

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Steven Ranae Gleen Candler v. J. Ball, et al.

Candler · No. 1:23-cv-00459-JLT-SAB (PC) · Decided November 6, 2025

SUMMARY

Findings and Recommendations by Magistrate Judge Stanley A. Boone addressing defendants’ motion for summary judgment in a 42 U.S.C. § 1983 excessive-force action brought by a pro se prisoner. The court recommends granting summary judgment for all defendants, concluding that the plaintiff did not identify defendants Ball or Armendariz as using force and that the medical evidence did not corroborate his allegations against the defendants.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 6, 2025
DOCKET	1:23-cv-00459-JLT-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on defendants' motion for summary judgment in a prisoner civil-rights action under 42 U.S.C. § 1983.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that no genuine dispute of material fact exists and the movant is entitled to judgment as a matter of law. The court may not make credibility determinations or weigh conflicting evidence and must draw reasonable inferences in favor of the nonmoving party. In an Eighth Amendment excessive-force claim, the plaintiff must show that force was applied maliciously and sadistically to cause harm rather than in a good-faith effort to maintain or restore discipline.
PRECEDENTIAL VALUE	Nonprecedential findings and recommendations; subject to adoption or rejection by the assigned district judge.

TOPICS

- summary judgment
- prisoners rights
- cruel and unusual punishment
- section 1983
- civil rights

PRACTICE AREAS

civil rights

prisoner civil rights

constitutional law

federal civil procedure

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment because Plaintiff could not identify Defendants Ball or Armendariz as having used force against him.
2. Whether the evidentiary record created a genuine dispute of material fact on Plaintiff's Eighth Amendment excessive-force claim against the defendants.
3. Whether the court needed to reach defendants' alternative qualified-immunity argument after resolving the motion on the merits.

HOLDINGS

1. Summary judgment should be granted for Ball and Armendariz because Plaintiff's testimony did not identify either defendant as having used force against him or, as to Armendariz, even being present during the alleged attacks.
2. Summary judgment should be granted for defendants because the evidence did not create a genuine dispute of material fact regarding either the objective or subjective element of Plaintiff's excessive-force claim.
3. The court did not reach defendants' alternative qualified-immunity argument because summary judgment was recommended on the merits of the excessive-force claim.

KEY QUOTATIONS

“the Court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” (at 4)

“To establish a claim for the use of excessive force in violation of the Eighth Amendment, a plaintiff must establish that prison officials applied force maliciously and sadistically to cause harm, rather than in a good-faith effort to maintain or restore discipline.” (at 6)

“When opposing parties tell two different stories, one of which is blatantly contradicted by the record, so that no reasonable jury could believe it, a court should not adopt that version of the facts for purposes of ruling on a motion for summary judgment.” (at 10)

FACTUAL BACKGROUND

Plaintiff alleged that correctional officers at Wasco State Prison repeatedly slammed his head against walls, struck him in the ribs, and kicked him in the testicles while escorting him after a dispute in a pill line. He could not identify the officers who allegedly slammed his head against the walls, except that he identified Baker as the officer who allegedly kicked him. Plaintiff testified that Ball did not assault him and did not identify Armendariz as using force or being present. Medical evaluations on the date of the incident identified no corroborating injuries other than an old scratch on Plaintiff's temple, and a recorded interview did not show injuries consistent with his allegations.

PROCEDURAL HISTORY

Plaintiff proceeded pro se and in forma pauperis on an excessive-force claim against correctional officers J. Ball, Armendariz, and Baker. Defendants answered, discovery proceeded after an unsuccessful settlement conference, and defendants moved for summary judgment. Plaintiff filed brief notices construed as oppositions. The magistrate judge recommended granting summary judgment for all defendants and entering judgment in their favor; the recommendation was subject to objections and review by the assigned district judge.

DISPOSITION

other

REMAND INSTRUCTIONS

The magistrate judge recommended that the assigned district judge grant defendants' motion for summary judgment and enter judgment in favor of all defendants. The parties could file objections within twenty-one days.

