

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Michael Bruce Anthony McPherson v. California Department of
Corrections & Rehabilitation, et al.

McPherson · No. 1:25-cv-01026-KES-SKO · Decided October 21, 2025

SUMMARY

The United States Magistrate Judge recommends denying Plaintiff Michael Bruce Anthony McPherson’s motion for summary judgment as premature. The recommendation explains that the complaint has not yet been screened, no defendants have appeared, and discovery has not commenced, and provides a 14-day period for objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 21, 2025
DOCKET	1:25-cv-01026-KES-SKO
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se and in forma pauperis in a prisoner civil-rights action, moved for summary judgment before the complaint had been screened, defendants had appeared, or discovery had commenced. The magistrate judge issued findings and recommendations that the motion be denied as premature.
STANDARD OF REVIEW	The court applied the procedural requirements for screening prisoner complaints and the discretion afforded under Federal Rule of Civil Procedure 56 to deny or defer a premature summary-judgment motion when the opposing party has not had an opportunity to pursue discovery.
PRECEDENTIAL VALUE	Nonprecedential magistrate judge findings and recommendations; subject to district judge review.

TOPICS

summary judgment

discovery dispute

prisoners rights

civil rights

civil procedure

PRACTICE AREAS

Civil procedure

Prisoner civil rights

Federal courts

QUESTIONS PRESENTED

1. Whether the plaintiff's motion for summary judgment should be denied as premature when the prisoner's complaint had not yet been screened or served.
2. Whether summary judgment should be denied as premature when no defendant had appeared and discovery had not commenced.

HOLDINGS

1. A motion for summary judgment in a prisoner civil-rights action is premature when the court has not yet completed the mandatory screening of the complaint and has not authorized service on the defendants.
2. The court may deny a summary-judgment motion as premature when no defendant has appeared and the opposing parties have not had an opportunity to conduct discovery.

KEY QUOTATIONS

“Until Plaintiff’s complaint has been screened, summary judgment is premature.” (at 1)

“A premature decision on summary judgment impermissibly deprives the [defendants] of their right to utilize the discovery process to discover the facts necessary to justify their opposition to the motion” (at 2)

FACTUAL BACKGROUND

Michael Bruce Anthony McPherson filed a prisoner civil-rights complaint against the California Department of Corrections & Rehabilitation and related defendants. Before the court screened the complaint, authorized service, or any defendant appeared, McPherson filed a motion for summary judgment. Discovery had not commenced, and defendants therefore had no opportunity to conduct discovery or respond to the motion on a developed factual record.

PROCEDURAL HISTORY

Plaintiff filed the complaint on August 15, 2024, and the court granted his application to proceed in forma pauperis on August 19, 2025. Plaintiff moved for summary judgment on September 29, 2025. Because the complaint had not yet been screened and no defendant had appeared or participated in discovery, the magistrate judge recommended denial of the motion and referred the findings and recommendations to the assigned district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Baker v. German, No. 1:16-cv-01873-AWI-SAB (PC), 2017 WL 531937, at *1 (E.D. Cal. Feb. 9, 2017), recommendation adopted, 2017 WL 1427028 (E.D. Cal. Apr. 21, 2017)
- Dews v. County of Kern, 599 F. App'x 681, 682 (9th Cir. Mar. 27, 2015)
- Williams v. Yuan Chen, No. S-10-1292 CKD P, 2011 WL 4354533, at *3 (E.D. Cal. Sept. 16, 2011)
- Moore v. Hubbard, No. CIV S-06-2187 FCD EFB P, 2009 WL 688897, at *1 (E.D. Cal. Mar. 13, 2009)
- Vining v. Runyon, 99 F.3d 1056, 1058 (11th Cir. 1996)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)

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