

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Edwin Solorzano Perez v. Contra Costa County Sheriff Department,
et al.

Perez · No. 23-cv-04749-JSW · Decided March 24, 2025

SUMMARY

The United States District Court for the Northern District of California granted Defendants’ unopposed motion for summary judgment in a prisoner civil-rights action concerning alleged lack of non-slip footwear and inadequate medical care. The court held that Plaintiff failed to exhaust available administrative remedies under the Prison Litigation Reform Act and dismissed the claims without prejudice.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jeffrey S. White
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 24, 2025
DOCKET	23-cv-04749-JSW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a civil-rights action under 42 U.S.C. § 1983 concerning conditions of confinement. Defendant moved for summary judgment based in part on failure to exhaust administrative remedies. Plaintiff did not oppose the motion.
STANDARD OF REVIEW	Summary judgment is proper when the pleadings, discovery, and affidavits show no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. The evidence must be viewed in the light most favorable to the nonmoving party. An unopposed motion cannot be granted solely because it is unopposed; the movant's papers must independently establish entitlement to judgment and reveal no genuine dispute of material fact.
PRECEDENTIAL VALUE	Unknown; district-court order with no published reporter citation

PARTIES

Edwin Solorzano Perez v. Contra Costa County Sheriff Department, et al.

TOPICS

section 1983 prisoners rights summary judgment civil procedure

PRACTICE AREAS

civil rights prisoner litigation civil procedure

QUESTIONS PRESENTED

1. Whether Defendant was entitled to summary judgment because Plaintiff failed to exhaust available administrative remedies under the Prison Litigation Reform Act.
2. Whether the unopposed summary-judgment motion could be granted solely because Plaintiff failed to oppose it.
3. Whether Plaintiff's general history of filing grievances or asserted futility excused exhaustion of the claims at issue.

HOLDINGS

1. A district court may not grant an unopposed motion for summary judgment solely on the basis that it is unopposed; the movant's papers must themselves establish that there is no genuine issue of material fact and that the movant is entitled to judgment as a matter of law.
2. Because undisputed evidence showed that Plaintiff did not pursue available administrative remedies concerning the lack of non-slip footwear or inadequate medical care for his back injury, Defendant was entitled to summary judgment under the PLRA.
3. A prisoner's belief that pursuing the grievance process would be futile, or a generalized history of filing grievances, does not excuse failure to exhaust available administrative remedies for the specific claims asserted.

KEY QUOTATIONS

"Where, as here, a summary judgment is unopposed, a district court may not grant the motion solely on that basis." (1)

"Exhaustion is mandatory and not left to the discretion of the district court." (2)

"As there is no dispute that Plaintiff did not pursue his available administrative remedies regarding his claims, there are no triable issues that preclude granting Defendant's motion for summary judgment on exhaustion grounds." (2)

FACTUAL BACKGROUND

Plaintiff alleged that he fell and injured his back while cleaning at the county jail. He claimed that the Sheriff's Department's policies caused him not to receive non-slip footwear and adequate medical care. The Department presented evidence that Plaintiff did not file a formal grievance or appeal concerning either the footwear or medical-care claims, and Plaintiff submitted no contrary evidence.

PROCEDURAL HISTORY

Plaintiff, a California prisoner proceeding pro se, filed an original complaint and then an unverified amended complaint alleging that jail policies caused him not to receive non-slip footwear while cleaning and that he received inadequate medical care for a back injury. Defendant moved for summary judgment. The district court considered the verified original complaint as evidence to the extent based on personal knowledge, granted the motion on exhaustion grounds, dismissed the claims without prejudice, and directed the Clerk to enter judgment and close the file.

DISPOSITION

dismissed

CASES CITED

- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986)
- *Tolan v. Cotton*, 134 S. Ct. 1861, 1865 (2014)
- *Hunt v. Cromartie*, 526 U.S. 541, 552 (1999)
- *Cristobal v. Siegel*, 26 F.3d 1488, 1494-95 & n.4 (9th Cir. 1994)
- *Carmen v. San Francisco Unified School District*, 237 F.3d 1026, 1029 (9th Cir. 2001)
- *Schroeder v. McDonald*, 55 F.3d 454, 460 & nn.10-11 (9th Cir. 1995)
- *Albino v. Baca*, 747 F.3d 1162, 1166 (9th Cir. 2014) (en banc)
- *Woodford v. Ngo*, 548 U.S. 81, 84 (2006)
- *Booth v. Churner*, 532 U.S. 731, 739, 741 n.6 (2001)
- *Ross v. Blake*, 578 U.S. 632, 638 (2016)