

APPENDIX-A

ENTERED

March 31, 2025

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LUKE MASOOD ARABZADEGAN,

Plaintiff,

v.

RAMSEY UNIT MEDICAL DEP'T, *et al.*,

Defendants.

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CIVIL ACTION NO. 4:23-cv-3006

MEMORANDUM AND ORDER

Plaintiff Luke Masood Arabzadegan is an inmate in the custody of the Texas Department of Criminal Justice ("TDCJ"). He filed a civil rights complaint raising numerous claims.

The defendants now move to dismiss. Arabzadegan did not file a timely response to the motion. Based on the pleadings, the motion, and the applicable law, the defendants' motion is granted and the complaint is dismissed. The reasons for this decision are set out below.

I. Background

Arabzadegan alleges that the defendants Onemu and Williams ignored his complaints about various ailments. He complains that defendant Pegoda enforced a TDCJ rule prohibiting bathroom use while an inmate was using the law library. He sues the defendants in their individual and official capacities, and seeks damages and various forms of injunctive relief.

II. Standard of Review

The defendants seek dismissal on grounds of Eleventh Amendment and qualified immunity, for lack of standing, and for failure to state a claim on which relief can be granted.

A. Rule 12(b)(1)

A federal court must dismiss a case for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1) when the court lacks the statutory or constitutional power to adjudicate the plaintiff's claims. *Home Builders Assoc' of Miss., Inc., v. City of Madison*, 143 F.3d 1006, 1010 (5th Cir.1998). In resolving a motion under Rule 12(b)(1), a court may refer to evidence outside the pleadings. *Espinoza v. Mo. Pacific R. Co.*, 754 F.2d 1247, 1248 n. 1 (5th Cir.1985). When the jurisdictional issue is of a factual nature rather than facial, plaintiff must establish subject matter jurisdiction by a preponderance of the evidence. *Irwin v. Veterans Admin.*, 874 F.2d 1092, 1096 (5th Cir.1989).

B. Rule 12(b)(6)

In reviewing a motion to dismiss under rule 12(b)(6), the complaint must be liberally construed in favor of the plaintiff, and all facts pleaded in the complaint must be taken as true. *Campbell v. Wells Fargo Bank*, 781 F.2d 440, 442 (5th Cir.1986).

To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the

reasonable inference that the defendant is liable for the misconduct alleged.

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (internal quotation marks and citations omitted).

III. Analysis

The defendants argue that they are immune from suit for damages in their official capacities under the Eleventh Amendment. They further contend that the plaintiff lacks standing to raise some of his claims, that they are qualifiedly immune and that the plaintiff fails to state claim on which relief can be granted.

A. Eleventh Amendment Immunity

"[I]n the absence of consent a suit in which the State or one of its agencies or departments is named as the defendant is proscribed by the Eleventh Amendment." *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 100 (1984). A suit for damages against a state official in his official capacity is not a suit against the individual, but against the state. *Hafer v. Melo*, 502 U.S. 21, 25 (1991). The defendants are entitled to dismissal of any official capacity claims for damages.

B. Standing

The defendants argue that Arabzadegan lacks standing to bring his claims for injunctive relief and his claims for damages for fear of future harm.

[T]o satisfy Article III's standing requirements, a plaintiff must show (1) it has suffered an "injury in fact" that is (a) concrete and particularized and (b) actual or imminent, not conjectural or

hypothetical; (2) the injury is fairly traceable to the challenged action of the defendant; and 3) it is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.

Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc., 528 U.S. 167, 180–81 (2000).

1. Fear of Harm Claims

In his More Definite Statement, Arabzadegan makes clear that he seeks damages based on fear that he will suffer harm some time in the future resulting from the defendants' alleged failure to provide adequate medical care. As noted above, to satisfy the standing requirement, a plaintiff's claim must be "actual or imminent, not conjectural or hypothetical" *Id.* at 180. Arabzadegan's fear of future harm claims are wholly conjectural and hypothetical. He therefore lacks standing to raise these claims.

2. Injunctive Relief

Arabzadegan requests that he be medically unassigned from his work assignment, that the defendants be criminally prosecuted, and that the federal government take control of the Texas prison system. None of these are within the control of the defendants, and Arabzadegan therefore fails to meet the redressability requirement for standing on his claims for injunctive relief.

