

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Ford v. Fiori

Ford v. Fiori · No. 1:23-cv-01602-KES-SAB (PC) · Decided June 27, 2025

SUMMARY

These Findings and Recommendations address Defendant Fiori’s motion for summary judgment based on Plaintiff’s alleged failure to exhaust administrative remedies under the Prison Litigation Reform Act. The court concludes that Plaintiff’s grievances either did not identify Fiori or did not concern the deliberate-indifference allegations at issue. The magistrate judge recommends granting the motion and dismissing the action without prejudice.

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	June 27, 2025
DOCKET	1:23-cv-01602-KES-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a pro se action under 42 U.S.C. § 1983 alleging that Defendant Fiori was deliberately indifferent to Plaintiff's need for clothing and linens. Defendant moved for summary judgment based on failure to exhaust administrative remedies. The magistrate judge recommends granting the motion and dismissing the action without prejudice.
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 burden of proving that an available administrative remedy existed and that the prisoner did not exhaust it. If the defendant meets that burden, the prisoner must produce evidence showing that the remedy was effectively unavailable. The evidence is viewed in the light most favorable to the prisoner.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

summary judgment

prisoners rights

section 1983

affirmative defenses

civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

summary judgment

administrative exhaustion

remedies

QUESTIONS PRESENTED

1. Whether Plaintiff exhausted the PLRA's administrative-remedy requirement as to his deliberate-indifference claim against Officer Fiori.
2. Whether Defendant was entitled to summary judgment because Plaintiff's grievances either failed to identify Fiori or failed to describe the alleged deprivation involving missing clothing and linens.
3. Whether the action should be dismissed without prejudice for failure to exhaust.

HOLDINGS

1. A prisoner must exhaust administrative remedies that are available before bringing a suit concerning prison conditions, but need not exhaust remedies that are unavailable.
2. A grievance exhausts a claim against an unidentified defendant only when there is a sufficient connection between the grievance and the defendant such that prison officials had notice of the alleged deprivation and an opportunity to resolve it.
3. Defendant was entitled to summary judgment because the undisputed evidence showed that Plaintiff did not properly exhaust his deliberate-indifference claim against Fiori and did not show that administrative remedies were effectively unavailable.

KEY QUOTATIONS

“An inmate, that is, must exhaust available remedies, but need not exhaust unavailable ones.” (at 1)

“If the undisputed evidence viewed in the light most favorable to the prisoner shows a failure to exhaust, a defendant is entitled to summary judgment under Rule 56.” (at 2)

“For administrative remedies to be exhausted by California prisoners as to defendants who were not identified in the grievance, there must be a “sufficient connection” between the claim in the grievance and the unidentified defendants such that prison officials can be said to have had “notice of the alleged deprivation” and an “opportunity to resolve it.”” (at 10)

FACTUAL BACKGROUND

Plaintiff was incarcerated at Kern Valley State Prison and alleged that he repeatedly told Officer Fiori that he needed clothing and linens but could not safely leave his housing unit. Plaintiff claimed that Fiori refused to assist him, leaving him without laundry and bedding during portions of May through July 2023. Plaintiff filed grievances concerning missing clothing and linens, but those grievances did not identify Fiori; grievances that identified Fiori concerned unrelated conduct.

PROCEDURAL HISTORY

The action proceeded on Plaintiff's first amended complaint alleging deliberate indifference. Defendant answered, discovery and scheduling orders issued, and Defendant filed an exhaustion motion for summary judgment on April 16, 2025. Plaintiff filed no opposition. The magistrate judge issued findings and recommendations recommending that the motion be granted and the action dismissed without prejudice, subject to review by the assigned district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended that the assigned district judge grant Defendant's exhaustion motion for summary judgment and dismiss the action without prejudice. The parties were permitted to file objections within fourteen days under 28 U.S.C. § 636(b)(1).

CASES CITED

- Ross v. Blake, 578 U.S. 632, 638 (2016)
- Brown v. Valoff, 422 F.3d 926, 935 (9th Cir. 2005)
- Booth v. Churner, 532 U.S. 731, 739, 741 (2001)
- Porter v. Nussle, 534 U.S. 516, 524, 532 (2002)
- Jones v. Bock, 549 U.S. 199, 211, 216 (2007)
- Albino v. Baca, 747 F.3d 1162, 1166, 1172 (9th Cir. 2014)
- 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)
- Reyes v. Smith, 810 F.3d 654, 659 (9th Cir. 2016)
- Saddozai v. Davis, 35 F.4th 705, 708 (9th Cir. 2022)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)