

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Joel Tolbert, III v. Contra Costa County, et al.

Tolbert · No. 5:22-cv-03546 EJD (PR) · Decided September 30, 2025

SUMMARY

The United States District Court for the Northern District of California grants defendants’ motion for summary judgment in a 42 U.S.C. § 1983 action brought by a former pretrial detainee. The plaintiff alleged that detention officers failed to protect him from attacks after moving him from an administrative-management housing unit and that one officer was deliberately indifferent to his medical needs. The order addresses the Fourteenth Amendment failure-to-protect standard for pretrial detainees, exhaustion, and the evidentiary record concerning the alleged assaults and medical response.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Edward J. Davila
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 30, 2025
DOCKET	5:22-cv-03546 EJD (PR)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a pro se 42 U.S.C. § 1983 action as a pretrial detainee alleging failure to protect and deliberate indifference to medical needs. After partially granting and partially denying defendants' motion to dismiss, the court considered defendants' motion for summary judgment.
STANDARD OF REVIEW	Summary judgment is proper when the pleadings, discovery, and affidavits show no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The evidence and reasonable inferences must be viewed in the light most favorable to the nonmoving party, but the nonmoving party must identify specific evidence showing a genuine issue for trial.
PRECEDENTIAL VALUE	Unpublished federal district court order; generally nonprecedential.

PARTIES

Joel Tolbert, III v. Contra Costa County, Sgt. Holland, Sgt. Rossi, Deputy Griffin, Deputy Cope, Deputy Gamba

TOPICS

section 1983

prisoners rights

summary judgment

due process

civil procedure

PRACTICE AREAS

Civil rights

Prisoner litigation

Federal civil procedure

Constitutional law

QUESTIONS PRESENTED

1. Whether defendants Holland, Rossi, Griffin, Cope, and Gamba were entitled to summary judgment on Tolbert's Fourteenth Amendment failure-to-protect claim.
2. Whether defendant Gamba was entitled to summary judgment on Tolbert's Fourteenth Amendment deliberate-indifference-to-medical-needs claim.
3. Whether the court needed to reach defendants' qualified-immunity and failure-to-exhaust arguments after finding no constitutional violation.

HOLDINGS

1. Summary judgment was proper because Tolbert failed to produce evidence establishing that each defendant made the relevant intentional decision concerning his conditions of confinement, failed to take reasonable available measures to abate a substantial risk of serious harm, or caused his alleged injuries. The evidence showed that the classification sergeant—not the named defendants—removed Tolbert's AdMan status, that defendants offered Protective Custody as an alternative, and that Tolbert chose Q Module instead.
2. Summary judgment was proper because the evidence did not permit a reasonable jury to find that Gamba was deliberately indifferent to Tolbert's medical needs. Gamba did not know that an attack had occurred, Tolbert did not appear injured or request medical assistance from Gamba or the next-shift deputy, and the available photograph showed no obvious injury requiring care.
3. The court did not reach defendants' qualified-immunity or failure-to-exhaust arguments because it found no constitutional violation and granted summary judgment on the merits.

KEY QUOTATIONS

“A pretrial detainee who asserts a due process claim for failure to protect instead must prove “more than negligence but less than subjective intent -- something akin to reckless disregard.”” (Discussion § II.A)

“The evidence establishes that Plaintiff’s housing in Q Module was a result of his choice rather than a failure on the part of Defendants to take reasonable available measures to abate a risk to Plaintiff.” (Discussion § II.A)

“The failure to protect and deliberate indifference to medical needs claims against Defendants are DISMISSED with prejudice.” (Conclusion)

FACTUAL BACKGROUND

Tolbert was a pretrial detainee at the Martinez Detention Facility who had previously been housed in the Administrative Management program on D Module after an assault and concerns related to gang threats. After completing the program's two phases, the classification sergeant removed his AdMan status, requiring that he leave D Module; officials offered Protective Custody, including placement at West County, or Q Module, but Tolbert declined Protective Custody and was ultimately moved to Q Module. Tolbert alleged that he was attacked there and that Deputy Gamba failed to summon medical assistance after a March 25, 2022 incident, while defendants denied witnessing an attack or observing injuries and submitted evidence that Tolbert did not request medical care that day.

PROCEDURAL HISTORY

The first amended complaint was the operative pleading. The court previously dismissed all other claims and defendants with prejudice and allowed the failure-to-protect claim against Holland, Rossi, Griffin, Cope, and Gamba and the medical-needs claim against Gamba to proceed. Defendants moved for summary judgment; plaintiff filed no opposition despite extensions, although the court treated his verified complaint as an opposing affidavit to the extent admissible. The court granted summary judgment and dismissed the remaining claims with prejudice.

DISPOSITION

other

CASES CITED

- Schroeder v. McDonald, 55 F.3d 454, 460 & nn. 10-11 (9th Cir. 1995)
- Tolbert v. Contra Costa County, et al., N.D. Cal. Case No. 21-09673, Dkt. No. 101 at 5
- Bell v. Wolfish, 441 U.S. 520, 535 & n.16 (1979)
- United States v. Salerno, 481 U.S. 739, 746-47 (1987)
- Castro v. County of Los Angeles, 833 F.3d 1060, 1068-73 (9th Cir. 2016) (en banc)
- Kingsley v. Hendrickson, 576 U.S. 389, 396 (2015)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-25 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-50 (1986)
- In re Oracle Corp. Securities Litigation, 627 F.3d 376, 387 (9th Cir. 2010)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986)
- T.W. Electric Service, Inc. v. Pacific Electric Contractors Association, 809 F.2d 626, 630-31 (9th Cir. 1987)
- Keenan v. Allen, 91 F.3d 1275, 1279 (9th Cir. 1996)
- Carmen v. San Francisco Unified School District, 237 F.3d 1026, 1028-29 (9th Cir. 2001)

- Gordon v. County of Orange, 888 F.3d 1118, 1122 & n.4, 1125 (9th Cir. 2018)

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