CASES CITED

- Washington Mut. Inc. v. U.S., 636 F.3d 1207, 1216 (9th Cir. 2011)
- Carmen v. San Francisco Unified Sch. Dist., 237 F.3d 1026, 1031 (9th Cir. 2001)
- Simmons v. Navajo Cnty., Ariz., 609 F.3d 1011, 1017 (9th Cir. 2010)
- Soremekun v. Thrifty Payless, Inc., 509 F.3d 978, 984 (9th Cir. 2007)
- Comite de Jornaleros de Redondo Beach v. City of Redondo Beach, 657 F.3d 936, 942 (9th Cir. 2011)
- Clement v. Gomez, 298 F.3d 898, 903 (9th Cir. 2002)
- Hudson v. McMillian, 503 U.S. 1, 6-7 (1992)
- LeMaire v. Maas, 12 F.3d 1444, 1458 (9th Cir. 1993)
- Whitley v. Albers, 475 U.S. 312, 327 (1986)
- Wilkins v. Gaddy, 559 U.S. 34, 38 (2010)
- Graham v. Connor, 490 U.S. 386, 396 (1989)
- Simmons v. G. Arnett, 47 F.4th 927, 933 (9th Cir. 2022)
- Moran v. Selig, 447 F.3d 748, 760 n.16 (9th Cir. 2006)
- Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986)
- Santos v. Gates, 287 F.3d 846, 853 (9th Cir. 2002)
- Scott v. Harris, 550 U.S. 372, 380 (2007)
- White v. Roper, 901 F.2d 1501, 1507 (9th Cir. 1990)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8
9 STEVEN RANAE GLEEN CANDLER, No. 1:23-cv-00459-JLT-SAB (PC) 10 Plaintiff,
FINDINGS AND RECOMMENDATIONS REGARDING DEFENDANTS' MOTION 11 v. FOR
SUMMARY JUDGMENT 12 J. BALL, et al., (ECF No. 85) 13 Defendants. 14 15 Plaintiff is
proceeding pro se and in forma pauperis in this civil rights action filed pursuant 16 to 42 U.S.C. §
1983.

17 Currently before the Court is Defendants' motion for summary judgment, filed September 18
10, 2025. 19 I. 20 PROCEDURAL BACKGROUND 21 This action is proceeding on Plaintiff's
excessive force claim against Defendants Ball, 22 Armendariz, and Baker. 23 Defendants filed an
answer to the operative complaint on June 26, 2024. (ECF No. 70.) 24 After an unsuccessful
settlement conference, the Court issued the discovery and scheduling order 25 on October 2, 2024.

(ECF No. 77.) 26 Defendants filed the instant motion for summary judgment on September 10,
2025. (ECF 27 No. 85.) On September 26, 2025, and October 17, 2025, Plaintiff filed a notice to
proceed, which 28 the Court construes as his opposition to Defendants' motion for summary
judgment. (ECF Nos. 1 87, 88.) 2 II. 3 LEGAL STANDARD 4 A. Summary Judgment Standard 5
Any party may move for summary judgment, and the Court shall grant summary judgment 6 if the
movant shows that there is no genuine dispute as to any material fact and the movant is 7 entitled
to judgment as a matter of law.

Fed. R. Civ. P. 56(a) (quotation marks omitted); 8 Washington Mut. Inc. v. U.S., 636 F.3d 1207,
1216 (9th Cir. 2011). Each party's position, whether 9 it be that a fact is disputed or undisputed,
must be supported by (1) citing to particular parts of 10 materials in the record, including but not
limited to depositions, documents, declarations, or 11 discovery; or (2) showing that the materials
cited do not establish the presence or absence of a 12 genuine dispute or that the opposing party
cannot produce admissible evidence to support the fact.

13 Fed. R. Civ. P. 56(c)(1) (quotation marks omitted). The Court may consider other materials in
the 14 record not cited to by the parties, but it is not required to do so. Fed. R. Civ. P. 56(c)(3);
Carmen 15 v. San Francisco Unified Sch. Dist., 237 F.3d 1026, 1031 (9th Cir. 2001); accord
Simmons v. 16 Navajo Cnty., Ariz., 609 F.3d 1011, 1017 (9th Cir. 2010).