C. Deliberate Indifference

Arabzadegan contends that several defendants were deliberately indifferent to his serious medical needs. The Eighth Amendment "establish[es] the government's obligation to provide medical care for those whom it is punishing by incarceration." *Estelle v. Gamble*, 429 U.S. 97,

103 (1976). Thus, an Eighth Amendment violation may occur where "denial of medical care may result in pain and suffering which no one suggests would serve any penological purpose." *Id.* To rise to the level of a constitutional violation, however, prison officials must exhibit deliberate indifference to the prisoner's serious medical needs. *Farmer v. Brennan*, 511 U.S. 825, 828 (1994). "Deliberate indifference" is more than mere negligence, but "something less than acts or omissions for the very purpose of causing harm or with knowledge that harm will result." *Farmer*, 511 U.S. at 835. Rather, deliberate indifference requires that the defendant be subjectively aware of a substantial risk of serious harm to the inmate and recklessly disregard that risk. *Id.* at 829, 836.

Deliberate indifference is an extremely high standard to meet . . . [T]he plaintiff must show that the officials "refused to treat him, ignored his complaints, intentionally treated him incorrectly, or engaged in any similar conduct that would clearly evince a wanton disregard for any serious medical needs."

Domino v. Texas Dep't of Crim. Justice, 239 F.3d 752, 756 (5th Cir. 2001)(quoting *Johnson v. Treen*, 759 F.2d 1236, 1238 (5th Cir. 1985)).

1. Defendants Onemu and Williams

Arabzadegan claims that defendants Onemu and Williams were dismissive of his various symptoms. He acknowledges, however, that both of these defendants sent him to a G.I. specialist, and an Ear, Nose, and Throat specialist, and ordered blood tests, x-rays, and other diagnostic tests in response to Arabzadegan's complaints. *See* More Definite Statement at 3-4;

Amended Complaint at 5. Arabzadegan's own pleadings therefore demonstrate that these defendants did not "refuse[] to treat him, ignore[] his complaints, intentionally treat[] him incorrectly, or engage[] in any similar conduct that would clearly evince a wanton disregard for any serious medical needs." They were not deliberately indifferent to Arabzadegan's serious medical needs.

2. Defendant Pegoda

Arabzadegan contends that defendant Pegoda's refusal to allow Arabzadegan to use the bathroom during his law library sessions amounted to deliberate indifference. He admits, however, that Pegoda had no knowledge of any medical condition that would require frequent bathroom usage. MDS at 4. Without such knowledge, Pegoda cannot have "evinced[] a wanton disregard for any serious medical needs." Arabzadegan therefore fails to state a claim for deliberate indifference against Pegoda.

D. Access to the Courts

To the extent that Arabzadegan contends that enforcement of the "no bathroom" rule violated his right of access to the courts, this claim also fails. To prevail on a claim that his right of access to court has been violated, a prisoner must demonstrate prejudice or harm by showing that his ability to pursue a "nonfrivolous," "arguable" legal claim was hindered by the defendants' actions. *See Christopher v. Harbury*, 536 U.S. 403, 415 (2002) (internal quotations omitted); *Lewis v. Casey*, 518 U.S. at 351. *See also Johnson v. Rodriguez*, 110 F.3d 299, 311 (5th Cir.1997). He must identify the nonfrivolous, arguable underlying claim. *Id.* Arabzadegan

identifies no such harm or prejudice, and therefore fails to state a claim for denial of access to the courts.

E. Cruel and Unusual Punishment

As another court found in rejecting an identical claim:

The standard to be used in determining whether conditions of confinement are cruel and unusual includes: the “wanton and unnecessary infliction of pain,” conditions “grossly disproportionate to the severity of the crime warranting imprisonment;” and deprivation of “the minimal civilized measures of life's necessities.” [*Rhodes v. Chapman*, 452 U.S. [337,] 346–47 [(1981)]]. That is, the Eighth Amendment affords protection against conditions of confinement which may constitute health threats, but not against those which cause mere discomfort or inconvenience. *Wilson v. Lynaugh*, 878 F.2d 846, 849 (5th Cir.1989).

