

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 10 2020

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

GREGORY N. LEONARD,

Plaintiff-Appellant,

v.

MARTIN NAUGHTON, Dr.; et al.,

Defendants-Appellees.

No. 19-15690

D.C. No. 3:17-cv-00549-RCJ-CBC

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada

Robert Clive Jones, District Judge, Presiding

Submitted July 8, 2020**

Before: SCHROEDER, CANBY, and TROTT, Circuit Judges.

Nevada state prisoner Gregory N. Leonard appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging claims for deliberate indifference to serious medical needs and equal protection. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

28 U.S.C. § 1915A for failure to state a claim. *Wilhelm v. Rotman*, 680 F.3d 1113, 1118 (9th Cir. 2012). We reverse and remand.

The district court dismissed Leonard's action because Leonard failed to allege facts sufficient to state a plausible claim. However, Leonard alleged that defendants discontinued his pain medication and prescribed other medication that was known to be harmful to dialysis patients, despite Leonard's objections, and that Leonard suffered harm as a result. These allegations, liberally construed, are "sufficient to warrant ordering [defendants] to file an answer." *Id.* at 1116. We reverse the judgment and remand for further proceedings.

REVERSED and REMANDED.