17 In judging the evidence at the summary judgment stage, the Court does not make credibility 18
determinations or weigh conflicting evidence, Soremekun v. Thrifty Payless, Inc., 509 F.3d 978,
19 984 (9th Cir. 2007) (quotation marks and citation omitted), and it must draw all inferences in
the 20 light most favorable to the nonmoving party and determine whether a genuine issue of
material fact 21 precludes entry of judgment, Comite de Jornaleros de Redondo Beach v. City of
Redondo Beach, 22 657 F.3d 936, 942 (9th Cir.

2011) (quotation marks and citation omitted). 23 III. 24 DISCUSSION 25 A. Summary of Plaintiff's Complaint 26 According to Plaintiff's complaint, while Plaintiff was in the Visalia County Jail and after 27 going to court, Plaintiff was being transferred after having been sentenced. Officers placed Plaintiff 28 in a holding cell with four general population gang inmates, when he was to be placed in protective 1 custody.

Two of the four inmates attacked Plaintiff while he was in hold cell with them resulting 2 in a laceration to Plaintiff's head and bruises on his face. 3 When Plaintiff was back to Wasco State Prison, he was going to pill call and was grabbed 4 by an unidentified prison guard and slammed against a concrete wall multiple times because he is 5 African American.

The guard then slammed Plaintiff down on the concrete and started to slam 6 Plaintiff's head onto the ground multiple times. The guard was also punching Plaintiff in the ribs. 7 Once they stood, Plaintiff's head was slammed into the concrete wall multiple times. 8 B. Statement of Undisputed Facts^{1,2} 9 1. Plaintiff alleges that he was subjected to excessive force by CDCR correctional 10 officers while he was incarcerated at Wasco State Prison.

Declaration of John Faulconer 11 ("Faulconer Decl.") ¶ 2, Ex. A, Excerpts of the Deposition of Steven Plaintiff ("Pl. Dep."), 14:8- 12 25.) 13 2. Plaintiff alleges that Defendants Armendariz, Baker, and Ball are correctional 14 officers who attacked him on February 2, 2023. (ECF No. 58 at 1-2.) 15 3.

On the date of the incident, Plaintiff was waiting in the medical prescription line 16 ("pill line") when another inmate cut in front of him. The pill line was outside the medical building 17 and medications were distributed out of a window from the office. Plaintiff verbally told the other 18 inmate that he had been cutting him in line. (Faulconer Decl. ¶ 2, Pl.

Dep. at 16:10-17:6; 20:3-14.) 19 4. Plaintiff claims that an unidentified officer interrupted his conversation with the 20 other inmate, yelled at him, and snatched him out of the pill line. The officer grabbed Plaintiff by 21 the front and took him to a wall where he demanded that Plaintiff place his hands behind his back. 22 The officer began ramming Plaintiff's head against the wall.

Plaintiff could not identify the identity 23 1 Hereinafter referred to "UF." 24 2 Plaintiff has not contested any of the facts set forth in Defendants' Statement of Undisputed Facts (which are drawn 25 largely from Plaintiff's own deposition testimony), nor has he presented his own separate "Statement of Disputed Facts." More importantly, in opposing Defendants' motion, Plaintiff has pointed to no material facts or genuine 26 issues to be resolved at trial.

Indeed, he has presented no evidence demonstrating that Defendants applied force maliciously and sadistically to cause harm. Nonetheless, the Court reviewed Plaintiff's deposition transcript cited by 27 Defendants in the statement of undisputed facts and finds that Defendants' representations regarding Plaintiff's deposition testimony are accurate. 28 1 of the officer.

(Faulconer Decl. ¶ 2, Pl. Dep. at 18:5-19:6.) 2 5. Plaintiff claims that Ball told the other present inmates to turn around, but she did 3 not physically hit Plaintiff. (Faulconer Decl. ¶ 2, Pl. Dep. at 19:7-13; 21:5-7.) 4 6. Plaintiff claims that the officer that removed him from the line began to slam his 5 head against the brick wall forcefully.

