

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bush v. Santoro

Bush · No. 1:20-cv-00015-JLT-EPG · Decided May 5, 2025

SUMMARY

The United States District Court for the Eastern District of California denies defendants’ renewed motion for judgment as a matter of law under Federal Rule of Civil Procedure 50(b). The court also conditionally denies the alternative motion for a new trial or amendment of the judgment, subject to the plaintiff’s acceptance of a remittitur reducing excessive compensatory and punitive damages. The underlying action concerns an excessive-force claim against correctional officers, with the jury finding Pascual Ibarra and Everardo Hernandez liable and awarding compensatory and punitive damages.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 5, 2025
DOCKET	1:20-cv-00015-JLT-EPG
DISPOSITION	other
PROCEDURAL POSTURE	After a jury trial in an action asserting excessive force under the Eighth Amendment, defendants Ibarra and Hernandez moved for judgment as a matter of law under Rule 50(b) and alternatively for a new trial or amendment of the judgment under Rule 59.
STANDARD OF REVIEW	A Rule 50(b) motion is granted only when the evidence permits only one reasonable conclusion contrary to the jury's verdict; the court views the evidence and reasonable inferences in the light most favorable to the nonmoving party and may not weigh evidence or make credibility determinations. A Rule 59 motion may be granted when the verdict is contrary to the clear weight of the evidence, based on false or perjurious evidence, results in a miscarriage of justice, or includes excessive damages. Jury damages findings receive substantial deference and may be altered when grossly excessive, unsupported by the evidence, speculative, or shocking to the conscience.

PRECEDENTIAL VALUE	Unknown; district court post-trial order with no reporter citation or stated precedential designation.
PARTIES	Pascual Ibarra, Everardo Hernandez v. James S. Bush

TOPICS

section 1983 prisoners rights police misconduct motion for new trial damages

PRACTICE AREAS

civil rights prisoner civil rights civil procedure damages

QUESTIONS PRESENTED

1. Whether substantial evidence supported the jury's finding that Ibarra and Hernandez used excessive force in violation of the Eighth Amendment.
2. Whether the court's Eighth Amendment excessive-force jury instruction was legally inadequate because it omitted the words "maliciously and sadistically."
3. Whether the compensatory and punitive damages awards were excessive and warranted a new trial or conditional remittitur.

HOLDINGS

1. The renewed Rule 50(b) motion was denied because substantial evidence supported the jury's findings that Ibarra and Hernandez used excessive force, and the court could not substitute its credibility assessment for the jury's.
2. The instruction was adequate because, taken as a whole, it required proof that defendants used excessive and unnecessary force, acted for the purpose of causing harm rather than in a good-faith effort to maintain or restore discipline, and caused harm. The omission of the specific words did not warrant a new trial.
3. The damages awards were excessive and contrary to the clear weight of the evidence because counsel urged the jury to award damages for acts and injuries Bush had expressly denied, leaving the court unable to determine whether the awards corresponded to the injuries supported by the evidence.

KEY QUOTATIONS

"Though the testimony and evidence support contrary conclusions, substantial evidence supporting the verdict is the threshold of inquiry and sole requirement under the judgment as a matter of law standard." (at 14)

"Taken as a whole, the Court finds the instruction given fairly and adequately covered the issues presented in the case, correctly stated the law, and was not misleading." (at 25)

"However, because counsel encouraged the jury to award damages for acts not taken by Defendants and for injuries Plaintiff did not suffer, the resulting damage award became unconnected to the evidence and the

amount awarded is clearly excessive and shocking.” (at 29)

FACTUAL BACKGROUND

Bush was a convicted prisoner at North Kern State Prison when correctional officers responded to an incident in his cell block on March 20, 2019. He testified that Ibarra removed him from his cell, placed him in a hog-tied position, and caused him pain, and other inmate witnesses testified that Hernandez and other officers used force while Bush was compliant and handcuffed. The testimony was materially inconsistent regarding who struck, kicked, or restrained Bush, but the jury found Ibarra and Hernandez liable for excessive force and awarded compensatory and punitive damages.

PROCEDURAL HISTORY

The jury found in favor of defendant Jose Ceja but found Ibarra and Hernandez liable for excessive force. It awarded \$150,000 in compensatory and \$25,000 in punitive damages against Ibarra and \$100,000 in compensatory and \$25,000 in punitive damages against Hernandez. The court denied the renewed Rule 50(b) motion, denied the Rule 59 motion conditionally, and ordered a remittitur reducing the awards unless Bush accepted the reduced amounts within 30 days.

DISPOSITION

other

CASES CITED

- Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 149-51 (2000)
- Hoard v. Hartman, 904 F.3d 780, 787-91 (9th Cir. 2018)
- Hudson v. McMillian, 503 U.S. 1, 6-13 (1992)
- Whitley v. Albers, 475 U.S. 312 (1986)
- Dang v. Cross, 422 F.3d 800, 804-05 (9th Cir. 2005)
- Rodriguez v. County of Los Angeles, 891 F.3d 776, 788, 795, 797 (9th Cir. 2018)
- Molski v. M.J. Cable, Inc., 481 F.3d 724, 729 (9th Cir. 2007)
- Del Monte Dunes at Monterey, Ltd. v. Monterey, 95 F.3d 1422, 1434-35 (9th Cir. 1996)
- Bell v. Williams, 108 F.4th 809, 834 (9th Cir. 2024)
- State Farm Mut. Auto. Ins. Co. v. Campbell, 538 U.S. 408, 416 (2003)
- Vahora v. Valley Diagnostics Laboratory, Inc., No. 1:16-CV-01624-SKO, 2019 WL 5960205, at *3-7 (E.D. Cal. 2019)