

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

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

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