The officer placed his hand on the back of Plaintiff's head 6 and forcefully slammed his head against the wall more than five times. Plaintiff claims that the 7 right side of his forehead, between his hairline and right eye, was hitting the wall.

The officer also 8 struck Plaintiff in his ribs multiple times resulting in bruising. (Faulconer Decl. ¶ 2, Pl. Dep. at 9 21:19-24:20; 27:2-6.) 10 7. Plaintiff testified that he could feel his head swelling right after his head was 11 slammed into the wall and knew it was visible because other inmates told him. (Faulconer Decl. ¶ 12 2, Pl. Dep. at 26:7-21.)

13 8. The officer who slammed Plaintiff's head took him to a holding cell. While in the 14 cell an estimated four-to-six officers entered the cell and twisted his arm behind him. The officer 15 who previously slammed his head against the concrete wall in the pill line slammed his head against 16 the wall again in the holding cell. Plaintiff was unable to identify any of the attacking officers.

17 (Faulconer Decl. ¶ 2, Pl. Dep. at 24:25-25:3; 30:8-32:6; 33:6-20; 35:3-36:9.) 18 9. Ball did not assault Plaintiff in the holding cell. (Faulconer Decl. ¶ 2, Pl. Dep. at 19 29:19-30:12.) 20 10. Officers escorted Plaintiff from the holding cell to an administrative building but 21 attacked him during the transport. Plaintiff could not identify these officers.

(Faulconer Decl. ¶ 2, 22 Pl. Dep. at 29:9-15; 45:4-9.) 23 11. During the escort to the administrative office, the unidentified officers stopped in 24 front of a building and rammed Plaintiff against a wall and began ramming his heading into a wall 25 again. They twisted his arms and raised them over his head. (Faulconer Decl. ¶ 2, Pl. Dep. at 37:12- 26 38:10; 45:4-9.)

27 12. The officers who attacked Plaintiff were the dispatched escorting officers, and not 28 the original unidentified officer who allegedly slammed his head against the wall in the pill line. 1 Plaintiff could not identify the officer that slammed his head against the wall during the escort. 2 (Faulconer Decl. ¶ 2, Pl. Dep. at 38:11-22.) 3 13. Plaintiff's head was slammed into the wall multiple times, the officer had his hand 4 on the back of Plaintiff's head and reared it back from the wall and forward, and the same side of 5 his head was struck into the wall.

(Faulconer Decl. ¶ 2, Pl. Dep. at 38:23-39:5, 43:5-16.) 6 14. Plaintiff claims that he was being punched and kicked by the officers, including in 7 the ribs. He was told to spread his legs and he his testicles were kicked from behind. Plaintiff alleges 8 that the officer that kicked him from behind was Baker. (Faulconer Decl. ¶ 2, Pl. Dep. at 39:16- 9 40:23, 42:20-23.)

10 15. Plaintiff claims that more than four officers were present during the assault on the 11 way to the administrative building. Aside from Baker, Plaintiff did not identify any of the officers. 12 Following the alleged assault, he was brought to a holding cell in the administrative building. 13 (Faulconer Decl. ¶ 2, Pl. Dep. at 44:18-45:20.) 14 16. Plaintiff claims that his head had a bleeding wound following the attack.

He testified 15 that he did not urinate blood or suffer any other effects from being kicked in the groin. (Faulconer 16 Decl. ¶ 2, Pl. Dep. at 49:4-21; 50:17-19.) 17 17. While at the administrative building holding cell, nurses evaluated Plaintiff for 18 injuries. No injuries were identified in the nurse's medical report. (Faulconer Decl. ¶ 2, Pl. Dep. at 19 45:25-46:8; Faulconer Decl. ¶ 3, Ex. C, experts of Plaintiff medical records ("Medical records), p. 20 2, Medical Report of Injury or Unusual Occurrence dated February 2, 2023, time seen at 7:50 am.)

