

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 12 2021

FOR THE NINTH CIRCUIT

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

GERRY WILLIAMS,

No. 21-15661

Plaintiff-Appellant,

D.C. No. 1:19-cv-00855-DAD-EPG

v.

MEMORANDUM\*

CLEMENT OGBUEHI, Physician Assistant  
at Kern Valley State Prison; et al.,

Defendants-Appellees.

Appeal from the United States District Court  
for the Eastern District of California  
Dale A. Drozd, District Judge, Presiding

Submitted November 8, 2021\*\*

Before: CANBY, TASHIMA, and MILLER, Circuit Judges.

California state prisoner Gerry Williams appeals from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012) (dismissal

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\* 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).

under 28 U.S.C. § 1915(e)(2)(B)(ii)); *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000) (dismissal under 28 U.S.C. § 1915A). We reverse and remand.

The district court dismissed Williams's action after finding that Williams's allegations in his first amended complaint were insufficient to state a plausible claim for deliberate indifference. However, Williams alleged that his Hepatitis C, which led to cirrhosis of the liver, went untreated despite his reports of excruciating pain to defendants Ogbuehi and Ulit. Williams further alleged that he received no treatment for his pain associated with Hepatitis C and cirrhosis. Liberally construed, these allegations were "sufficient to warrant ordering [defendants] to file an answer." *Wilhelm v. Rotman*, 680 F.3d 1113, 1116 (9th Cir. 2012); *Toguchi v. Chung*, 391 F.3d 1051, 1057-60 (9th Cir. 2004) (setting forth medical deliberate indifference standard).

**REVERSED and REMANDED.**