

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Collins v. Shirley

No. 1:23-cv-00483 CDB (PC) (E.D. Cal. June 5, 2025) · No. 1:23-cv-00483 CDB (PC) · Decided June 6, 2025

SUMMARY

The United States District Court for the Eastern District of California granted defendants’ motion for summary judgment in Terion Collins’s 42 U.S.C. § 1983 action concerning alleged exposure to contaminated drinking water at Wasco State Prison. The court held that the evidence did not establish an objectively serious risk of harm or deliberate indifference under the Eighth Amendment and that defendants reasonably responded to the water-quality issue. The motion was treated as unopposed because Collins failed to file an opposition or respond to the order to show cause.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Christopher D. Baker
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 6, 2025
DOCKET	1:23-cv-00483 CDB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a pro se, in forma pauperis action under 42 U.S.C. § 1983 alleging that prison officials violated the Eighth Amendment by failing to protect him from allegedly contaminated drinking water. Defendants moved for summary judgment. Plaintiff filed no opposition and did not respond to the order to show cause.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. Once the moving party meets its initial burden, the nonmoving party must produce evidence showing a genuine dispute; it may not rely solely on the allegations or denials in the pleadings.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Terion Collins v. Heather Shirley, DeGough, Cronjager

TOPICS

prisoners rights

summary judgment

cruel and unusual punishment

section 1983

civil rights

PRACTICE AREAS

prisoner civil rights

constitutional litigation

summary judgment

QUESTIONS PRESENTED

1. Whether Defendants were entitled to summary judgment on Collins's Eighth Amendment failure-to-protect claims.
2. Whether the evidence established that the prison's TCP-contaminated water posed an objectively serious risk of harm.
3. Whether the evidence established that Defendants knew of and disregarded an excessive risk to Collins's health or safety.
4. Whether Defendants reasonably responded to any risk posed by TCP in the prison water.
5. Whether Defendants were entitled to qualified immunity.

HOLDINGS

1. Defendants were entitled to summary judgment because Collins failed to produce evidence establishing a genuine dispute of material fact or proving the essential elements of his Eighth Amendment claims.
2. The evidence did not establish that the TCP levels in Wasco State Prison's water posed an objectively serious risk of harm to Collins.
3. Collins failed to show that Defendants knew of and disregarded an excessive risk to his health or safety.
4. The Court did not reach Defendants' alternative qualified-immunity argument because it granted summary judgment on the merits.

KEY QUOTATIONS

“Briefly stated, Defendants’ evidence establishes that although the water at Wasco State Prison exceeded the MCL for TCP in California, during the relevant period, the prison’s water was safe to drink.” (at 13)

“Plaintiff has not demonstrated, nor does it appear he could demonstrate, that Defendants knew of and disregarded an excessive risk to his health and safety.” (at 15)

FACTUAL BACKGROUND

Collins was incarcerated at Wasco State Prison beginning in April 2022 and alleged that the prison's drinking water contained unsafe levels of 1,2,3-trichloropropane (TCP). He claimed that Defendants knew of the contamination, failed to provide safe water or an alternative source, and caused various physical symptoms. The evidence showed that TCP levels sometimes exceeded California's maximum contaminant level, but independent testing, regulatory notices, and expert testimony indicated that the water did not present an objectively serious health risk at the concentrations and exposure period involved. The evidence also showed that prison officials

followed a corrective action plan, issued required notices, and pursued construction of a granular activated carbon filtration system.

PROCEDURAL HISTORY

The action was filed in the Eastern District of California and proceeded before a magistrate judge by consent of all parties. After discovery, Defendants timely moved for summary judgment. Plaintiff failed to oppose the motion or respond to the Court's order to show cause, so the motion was treated as unopposed. The Court granted summary judgment for Defendants and directed the Clerk to enter judgment and close the case.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586-87 & n.11 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255 (1986)
- Richards v. Nielsen Freight Lines, 602 F. Supp. 1224, 1244-45 (E.D. Cal. 1985), *aff'd*, 810 F.2d 898, 902 (9th Cir. 1987)
- Labatad v. Corrections Corp. of America, 714 F.3d 1155, 1160 (9th Cir. 2013)
- Farmer v. Brennan, 511 U.S. 825, 832-34, 837, 842, 847 (1994)
- Hearn v. Terhune, 413 F.3d 1036, 1040 (9th Cir. 2005)
- Frost v. Agnos, 152 F.3d 1124, 1128 (9th Cir. 1998)
- Wilson v. Seiter, 501 U.S. 294, 297 (1991)
- Foster v. Runnels, 554 F.3d 807, 812 (9th Cir. 2009)
- McElyea v. Babbitt, 833 F.2d 196, 197-98 (9th Cir. 1987)
- Jones v. Blanas, 393 F.3d 918, 923 (9th Cir. 2004)
- Beard v. Banks, 548 U.S. 521, 527 (2006)
- Brito v. Barr, No. 2:18-cv-00097-KJM-DB, 2020 WL 4003824, at *6 (E.D. Cal. July 15, 2020)