

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Duckett v. Garcia

No. 23-cv-04748 BLF (PR) (N.D. Cal. June 17, 2025) · No. 23-cv-04748 BLF (PR) · Decided June 17, 2025

SUMMARY

The United States District Court for the Northern District of California granted correctional officer P. Garcia-Cortes’s motion for summary judgment in a pro se 42 U.S.C. § 1983 action. The court held that the visual unclothed body search of a transgender inmate was reasonable under the Fourth Amendment because it involved no physical touching, followed an incident involving aggressive conduct and pepper-spray use, complied with prison policy, and occurred in a holding cell. The court alternatively held that the defendant was entitled to qualified immunity because any asserted right to be searched by an officer matching the inmate’s gender identity was not clearly established on December 24, 2021.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Beth Labson Freeman
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 17, 2025
DOCKET	23-cv-04748 BLF (PR)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a pro se action under 42 U.S.C. § 1983 alleging that a correctional officer violated the Fourth Amendment by conducting an unreasonable unclothed body search. Defendant moved for summary judgment based on the absence of a constitutional violation and qualified immunity. Plaintiff did not oppose the motion.
STANDARD OF REVIEW	Summary judgment is proper when the pleadings, discovery, and affidavits show no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The evidence and reasonable inferences were viewed in the light most favorable to Plaintiff, and the court could not make credibility determinations or weigh conflicting evidence. For qualified immunity, the court considered whether Plaintiff showed a constitutional violation and whether the right was clearly established at the time of the alleged conduct.

PRECEDENTIAL VALUE	unpublished
PARTIES	Jasmine Duckett v. P. Garcia

TOPICS

summary judgment qualified immunity prisoners rights section 1983 civil rights

PRACTICE AREAS

civil rights constitutional law prisoner litigation civil procedure

QUESTIONS PRESENTED

1. Whether the visual unclothed body search of Plaintiff by a male correctional officer violated the Fourth Amendment.
2. Whether Defendant was entitled to qualified immunity because the alleged right to be searched by an officer sharing Plaintiff's gender identity was not clearly established on December 24, 2021.

HOLDINGS

1. The visual unclothed body search did not violate the Fourth Amendment because it was conducted in a reasonable manner and was reasonably related to legitimate penological interests in prison safety and security.
2. Defendant was entitled to qualified immunity because Plaintiff failed to show a constitutional violation and, independently, the asserted right was not clearly established on December 24, 2021.

KEY QUOTATIONS

“Balancing these factors under Bell, the Court finds that the unclothed body search conducted by Defendant Garcia-Cortes was done in a reasonable manner and that it was reasonably related to the legitimate penological interest of maintaining the safety and security of the prison.” (at 10)

“In other words, it cannot be said that any reasonable official in Defendant’s shoes would have understood that his conduct under these circumstances violated the Fourth Amendment.” (at 15)

FACTUAL BACKGROUND

Plaintiff, a biologically male state inmate who identifies as a transgender woman, was housed at Salinas Valley State Prison, a men's facility. After Plaintiff failed to comply with repeated orders to prone out and adopted an aggressive stance during a disturbance, Defendant used pepper spray, handcuffed Plaintiff, and performed a clothed search. Defendant later conducted a visual unclothed body search while Plaintiff was inside a temporary holding cell; Defendant did not touch Plaintiff, and another officer stood nearby. Plaintiff alleged that Defendant disregarded her transgender access card and ordered her to remove her bra, exposing her chest, but the court found the search reasonable under the circumstances and alternatively held that Defendant was entitled to qualified immunity.

PROCEDURAL HISTORY

The court previously found that the complaint stated a cognizable Fourth Amendment claim based on an allegedly unreasonable body search and ordered service on Defendant. Defendant then moved for summary judgment. The court granted the motion and dismissed the Fourth Amendment claim with prejudice.

DISPOSITION

dismissed

CASES CITED

- Beverly v. Orange County Sheriff, No. 8:20CV00797 JGB SP, 2021 WL 5911666, at *9 (C.D. Cal. Sept. 21, 2021), report and recommendation adopted, No. 8:20-CV-797-JGB (SP), 2021 WL 5908845 (C.D. Cal. Dec. 13, 2021)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-25 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-50 (1986)
- T.W. Electric Service, Inc. v. Pacific Electric Contractors Association, 809 F.2d 626, 630-31 (9th Cir. 1987)
- Keenan v. Allen, 91 F.3d 1275, 1279 (9th Cir. 1996)
- Bull v. San Francisco, 595 F.3d 964, 973-75 (9th Cir. 2010) (en banc)
- Michenfelder v. Sumner, 860 F.2d 328, 332-34 (9th Cir. 1988)
- Bell v. Wolfish, 441 U.S. 520, 559, 561 (1979)
- Turner v. Safley, 482 U.S. 78, 89 (1987)
- Thompson v. Souza, 111 F.3d 694, 699-700 (9th Cir. 1997)
- Byrd v. Maricopa County Sheriff's Department, 629 F.3d 1135, 1142 (9th Cir. 2011) (en banc)
- Grummett v. Rushen, 779 F.2d 491, 494 & n.1 (9th Cir. 1985)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)
- Saucier v. Katz, 533 U.S. 194, 201-02, 205 (2001)
- Malley v. Briggs, 475 U.S. 335, 341 (1986)
- Sato v. County of San Bernardino, No. 22-55853, 2023 WL 7211397, at *3 (9th Cir. Nov. 2, 2023)
- Isayeva v. Sacramento Sheriff's Department, 872 F.3d 938, 946 (9th Cir. 2017)
- Martinez v. High, 91 F.4th 1022, 1031 (9th Cir. 2024)
- Kisela v. Hughes, 584 U.S. 100, 105 (2018)
- Pearson v. Callahan, 555 U.S. 223, 236 (2009)
- Smith v. Agdeppa, 56 F.4th 1193, 1200 (9th Cir. 2022)
- Tolan v. Cotton, 572 U.S. 650, 656 (2014)
- Romero v. Kitsap County, 931 F.2d 624, 627 (9th Cir. 1991)
- Community House, Inc. v. Bieter, 623 F.3d 945, 967 (9th Cir. 2010)
- Osolinski v. Kane, 92 F.3d 934, 936 (9th Cir. 1996)
- Carroll v. Carman, 574 U.S. 13, 16 (2014)

- Carrillo v. County of Los Angeles, 798 F.3d 1210, 1223 (9th Cir. 2015)
- Plunkett v. Parham, No. 2:19-cv-1450 KJM AC P, 2024 WL 3446520, at *7, *9 (E.D. Cal. July 17, 2024)
- Erbacher v. Robles, No. 1:23-cv-01194 JLT BAM P, 2023 WL 7343245, at *1, *6 (E.D. Cal. Sept. 22, 2023)

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