautioned that, if no amended complaint was filed within 30 days, the Court would dismiss all claims and defendants except the following: (1) Plaintiff's Eighth Amendment excessive force claims against Defendants Wedrall, Cummins, Favela, Portee, Torres, Jackson, and Hume; and (2) Plaintiff's Eighth Amendment medical deliberate indifference claim against Defendant Agular. See id. To date, Plaintiff has not filed an amended complaint. Accordingly, by separate order the Court has directed service on Defendants Wedrall, Cummins, Favela, Portee, Torres, Jackson, Hume, and Agular and will herein recommend dismissal of all other claims and defendants.

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Based on the foregoing, the undersigned recommends as follows:

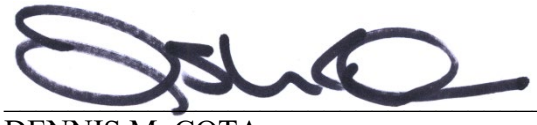
1. This action proceed on Plaintiff's original complaint as to the following claims and defendants: (a) Plaintiff's Eighth Amendment excessive force claims against Defendants Wedrall, Cummins, Favela, Portee, Torres, Jackson, and Hume; and (b) Plaintiff's Eighth Amendment medical deliberate indifference claim against Defendant Agular.

2. All other claims and defendants be dismissed.

3. The Clerk of the Court be directed to terminate Daniel Cueva as a defendant to this action.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within 14 days after being served with these findings and recommendations, any party may file written objections with the court. Responses to objections shall be filed within 14 days after service of objections. Failure to file objections within the specified time may waive the right to appeal. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: August 8, 2025



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE