

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Candler v. Bustos

No. 1:25-cv-00345-CDB (PC) (E.D. Cal. Mar. 25, 2025) · No. 1:25-cv-00345-CDB (PC) · Decided March 25, 2025

SUMMARY

The United States District Court for the Eastern District of California directs the plaintiff to show cause in writing why his 42 U.S.C. § 1983 action should not be dismissed for failure to exhaust administrative remedies under the Prison Litigation Reform Act. The court gives the plaintiff 30 days to respond or voluntarily dismiss the action and warns that noncompliance may result in a recommendation of dismissal.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 25, 2025
DOCKET	1:25-cv-00345-CDB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a prisoner civil-rights action under 42 U.S.C. § 1983. The court issued an order to show cause why the action should not be dismissed for failure to exhaust administrative remedies before filing suit.
STANDARD OF REVIEW	A court may dismiss a claim for failure to exhaust administrative remedies when the failure is clear from the face of the complaint.
PRECEDENTIAL VALUE	Unknown; order to show cause issued by a federal district court

TOPICS

- prisoners rights
- section 1983
- affirmative defenses
- civil procedure

PRACTICE AREAS

- prisoner civil rights
- civil procedure
- administrative exhaustion

QUESTIONS PRESENTED

1. Whether the complaint establishes on its face that Plaintiff failed to exhaust available administrative remedies as required by the Prison Litigation Reform Act.
2. Whether Plaintiff should be required to show cause why the action should not be dismissed for failure to exhaust administrative remedies.

HOLDINGS

1. The Prison Litigation Reform Act requires a prisoner to exhaust available administrative remedies before bringing an action concerning prison conditions, and unexhausted claims cannot be brought in court.
2. When failure to exhaust is clear from the face of the complaint, the court may dismiss the claim; here, Plaintiff's allegations appeared to establish that he had not properly exhausted his administrative remedies before filing suit.
3. California state prisoners generally must receive a disposition from the second level of review before administrative remedies are deemed exhausted, subject to applicable exceptions.

KEY QUOTATIONS

"The Prison Litigation Reform Act (PLRA) provides that "[n]o action shall be brought with respect to prison conditions under . . . any other Federal law . . . by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." (1)

"Accordingly, it is HEREBY ORDERED that, within 30 days of the date of this Order, Plaintiff shall show cause in writing why this action should not be dismissed for his failure to exhaust administrative remedies." (1)

FACTUAL BACKGROUND

Steven R.G. Candler is a state prisoner proceeding pro se in a § 1983 civil-rights action concerning prison conditions. Although he alleged that he had filed multiple grievances, he also stated that administrative remedies were available and that he had not submitted requests for administrative relief on his claims or appealed to the highest available level.

PROCEDURAL HISTORY

Candler filed his complaint on March 24, 2025. In the complaint, he stated that administrative remedies were available but acknowledged that he had not submitted requests for administrative relief on his claims or appealed to the highest available level. The court determined that nonexhaustion appeared clear from the face of the complaint and ordered him to show cause within 30 days or alternatively file a notice of voluntary dismissal.

DISPOSITION

other

CASES CITED

- Jones v. Bock, 549 U.S. 199 (2007)

- Porter v. Nussle, 534 U.S. 516 (2002)
- Booth v. Churner, 532 U.S. 731 (2001)
- Woodford v. Ngo, 548 U.S. 81 (2006)
- Albino v. Baca, 747 F.3d 1162 (9th Cir. 2014)

OPINION

(PC) Candler v. Bustos

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 STEVEN R.G. CANDLER, Case No. 1:25-cv-00345-CDB (PC) 12 Plaintiff,

ORDER TO SHOW CAUSE IN WRITING

13 v. WHY ACTION SHOULD NOT BE

DISMISSED FOR FAILURE TO EXHAUST

14 JOVAN BUSTOS, et al., ADMINISTRATIVE REMEDIES

15 Defendants.

30-DAY DEADLINE

16 17 Background 18 Plaintiff Steven R.G. Candler is a state prisoner proceeding pro se in this civil rights action 19 pursuant to 42 U.S.C. § 1983. Plaintiff filed his complaint with this Court on March 24, 2025. 20 (Doc. 1). 21 In his complaint, Plaintiff attests that he filed multiple grievances and nothing happened, 22 and “they did nothing to help” him. (Id. at 3-5). Plaintiff attests that there are administrative 23 remedies at the institution in which he is incarcerated but that he did not submit a request for 24 administrative relief for any of claims I, II, and III, and did not appeal his requests for relief to the 25 highest level. (Id.). 26 The Prison Litigation Reform Act (PLRA) provides that “[n]o action shall be brought with 27 respect to prison conditions under . . . any other Federal law . . . by a prisoner confined in any jail, 28 prison, or other correctional facility until such administrative remedies as are available are 1 exhausted.” 42 U.S.C. § 1997e(a). Exhaustion of administrative remedies is mandatory and 2 “unexhausted claims cannot be brought in court.” Jones v. Bock, 549 U.S. 199, 211 (citation 3 omitted). The exhaustion requirement applies to all inmate suits relating to prison life, Porter v. 4 Nussle, 534 U.S. 516, 532 (2002), regardless of the relief sought by the prisoner or offered by the 5 administrative process, Booth v. Churner, 532 U.S. 731, 741 (2001). 6 Inmates are required to “complete the administrative review process in accordance with the 7 applicable procedural rules, including deadlines, as a precondition to bringing suit in federal court.” 8 Woodford v. Ngo, 548 U.S. 81, 88, 93 (2006). In California, state-inmate grievances are subject to 9 two levels of review. See Cal. Code Regs. tit. 15, §§ 3481(a), 3999.226(a)(1). Prisoners must 10 generally receive a disposition from the second level of review before administrative remedies are 11 deemed exhausted. See id. §§ 3483(m)(1), 3486(m),

3999.226(h); but see id. § 3483(m)(2). 12 In general, failure to exhaust is an affirmative defense that the defendant must plead and 13 prove. Jones, 549 U.S. at 204, 216. However, courts may dismiss a claim if failure to exhaust is 14 clear on the face of the complaint. See Albino v. Baca, 747 F.3d 1162, 1166 (9th Cir. 2014). 15 Here, it appears clear based on Plaintiff's allegations that he did not properly exhaust his 16 administrative remedies prior to filing his complaint. Specifically, as summarized above, Plaintiff 17 attests that he did not request administrative relief to the highest level available. 18 Accordingly, the Court will direct Plaintiff to make a written filing in which he sets forth 19 the reasons why this Court should not dismiss this action for his failure to exhaust administrative 20 remedies. 21 22 Remainder of This Page Intentionally Left Blank 23 24 25 26 27 28 1 | Conclusion and Order 2 Accordingly, it is HEREBY ORDERED that, within 30 days of the date of this Order, 3 | Plaintiff shall show cause in writing why this action should not be dismissed for his failure to 4 | exhaust administrative remedies. Alternatively, Plaintiff may file a notice of voluntary dismissal. 5 No requests for extension will be granted without a showing of good cause. Failure to 6 | comply with this order will result in a recommendation that this action be dismissed for 7 | Plaintiff's failure to obey Court orders and failure to exhaust administrative remedies. 8 | IT IS SO ORDERED. Dated: _March 25, 2025 | hr 10 UNITED STATES MAGISTRATE JUDGE 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28