21 18. A second nurse evaluation occurred with Plaintiff following the alleged incident on 22 February 2, 2023, at 2:58 pm. Plaintiff indicated that his head hurt but the nurse identified no 23 injuries that would corroborate Plaintiff's claims. (Faulconer Decl. ¶ 3, Ex. C, Medical records, p. 24 3, Medical Report of Injury or Unusual Occurrence dated February 2, 2023, time seen at 2:58 pm.)

25 19. On February 2, 2023, after the alleged incident at 3:22 pm, Plaintiff underwent an 26 interview regarding his allegations. The interview was video-recorded, and he was questioned 27 regarding what occurred and to identify his injuries. There do not appear to be any injuries on 28 Plaintiff that corroborate the allegations of the use of force. When asked about his allegations and 1 injuries, Plaintiff does not state that he was struck in the ribs.

He says that he has no visible injuries 2 aside from his head, including to his testicles/groin. (Faulconer Decl. ¶ 2, Pl. Dep. at 47:11-48:3; 3 Faulconer Decl., ¶ 4, Ex. D, custodian of records declaration regarding authenticity of copy of 4 video; Ex. E.) 5 20. A third nurse evaluation occurred with Plaintiff on February 2, 2023, at 4:27 p.m. 6 The nurse only noted an "old scratch" on Plaintiff's right temple and Plaintiff reported that he 7 "wiped it off." (Faulconer Decl. ¶ 3, Ex. C, Medical records, p. 4, Medical Report of Injury or 8 Unusual Occurrence dated February 2, 2023, time seen at 4:27 pm.)

9 C. Analysis of Defendants' Motion 10 Defendants argue the evidence does not support Plaintiff's allegations as he admitted that 11 Ball did not subject him to force, and he failed to identify Armendariz as subjecting him to force. 12 Lastly, the medical evidence demonstrates that the assault did not happen. 13 In opposition, Plaintiff simply states Defendants attacked him without a motive, (ECF No. 14 87), and the force was not used in a good faith effort to maintain or restore order, but was applied 15 maliciously and sadistically to cause harm, (ECF No. 88).

16 Based on all of the evidence presented in connection with the pending motion for summary 17 judgment, and for the reasons stated below, the Court concludes that Defendants are entitled to 18 summary judgment in his favor. 19 When prison officials use excessive force against prisoners, they violate the inmates' Eighth 20 Amendment right to be free from cruel and unusual punishment." *Clement v. Gomez*, 298 F.3d 21 898, 903 (9th Cir.

2002). To establish a claim for the use of excessive force in violation of the 22 Eighth Amendment, a plaintiff must establish that prison officials applied force maliciously and 23 sadistically to cause harm, rather than in a good-faith effort to maintain or restore discipline. 24 *Hudson v. McMillian*, 503 U.S. 1, 6–7 (1992).

In making this determination, the court may 25 evaluate (1) the need for application of force, (2) the relationship between that need and the amount 26 of force used, (3) the threat reasonably perceived by the responsible officials, and (4) any efforts 27 made to temper the severity of a forceful response. *Id.* at 7; see also *id.* at 9–10 ("The Eighth 28 Amendment's prohibition of cruel and unusual punishment necessarily excludes from 1 constitutional recognition de minimis uses of physical force, provided that the use of force is not 2 of a sort repugnant to the conscience of mankind." (internal quotation marks and citations 3 omitted)).

4 Nevertheless, "prison officials are authorized and indeed required to take appropriate 5 measures to maintain prison order and discipline and protect staff and other prisoners." *LeMaire v. Maas*, 12 F.3d 1444, 1458 (9th Cir. 1993). "The Eighth Amendment's prohibition of 'cruel and 7 unusual' punishments necessarily excludes from constitutional recognition de minimis uses of 8 physical force, provided that the use of force is not of a sort 'repugnant to the conscience of 9 mankind.' " *Hudson v. McMillian*, 503 U.S. 1, 9 (1992), quoting *Whitley v. Albers*, 475 U.S. 312, 10 327 (1986).