Here, the conditions complained of, not being able to use the restroom while attending the unit law library, simply do not amount to conditions tantamount to a wanton and unnecessary infliction of pain resulting in unquestioned and serious deprivation of basic human needs. See *Wilson v. Seiter*, 501 U.S. 294, 304, 111 S.Ct. 2321, 115 L.Ed.2d 271 (1991) (court may consider conditions, alone or in combination, in assessing alleged deprivation). In addition, plaintiff has failed to show that he suffered any harm as a result of being denied restroom breaks.

Kolberg v. Pille, No. 1:12-CV-280, 2012 WL 6967234, at *5 (E.D. Tex. Dec. 14, 2012), *report and recommendation adopted*, No. 1:12-CV-280, 2013 WL 395095 (E.D. Tex. Jan. 31, 2013). This Court agrees with the *Kolberg* Court’s analysis and accordingly finds that Arabzadegan fails to state a claim for cruel and unusual punishment based on the “no bathroom” policy.

F. Other Constitutional Claims

Arabzadegan also states that the "no bathroom" policy violated his rights under the Fifth, Sixth, and Fourteenth Amendments. He provides no justification for these claims.

In order to avoid dismissal for failure to state a claim, a plaintiff must plead specific facts, not mere conclusory allegations...." *Elliott v. Foufas*, 867 F.2d 877, 881 (5th Cir.1989). . "Conclusory allegations and unwarranted deductions of fact are not admitted as true" by a motion to dismiss. *Associated Builders, Inc. v. Alabama Power Company*, 505 F.2d 97, 100 (5th Cir.1974).

Guidry v. Bank of LaPlace, 954 F.2d 278, 281 (5th Cir. 1992). These wholly conclusory claims must be dismissed.

IV. Conclusion

For the foregoing reasons, the defendants' Motion to Dismiss (Dkt. No. 32) is **GRANTED**, and the Amended Complaint (Dkt. No. 8) is **DISMISSED**. All other pending motions are **DENIED AS MOOT**.

SIGNED at Houston, Texas on March 26, 2025.



ALFRED L. BENNETT
UNITED STATES DISTRICT JUDGE

ENTERED

March 31, 2025

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LUKE MASOOD ARABZADEGAN,

Plaintiff,

v.

RAMSEY UNIT MEDICAL DEP'T, *et al.*,

Defendants.

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CIVIL ACTION NO. 4:23-cv-3006

FINAL JUDGMENT

For the reasons set forth in the Court's *Memorandum and Order* of even date and the Court's Order of Partial Dismissal dated February 14, 2024, the plaintiff's claims for damages against defendants Onemu, Williams, and Pegoda in their official capacities and his claims against these defendants for injunctive relief are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction. All other claims are **DISMISSED WITH PREJUDICE**. This is a FINAL JUDGMENT.

SIGNED at Houston, Texas on March 26, 2025.



ALFRED H. BENNETT
UNITED STATES DISTRICT JUDGE

APPENDIX-B

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

November 18, 2024

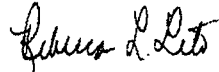
MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 24-20335 Arabzadegan v. W.F. Ramsey - I
USDC No. 4:23-CV-3006

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Rebecca L. Leto, Deputy Clerk
504-310-7703

Mr. Luke Masood Arabzadegan
Mr. Nathan Ochsner
Ms. Adrianna N. Perez

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 18, 2024

No. 24-20335

Lyle W. Cayce
Clerk

LUKE MASOOD ARABZADEGAN,

Plaintiff—Appellant,

versus

W.F. RAMSEY - I UNIT'S MEDICAL DEPARTMENT; FELICIA
ONEMU, *Physician's Assistant - W. F. Ramsey - I Unit's Medical
Department*; VICTORIA WILLIAMS, *Physician's Assistant - W. F. Ramsey -
I Unit's Medical Department*; UNIVERSITY OF TEXAS MEDICAL
BRANCH EMPLOYEE(S); CORRECTIONS MEDICAL CARE; LINDA
C. HONE, *Investigator - W. F. Ramsey - I Unit's Medical Department*; J.
BACK; JEANIA PEGODA, *Access to Courts Program Manager*; ACCESS
TO COURTS OFFICE,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:23-CV-3006

UNPUBLISHED ORDER

No. 24-20335

Before SMITH, GRAVES, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:

IT IS ORDERED that Appellees' motion to dismiss the appeal for lack of jurisdiction, which was not opposed, is GRANTED.

