

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Larvester J. Johnson v. Ebenezer Espinoza

Case No. 22-cv-09197-WHO (PR) · No. 22-cv-09197-WHO (PR) · Decided December 22, 2025

SUMMARY

The United States District Court for the Northern District of California denied plaintiff Larvester J. Johnson’s two motions for summary judgment and motion for default judgment in his 42 U.S.C. § 1983 First Amendment retaliation action against Sergeant Ebenezer Espinoza. The court deferred ruling on Espinoza’s motion for summary judgment and ordered Johnson to respond to discovery requests and sit for a deposition. The order warned that failure to comply could result in dismissal for failure to prosecute and set a case management conference for April 7, 2026.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	William H. Orrick
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 22, 2025
DOCKET	22-cv-09197-WHO (PR)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for summary judgment twice and for default judgment in a pending 42 U.S.C. § 1983 action. Defendant also moved for summary judgment, but the court deferred ruling on that motion pending plaintiff's compliance with discovery requests and deposition requirements.
STANDARD OF REVIEW	Summary judgment is proper when the pleadings, discovery, and affidavits demonstrate no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The moving party bears the initial burden; after that burden is met, the opposing party must identify specific evidence showing a genuine issue for trial.
PRECEDENTIAL VALUE	unpublished district court order; precedential status not identified in the source
PARTIES	Larvester J. Johnson v. Ebenezer Espinoza

TOPICS

summary judgment

discovery dispute

section 1983

first amendment

civil procedure

PRACTICE AREAS

civil rights

prisoner litigation

civil procedure

QUESTIONS PRESENTED

1. Whether Johnson was entitled to summary judgment on his First Amendment retaliation claims.
2. Whether Johnson could obtain summary judgment on access-to-court claims that had already been dismissed with prejudice.
3. Whether Johnson was entitled to default judgment when the docket showed that defendant had defended against the action.
4. Whether ruling on defendant's summary-judgment motion should be deferred pending Johnson's compliance with discovery and deposition obligations.

HOLDINGS

1. Johnson was not entitled to summary judgment because his allegations and the record did not establish as a matter of law that retaliation for protected conduct was the substantial or motivating factor behind Espinoza's actions, and material factual disputes remained.
2. Johnson's motion for summary judgment was denied to the extent it sought relief on access-to-court claims that had already been dismissed with prejudice.
3. Johnson was not entitled to default judgment because the docket showed that Espinoza had defended against the action.
4. The court deferred ruling on Espinoza's summary-judgment motion and ordered Johnson to fully respond to discovery requests and sit for a deposition.

KEY QUOTATIONS

“Summary judgment is proper where the pleadings, discovery and affidavits demonstrate that there is “no genuine dispute as to any material fact and [that] the movant is entitled to judgment as a matter of law.””
(Standard of Review)

“Within the prison context, a viable claim of First Amendment retaliation entails five basic elements: (1) An assertion that a state actor took some adverse action against an inmate (2) because of (3) that prisoner’s protected conduct, and that such action (4) chilled the inmate’s exercise of his First Amendment rights, and (5) the action did not reasonably advance a legitimate correctional goal.” (Discussion, Johnson's First Motion for Summary Judgment)

FACTUAL BACKGROUND

Johnson alleges that Espinoza, a correctional officer at the San Francisco County Jail, searched or confiscated legal papers, used force against him, issued a false rules-violation report, and interfered with his court appearances in retaliation for Johnson's exercise of First Amendment rights. The court found that Johnson's allegations showed possible hostility and misconduct but did not establish that retaliation for protected conduct was the substantial or motivating factor behind Espinoza's actions. Johnson also failed to comply with defendant's discovery requests and refused to sit for a deposition.

PROCEDURAL HISTORY

Johnson's access-to-court claims were previously dismissed with prejudice because he failed to show actual injury. His First Amendment retaliation claims remained pending. The court denied both of Johnson's motions for summary judgment and his motion for default judgment, ordered him to respond to discovery and sit for a deposition, and deferred ruling on Espinoza's summary-judgment motion.

DISPOSITION

other

CASES CITED

- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 323, 325 (1986)
- *Keenan v. Allan*, 91 F.3d 1275, 1279 (9th Cir. 1996)
- *Rhodes v. Robinson*, 408 F.3d 559, 567-68 (9th Cir. 2005)
- *Mt. Healthy City School District Board of Education v. Doyle*, 429 U.S. 274, 287 (1977)
- *Hines v. Gomez*, 108 F.3d 265, 267-68 (9th Cir. 1997)
- *Huskey v. City of San Jose*, 204 F.3d 893, 899 (9th Cir. 2000)
- *Wood v. Yordy*, 753 F.3d 899, 904 (9th Cir. 2014)
- *Corales v. Bennett*, 567 F.3d 554, 568 (9th Cir. 2009)
- *McCollum v. California Department of Corrections and Rehabilitation*, 647 F.3d 870, 882 (9th Cir. 2011)
- *Allen v. Iranon*, 283 F.3d 1070, 1077 (9th Cir. 2002)
- *Ibrahim v. Biter*, No. 1:11-cv-01265 JLT (PC), 2011 WL 4709882, at *3 (E.D. Cal. Oct. 4, 2011)
- *Twitter Inc. v. Barr*, 445 F. Supp. 3d 295, 302 (N.D. Cal. 2020)