11 In addition, the lack of injury is relevant to the inquiry. See *Whitley*, 475 U.S. at 321 (noting 12 that the extent of the injury suffered by an inmate is one factor that may suggest "whether the use 13 of force could plausibly have been thought necessary" in the situation, "or instead evinced such 14 wantonness with respect to the unjustified infliction of harm as is tantamount to a knowing 15 willingness that it occur.") "Not every malevolent touch by a prison guard gives rise to a federal 16 cause of action," and "[a]n inmate who complains of a 'push or shove' that causes no discernible 17 injury almost certainly fails to state a valid excessive force claim." *Wilkins v. Gaddy*, 559 U.S. 18 34, 38 (2010), quoting *McMillian*, 503 U.S. at 9; see also *Graham v. Connor*, 490 U.S. 386, 396 19 (1989) ("Not every push or shove, even if it may later seem unnecessary in the peace of a judge's 20 chambers, violates the [federal Constitution]. "); *Whitley*, 475 U.S. at 321-22 ("Prison officials 21 are entitled to deference whether a prisoner challenges excessive force or conditions of 22 confinement."); *Simmons v. G. Arnett*, 47 F.4th 927, 933 (9th Cir.

2022) (“prison officials should be accorded ‘wide-ranging deference’ when they are exercising their judgment to maintain prison safety,” because “[i]n the specialized context of prison operations, the use of force can be a ‘legitimate means for preventing small disturbances from becoming dangerous to other inmates or the prison personnel’”) (citations omitted).

1. Defendants Armendariz and Ball Here, it is undisputed that Plaintiff did not identify either Armendariz or Ball as officers who subjected him to force. (UF 4, 5, 8, 9, 12, 15.) Thus, Plaintiff’s deposition testimony establishes that Defendant Ball did not use force on Plaintiff and he did not identify Armendariz as using any force, or even being present, during any of the alleged attacks.

Id. 4 Under these circumstances, the conclusory allegations in Plaintiff’s verified first amended complaint do not create genuine issues of material fact. See *Moran v. Selig*, 447 F.3d 748, 760 n.16 (9th Cir. 2006) (“[A] verified complaint may serve as an affidavit for purposes of summary judgment if it is based on personal knowledge and if it sets forth the requisite facts with specificity.”) (emphasis added).

Because Plaintiff has failed to demonstrate an essential element of his claim, summary judgment should be granted in favor of Defendants Armendariz and Ball. 2. Medical Evidence Demonstrates Excessive Force as Not Used Based on the evidence before the Court, no reasonable jury could believe that excessive force was used upon Plaintiff. It is undisputed Plaintiff was evaluated by three separate nurses and no injuries were identified to corroborate Plaintiff’s claim of his head being bashed repeatedly into a brick wall, multiple strikes to his ribs, or a kick to his testicles.

(UF Nos. 17, 18, 20.) The recorded interview from that same date also shows that Plaintiff did not suffer from any head injuries, despite testifying that he had a bleeding and swollen head wound.³ (UF Nos. 7, 16, 19.)

In addition, Plaintiff did not report any injuries to his ribs and said he had no visible injuries to his testicles. (UF No. 19.) Defendants submit expert opinion evidence by Dr. Klein who reviewed the pertinent medical records, and concluded that Plaintiff was not pushed multiple times into a brick wall as there was no evidence of injuries that would be expected as a result of such conduct, such as swelling, bruising, and scarring of the superficial layer of the skin.

(Faulconer Decl. ¶ 4, Ex. C, Expert Report, p. 3.) In addition, Plaintiff failed to identify any Defendant who engaged in such conduct. (UF 4, 5, 8, 9, 12, 15.) With regard to Plaintiff’s allegations that he was struck in the ribs and kicked in the testicles by Defendant Baker, Dr. Klein clearly noted that there is no affirmation by any healthcare member. Although Plaintiff pointed to an injury on his forehead, it was noted by medical staff as an “old scratch” which he “wiped off.” (UF 20.)