APPENDIX - C

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

October 20, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 25-20137 Arabzadegan v. W.F. Ramsey - I
USDC No. 4:23-CV-3006

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

By: Rebecca Andry
Rebecca Andry, Deputy Clerk
504-310-7638

Mr. Luke Masood Arabzadegan
Ms. Adrianna N. Perez

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 20, 2025

Lyle W. Cayce
Clerk

No. 25-20137

LUKE MASOOD ARABZADEGAN,

Plaintiff—Appellant,

versus

W.F. RAMSEY - I UNIT'S MEDICAL DEPARTMENT; FELICIA
ONEMU, *Physician's Assistant - W. F. Ramsey - I Unit's Medical
Department*; VICTORIA WILLIAMS, *Physician's Assistant - W. F. Ramsey -
I Unit's Medical Department*; UNIVERSITY OF TEXAS MEDICAL
BRANCH EMPLOYEE(S); CORRECTIONS MEDICAL CARE; LINDA
C. HONE, *Investigator - W. F. Ramsey - I Unit's Medical Department*; J.
BACK; JEANIA PEGODA, *Access to Courts Program Manager*; ACCESS
TO COURTS OFFICE,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:23-CV-3006

UNPUBLISHED ORDER

Before STEWART, WILLETT, and WILSON, *Circuit Judges.*

PER CURIAM:

A member of this panel previously DENIED Appellant's motion for reconsideration of the denial of the motion to supplement the record on appeal. The panel has considered Appellant's motion for reconsideration.

IT IS ORDERED that the motion is DENIED.

APPENDIX-D

**United States Court of Appeals
for the Fifth Circuit**

United States Court of Appeals
Fifth Circuit

FILED

February 18, 2026

Lyle W. Cayce
Clerk

No. 25-20137
Summary Calendar

LUKE MASOOD ARABZADEGAN,

Plaintiff—Appellant,

versus

W.F. RAMSEY - I UNIT'S MEDICAL DEPARTMENT; FELICIA ONEMU, *Physician's Assistant - W. F. Ramsey - I Unit's Medical Department*; VICTORIA WILLIAMS, *Physician's Assistant - W. F. Ramsey - I Unit's Medical Department*; UNIVERSITY OF TEXAS MEDICAL BRANCH EMPLOYEE(S); CORRECTIONS MEDICAL CARE; LINDA C. HONE, *Investigator - W. F. Ramsey - I Unit's Medical Department*; J. BACK; JEANIA PEGODA, *Access to Courts Program Manager*; ACCESS TO COURTS OFFICE,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:23-CV-3006

Before STEWART, GRAVES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

No. 25-20137

Luke Masood Arabzadegan appeals from the district court's dismissal of his 42 U.S.C. § 1983 complaint against various prison employees, the University of Texas Medical Branch (UTMB), and Correctional Managed Care (CMC). We conduct a de novo review of dismissals under Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction and dismissals under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted. *Smith v. Hood*, 900 F.3d 180, 184 (5th Cir. 2018). We will not consider any new claims or facts that Arabzadegan raises for the first time on appeal. *See Stewart Glass & Mirror, Inc. v. U.S. Auto Glass Disc. Ctrs, Inc.*, 200 F.3d 307, 316-17 (5th Cir. 2000); *Theriot v. Par. of Jefferson*, 185 F.3d 477, 491 n.26 (5th Cir. 1999).

On appeal, Arabzadegan argues that Felicia Onemu and Victoria Williams were deliberately indifferent to the serious medical needs posed by his various medical conditions. However, he conceded in district court that, in response to his medical requests, Onemu and Williams sent him to specialists for further testing, treated his wounds or conditions, and prescribed him medications. His disagreement with that medical care and decisions whether to provide additional treatment fail to state a claim for deliberate indifference. *See Gobert v. Caldwell*, 463 F.3d 339, 346 (5th Cir. 2006). The district court properly dismissed his claims against Onemu and Williams on this basis.

