

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Thomas Leroy Hampton v. Kiwana Hill, Ulysses Baniga, Nancy
Hiolmes, Tiffany Gabbard, and S. Onyango

Hampton · No. 1:22-cv-00518-HBK (PC) · Decided March 7, 2025

SUMMARY

The United States District Court for the Eastern District of California disregarded Plaintiff Thomas Leroy Hampton’s brief disputing an affirmative defense of non-exhaustion. The court held that the filing was premature because Defendants had not yet filed an exhaustion-based motion for summary judgment, and stated that Plaintiff could refile or respond if such a motion were filed.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 7, 2025
DOCKET	1:22-cv-00518-HBK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a preemptive pleading opposing an anticipated exhaustion-based summary judgment motion before Defendants filed such a motion.
PRECEDENTIAL VALUE	Unknown
PARTIES	Thomas Leroy Hampton v. Kiwana Hill, Ulysses Baniga, Nancy Hiolmes, Tiffany Gabbard, S. Onyango

TOPICS

- affirmative defenses
- pleadings
- summary judgment
- prisoners rights
- civil procedure

PRACTICE AREAS

- Prisoner civil rights
- Federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff’s preemptive pleading opposing an anticipated exhaustion-based summary judgment motion should be considered before Defendants filed such a motion.

HOLDINGS

1. A plaintiff’s preemptive opposition to an exhaustion-based summary judgment motion is premature and may be disregarded when defendants have not yet filed the motion.

KEY QUOTATIONS

“The defense of exhaustion is an affirmative defense that must be raised and proven by a defendant.” (at 1)

FACTUAL BACKGROUND

Plaintiff filed a pleading asserting that he had properly and fully exhausted his administrative remedies and attached exhibits in support. He sought rejection of Defendants’ affirmative defense of non-exhaustion. At the time of filing, Defendants had not filed an exhaustion-based motion for summary judgment.

PROCEDURAL HISTORY

On March 6, 2025, Plaintiff filed a pleading titled “Brief in Dispute of Affirmative Defen[s]e of Non-Exhaustion,” asking the Court to reject Defendants’ anticipated non-exhaustion defense. The district court determined that the pleading was premature because Defendants had not filed an exhaustion-based motion for summary judgment and ordered that the pleading be disregarded.

DISPOSITION

other

CASES CITED

- Jones v. Bock, 549 U.S. 199, 212-18 (2007)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 THOMAS LEROY HAMPTON, Case No. 1:22-cv-00518-HBK (PC) 12
Plaintiff, ORDER DISREGARDING PLAINTIFF’S 13 v. PLEADING 14 KIWANA HILL,
ULYSSES BANIGA, Doc. No. 27 NANCY HIOLMES, TIFFANY 15 GABBARD, and S.
ONYANGO, 16 Defendants. 17 18 On March 6, 2025, Plaintiff filed a pleading titled “Brief in
Dispute of Affirmative 19 Defen[s]e of Non-Exhaustion” with exhibits.

(Doc. No. 27). In his pleading, Plaintiff asserts he 20 has properly and fully exhausted his
administrative remedies with respect to his claims 21 referencing the exhibits attached to his
pleading. (See generally Id). Plaintiff asks the Court to 22 “reject defendants defen[s]e of non-

exhaustion.” (Id. at 3). 23 Plaintiff’s pleading is a pre-emptive opposition to an exhaustion-based summary judgment 24 motion and is premature.

The defense of exhaustion is an affirmative defense that must be raised 25 and proven by a defendant. Jones v. Bock, 549 U.S. 199, 212-18 (2007). Defendants have not yet 26 filed an exhaustion-based summary judgment motion. (See Docket).

Thus, Plaintiff’s pleading is 27 premature. If Defendants file an exhaustion-based motion for summary judgment, Plaintiff may 28 refile his pleading or file an appropriate response at that time.

1 ACCORDINGLY, it is ORDERED: 2 The Court DISREGARDS (Doc. No. 27) Plaintiffs “Brief in Dispute of Affirmative 3 | Defen[s]e of Non-Exhaustion” as premature. 4 > | Dated: _ March 7, 2025 Mihaw. □ □ □ foareA Zacks 6 HELENA M. BARCH-KUCHTA UNITED STATES MAGISTRATE JUDGE 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28