1 of any testicular swelling or bruising on Plaintiff's sides. (UF 14; Faulconer Decl. ¶ 4, Ex. C, 2 Expert Report, p. 3.) In fact, Plaintiff did not report during the force interview that he struck in the 3 ribs and acknowledged there was no visible injury associated with the kick to his testicles. (UF 4 19.) Dr. Klein specifically noted that there was no swelling or bruising identified that would 5 corroborate those injuries and Plaintiff affirmatively stated that there was no visible evidence of 6 those injuries.

(UF No. 19; Faulconer Decl. ¶ 4, Ex. C, Expert Report, p. 3.) Absent any evidence 7 of injuries that would corroborate Plaintiff's allegations, and the contradictory medical evidence 8 and expert opinion, no reasonable jury could find that this conduct occurred, and Plaintiff cannot 9 prove his claims. 10 Defendants have met their initial burden of informing the Court of the basis of the motion, 11 and identifying those portions of the record which they believe demonstrates the absence of a 12 genuine issue of material fact.

The burden therefore shifts to Plaintiff to establish the existence of 13 a genuine issue of material fact. See *Matsushita Elec. Indus. Co., Ltd. V. Zenith Radio Corp.*, 475 14 U.S. 574, 586 (1986). 15 Because an inquiry into excessive force "nearly always requires a jury to sift through 16 disputed factual contentions, and to draw inferences therefrom, [this Circuit] ha[s] held on many 17 occasions that summary judgment or judgment as a matter of law in excessive force cases should 18 be granted sparingly." *Santos v. Gates*, 287 F.3d 846, 853 (9th Cir.

2002). However, the evidence 19 presented does not show a genuine dispute as to any material fact relating to Plaintiff's claim of 20 excessive force against Defendants. Even assuming the validity of the allegations in Plaintiff's 21 first amended complaint, the evidence detailed above does not support his claim that his head was 22 based into a wall, he was kicked forcefully in the testicles, or that he was struck repeatedly in the 23 ribs when the medical evidence shows the lack of injury consistent with such allegations.

See *Scott 24 v. Harris*, 550 U.S. 372, 380 (2007) (emphasizing that "[w]hen opposing parties tell two different 25 stories, one of which is blatantly contradicted by the record, so that no reasonable jury could 26 believe it, a court should not adopt that version of the facts for purposes of ruling on a motion for 27 summary judgment.").

Thus, despite ample opportunity for discovery during the pendency of this 28 case, there is no evidence to create a genuine issue of material fact with respect to either the 1 objective element or the subjective element of Plaintiff's Eighth Amendment excessive claim to 2 proceed to a jury trial.⁴ See *Scott*, 550 U.S. at 380; *White v. Roper*, 901 F.2d 1501, 1507 (9th Cir.

3 1990) (notwithstanding the parties' dispute as to the amount of force used, the Ninth Circuit 4 rejected claim that excessive force was used because there was no evidence of any injuries). 5 Accordingly, Defendants' motion for summary judgment should be granted.⁵ 6 IV. 7

RECOMMENDATIONS 8 Based on the foregoing, it is HEREBY RECOMMENDED that: 9 1. Defendants' motion for summary judgment be granted; and 10 2.

Judgment be entered in favor of all Defendants. 11 These Findings and Recommendations will be submitted to the United States District 12 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty- 13 one (21) days after being served with these Findings and Recommendations, the parties may file 14 written objections with the Court, limited to 15 pages in length, including exhibits.

The 15 document should be captioned "Objections to Magistrate Judge's Findings and 16 Recommendations." The parties are advised that failure to file objections within the specified 17 18 19 20 21 22 23 24 25 26 4 Indeed, Plaintiff filed two separate oppositions, consisting of one and two pages, stating only that prison officials maliciously and sadistically used excessive force upon him.

(See ECF Nos. 87, 88.) 27 5 Because the Court finds summary judgment should be granted on the merits of Plaintiff's claim, the Court does not 28 reach the alternative argument for qualified immunity. 1 | time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 2 | (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir.

1991)). 3 4 IT IS SO ORDERED. FA. Se 5 | Dated: _ November 6, 2025 " STANLEY A. BOONE
6 United States Magistrate Judge 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28
11