Arabzadegan argues that the district court should not have dismissed his claims against UTMB and CMC because he now contends they were liable in their supervisory capacities. He has not shown that the district court erred by determining that UTMB and CMC were not proper defendants under § 1983. *See Will v. Mich. Dep't of State Police*, 491 U.S. 58, 70-71 (1989). In any event, we may affirm the district court's dismissal of the claims against UTMB and CMC on the alternative basis that state agencies are protected

No. 25-20137

by Eleventh Amendment immunity. *See Lewis v. UTMB*, 665 F.3d 625, 630 (5th Cir. 2011); *Berry v. Brady*, 192 F.3d 504, 517 (5th Cir. 1999).

As he argued in district court, Arabzadegan contends on appeal that Jeania Pegoda exhibited deliberate indifference by refusing to permit him to use the bathroom during his law library sessions and thereby violated his right of access to the courts. However, because he admitted in district court that he did not have a medical condition that compelled frequent bathroom usage and that Pegoda was aware of the lack of any such medical condition, he cannot show deliberate indifference on this basis. *See Lawson v. Dallas Cnty.*, 286 F.3d 257, 262 (5th Cir. 2002). Furthermore, because Arabzadegan failed to identify in district court a nonfrivolous legal claim that was hindered by Pegoda's actions, the district court properly dismissed his access-to-court claim. *See Christopher v. Harbury*, 536 U.S. 403, 415 (2002); *Chriceol v. Phillips*, 169 F.3d 313, 317 (5th Cir. 1999).

Arabzadegan also alleges that Back, Pegoda, and unidentified prison employees committed theft and conversion by depositing only part of the money sent to his inmate trust account by others and that they did so in retaliation for exercising his right to access the courts. Although he raised this claim in district court, he did so at a time when he no longer had a right to amend his complaint without leave of court, and he did not explicitly ask for this claim to be added to his complaint. When a pro se litigant attempts to raise new issues before the district court when the litigant no longer has a right to amend his pleadings without leave of court and fails to request such leave, we are not required to consider those issues as properly submitted amendments to the complaint. *See United States v. Cervantes*, 132 F.3d 1106, 1111 (5th Cir. 1998); *United States v. Armstrong*, 951 F.2d 626, 630 (5th Cir. 1992). Accordingly, we will not consider this claim, which was not properly before the district court.

No. 25-20137

In this court, Arabzadegan has filed numerous motions seeking various forms of relief. Because this case lacks the exceptional circumstances that would justify appointment of counsel in a civil rights action, Arabzadegan's motions for appointment of counsel are DENIED. *See McFaul v. Valenzuela*, 684 F.3d 564, 581 (5th Cir. 2012). His remaining motions are also DENIED. The district court's judgment is AFFIRMED.

APPENDIX-I

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

March 11, 2026

Mr. Nathan Ochsner
Southern District of Texas, Houston
United States District Court
515 Rusk Street
Room 5300
Houston, TX 77002

No. 25-20137 Arabzadegan v. W.F. Ramsey - I
USDC No. 4:23-CV-3006

Dear Mr. Ochsner,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Sean Hannan, Deputy Clerk
504-310-7702

cc w/encl:

Mr. Luke Masood Arabzadegan
Ms. Adrianna N. Perez

United States Court of Appeals for the Fifth Circuit

No. 25-20137
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 18, 2026

Lyle W. Cayce
Clerk

LUKE MASOOD ARABZADEGAN,

Plaintiff—Appellant,

versus

W.F. RAMSEY - I UNIT'S MEDICAL DEPARTMENT; FELICIA ONEMU, *Physician's Assistant - W. F. Ramsey - I Unit's Medical Department*; VICTORIA WILLIAMS, *Physician's Assistant - W. F. Ramsey - I Unit's Medical Department*; UNIVERSITY OF TEXAS MEDICAL BRANCH EMPLOYEE(S); CORRECTIONS MEDICAL CARE; LINDA C. HONE, *Investigator - W. F. Ramsey - I Unit's Medical Department*; J. BACK; JEANIA PEGODA, *Access to Courts Program Manager*; ACCESS TO COURTS OFFICE,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:23-CV-3006

JUDGMENT

Before STEWART, GRAVES, and OLDHAM, *Circuit Judges.*

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See FED. R. APP. P. 41(B). The court may shorten or extend the time by order. See 5TH CIR. R. 41 I.O.P.



Certified as a true copy and issued
as the mandate on Mar 11, 2026

Attest:

Jyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

**Additional material
from this filing is
available in the
Clerk's Office.**