

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Keller v. Degough

Case No. 1:22-cv-01487-BAM (PC) (E.D. Cal. Sept. 30, 2025) · No. 1:22-cv-01487-BAM (PC) · Decided
September 30, 2025

SUMMARY

The United States District Court for the Eastern District of California considers Defendant Degough’s motion for summary judgment based on Plaintiff Paul Stephen Keller’s alleged failure to exhaust administrative remedies under the Prison Litigation Reform Act. The court analyzes the California Department of Corrections and Rehabilitation grievance process and grievance log no. 184116, which concerned contaminated water at Wasco State Prison. The order grants the motion for summary judgment for failure to exhaust administrative remedies.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 30, 2025
DOCKET	1:22-cv-01487-BAM (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved for summary judgment under Federal Rule of Civil Procedure 56 on the affirmative defense that Plaintiff failed to exhaust available administrative remedies under the Prison Litigation Reform Act before filing his § 1983 action.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. On a failure-to-exhaust motion, the defendant bears the initial burden of proving that an available administrative remedy existed and was not exhausted; the burden of production then shifts to the prisoner to show that the remedy was effectively unavailable, while the ultimate burden of proof remains with the defendant. The evidence is viewed in the light most favorable to the prisoner. If material facts are disputed, the court, rather than a jury, determines the exhaustion facts.

PRECEDENTIAL VALUE	unpublished_nonprecedential
PARTIES	Paul Stephen Keller v. Degough

TOPICS

summary judgment prisoners rights section 1983 civil rights affirmative defenses

PRACTICE AREAS

civil procedure prisoner civil rights constitutional law federal courts

QUESTIONS PRESENTED

1. Whether Defendant was entitled to summary judgment because Plaintiff failed to exhaust available administrative remedies before filing his § 1983 action.
2. Whether the rejection of Plaintiff's grievance as untimely rendered administrative remedies effectively unavailable.
3. Whether Plaintiff's grievance adequately placed prison officials on notice of the nature of his deliberate-indifference claim against Defendant.
4. Whether the prior voluntary dismissal of a related action equitably estopped Defendant from asserting the exhaustion defense.

HOLDINGS

1. Defendant was entitled to summary judgment because the undisputed record showed that Plaintiff failed to properly exhaust available administrative remedies before filing suit.
2. Plaintiff did not establish that the administrative process was effectively unavailable because of improper screening.
3. Grievance 184116 did not exhaust Plaintiff's claim against Defendant because it complained generally about contaminated water without identifying Defendant or alleging the individual misconduct underlying the lawsuit.
4. The prior voluntary dismissal of Plaintiff's related action did not equitably estop Defendant from asserting the exhaustion defense.

KEY QUOTATIONS

“For remedies to be fully exhausted, a grievance must “alert the prison to a problem and facilitate its resolution.”” (at 16)

“A prisoner’s concession to nonexhaustion is a valid ground for dismissal, so long as no exception to exhaustion applies.” (at 18)

FACTUAL BACKGROUND

Plaintiff alleged that Defendant was deliberately indifferent to dangerous contamination of the drinking water at Wasco State Prison, including allegedly failing to monitor and report levels of 1,2,3-trichloropropane. Plaintiff filed one potentially relevant grievance, Log No. 184116, on November 3, 2021, concerning contaminated water but did not name Defendant or allege misconduct by any individual. The grievance was rejected as untimely, and Plaintiff's appeal did not identify when he first discovered the contamination or otherwise alert prison officials to the nature of his claim against Defendant.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, filed this § 1983 action on November 16, 2022. The Court screened the complaint, allowed an Eighth Amendment deliberate-indifference claim against Defendant to proceed, and dismissed the other claims and defendants. Defendant moved for summary judgment based on failure to exhaust; after briefing, the Court granted the motion and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Woods v. Carey, 684 F.3d 934 (9th Cir. 2012)
- Rand v. Rowland, 154 F.3d 952, 957 (9th Cir. 1988)
- Klingele v. Eikenberry, 849 F.2d 409, 411-12 (9th Cir. 1988)
- Booth v. Churner, 532 U.S. 731, 741 (2001)
- Porter v. Nussle, 534 U.S. 516, 532 (2002)
- Jones v. Bock, 549 U.S. 199, 216 (2007)
- Albino v. Baca, 747 F.3d 1162, 1166, 1170, 1172 (9th Cir. 2014) (en banc)
- Williams v. Paramo, 775 F.3d 1182, 1191 (9th Cir. 2015)
- Washington Mutual Inc. v. United States, 636 F.3d 1207, 1216 (9th Cir. 2011)
- Carmen v. San Francisco Unified School District, 237 F.3d 1026, 1031 (9th Cir. 2001)
- Simmons v. Navajo County, Arizona, 609 F.3d 1011, 1017 (9th Cir. 2010)
- Sapp v. Kimbrell, 623 F.3d 813, 823-24, 832 (9th Cir. 2010)
- Rivera v. AMTRAK, 331 F.3d 1074, 1078 (9th Cir. 2003)
- Federal Trade Commission v. Publishing Clearing House, Inc., 104 F.3d 1168, 1171 (9th Cir. 1997), as amended (Apr. 11, 1997)
- Griffin v. Arpaio, 557 F.3d 1117, 1120 (9th Cir. 2009)
- Lukovsky v. City & County of San Francisco, 535 F.3d 1044, 1051 (9th Cir. 2008)
- Howard v. Williamson, No. 2:16-cv-1200 TLN KJN P, 2017 WL 5177721, at *8 n.7 (E.D. Cal. Nov. 7, 2017)
- United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980)
- Wyatt v. Terhune, 315 F.3d 1108, 1120 (9th Cir. 2003)

- Albino v. Baca, 747 F.3d 1162 (9th Cir. 2014)
- Johnson v. California Correctional Health Services, No. 2:25-cv-1423 DC CSK P, 2025 WL 2623835, at *3 (E.D. Cal. Sept. 11, 2025)
- Ford v. Gates, No. CV 21-0088 DMG (PVC), 2021 WL 6102926, at *5 (C.D. Cal. Mar. 1, 2021)

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