

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Shavers v. Taber

Shavers · No. 2:21-cv-01734-DAD-JDP (PC) · Decided May 5, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and denied Defendant Taber’s motion to dismiss. The court held that Plaintiff Jesse Lee Shavers, Jr. adequately alleged an Eighth Amendment deliberate-indifference claim based on the removal and nonreturn of mobility devices despite his serious mobility issues and chronic pain.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 5, 2025
DOCKET	2:21-cv-01734-DAD-JDP (PC)
DISPOSITION	other
PROCEDURAL POSTURE	The district court conducted de novo review of a magistrate judge's findings and recommendations and denied Defendant Taber's motion to dismiss the fourth amended complaint.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated.

TOPICS

- prisoners rights
- section 1983
- cruel and unusual punishment
- motions to dismiss
- civil procedure

PRACTICE AREAS

- Prisoner civil rights
- Constitutional law
- Civil procedure

QUESTIONS PRESENTED

- Whether the fourth amended complaint stated a cognizable Eighth Amendment deliberate-indifference claim against Defendant Taber.

2. Whether the magistrate judge's findings and recommendations recommending denial of the motion to dismiss should be adopted after de novo review.

HOLDINGS

1. The allegations that Plaintiff had a serious medical need and that Defendant Taber knowingly disregarded an excessive risk to Plaintiff's health by removing and refusing to return his mobility devices were sufficient to state a cognizable Eighth Amendment deliberate-indifference claim.
2. The district court adopted the magistrate judge's findings and recommendations in full after de novo review and denied Defendant Taber's motion to dismiss.

KEY QUOTATIONS

“Having carefully reviewed the entire file, the court concludes that the pending findings and recommendations are supported by the record and proper analysis.” (at 2)

FACTUAL BACKGROUND

Plaintiff alleged that he had mobility issues and substantial chronic pain constituting an objectively serious medical condition. He further alleged that Defendant Taber intentionally removed his mobility devices without conducting an evaluation and refused to return them despite Plaintiff's complaints and Taber's observations of his pain.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brought a 42 U.S.C. § 1983 civil rights action. The assigned magistrate judge recommended denying Defendant Taber's motion to dismiss after concluding that the fourth amended complaint stated a cognizable Eighth Amendment deliberate-indifference claim. No party filed objections, and the district court adopted the findings and recommendations in full, denied the motion, ordered Taber to answer, and referred the matter back to the magistrate judge.

DISPOSITION

other

REMAND INSTRUCTIONS

Defendant Taber was ordered to file an answer to the claims in the fourth amended complaint within twenty-one days after entry of the order. The matter was referred back to the assigned magistrate judge for further proceedings.

CASES CITED

- Colwell v. Bannister, 763 F.3d 1060, 1066 (9th Cir. 2014)

OPINION

(PC) Shavers v. Taber

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 JESSE LEE SHAVERS, JR., No. 2:21-cv-01734-DAD-JDP (PC)

12 Plaintiff,

13 v. ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS AND DENYING

14 TABER, et al., DEFENDANT TABER’S MOTION TO

DISMISS

15 Defendants. (Doc. Nos. 38, 45) 16 17 Plaintiff Jesse Lee Shavers, Jr. is a state prisoner
proceeding pro se and in forma pauperis 18 in this civil rights action brought pursuant to 42 U.S.C.
§ 1983. The matter was referred to a 19 United States Magistrate Judge pursuant to 28 U.S.C. §
636(b)(1)(B) and Local Rule 302. 20 On March 11, 2025, the assigned magistrate judge issued
findings and recommendations 21 recommending that defendant Taber’s motion to dismiss
plaintiff’s fourth amended complaint 22 (“FAC”) (Doc. No. 38) be denied. (Doc. No. 45.)
Specifically, the magistrate judge determined 23 that plaintiff had stated a cognizable Eighth
Amendment claim for deliberate indifference by 24 alleging that: (1) he had an objectively serious
medical condition based on his mobility issues 25 and his substantial chronic pain; and (2)
defendant Taber purposefully took away plaintiff’s 26 mobility devices without conducting an
evaluation and refusing to return those devices despite 27 plaintiff’s complaints and defendant
Taber’s observations of his pain. (Id. at 5); see Colwell v. 28 Bannister, 763 F.3d 1060, 1066 (9th
Cir. 2014) (stating that, to state a cognizable Eighth 1 | Amendment violation under a deliberate
indifference theory against a prison official, a plaintiff 2 | must allege facts to (1) “demonstrate the
existence of a serious medical need” and (2) that the 3 | official “knows of and disregards an
excessive risk to inmate health and safety”). The findings 4 | and recommendations were served
upon the parties and contained notice that any objections 5 | thereto were to be filed within
fourteen (14) days after service. (Doc. No. 45 at 5-6.) To date, no 6 | party has filed objections and
the time in which to do so has passed. 7 In accordance with the provisions of 28 U.S.C. § 636(b)
(1)(C), the court has conducted a 8 | de novo review of the case. Having carefully reviewed the
entire file, the court concludes that the 9 | pending findings and recommendations are supported by
the record and proper analysis. 10 Accordingly, 11 1. The findings and recommendations issued on
March 11, 2025 (Doc. No. 45) are 12 adopted in full; 13 2. Defendant Taber’s motion to dismiss
plaintiff’s fourth amended complaint (Doc.

14 No. 38) is denied;

15 3. Defendant Taber shall file an answer responding to the claims in plaintiffs fourth 16

amended complaint no later than twenty-one (21) days after the date of entry of 17 this order; and
18 4. This matter is referred back to the assigned magistrate judge for further 19 proceedings. 20
IT IS SO ORDERED. *"| Dated: _May 2, 2025 Dal A. 2, axel
22 DALE A. DROZD
3 UNITED STATES DISTRICT JUDGE
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