

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dalevon Anthony Colbert v. Wasco State Prison, et al.

Colbert v. Wasco State Prison · No. 1:25-cv-01740-SKO · Decided January 9, 2026

SUMMARY

The United States District Court for the Eastern District of California ordered pro se plaintiff Dalevon Anthony Colbert to show cause within 30 days why his 42 U.S.C. § 1983 action should not be dismissed for failure to exhaust administrative remedies under the Prison Litigation Reform Act. The court directed plaintiff to answer exhaustion questions concerning both claims or, alternatively, to voluntarily dismiss the action without prejudice.

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	January 9, 2026
DOCKET	1:25-cv-01740-SKO
DISPOSITION	other
PROCEDURAL POSTURE	The court reviewed a pro se prisoner's complaint under 42 U.S.C. § 1983 and ordered him to show cause why the action should not be dismissed for failure to exhaust administrative remedies.
STANDARD OF REVIEW	On review of the complaint, the court considered whether failure to exhaust administrative remedies was clear from the face of the pleading and therefore subject to dismissal at that stage.
PRECEDENTIAL VALUE	Unknown; district-court order to show cause with no reporter citation.

TOPICS

- prisoners rights
- section 1983
- civil procedure
- affirmative defenses

PRACTICE AREAS

- Prisoner civil rights
- Civil procedure
- Administrative exhaustion

QUESTIONS PRESENTED

1. Whether the complaint showed on its face that Plaintiff may have failed to exhaust available administrative remedies before filing suit under the Prison Litigation Reform Act.
2. Whether Plaintiff should be required to explain, as to each claim, whether he submitted and fully appealed an administrative grievance.

HOLDINGS

1. The Prison Litigation Reform Act requires a prisoner to exhaust available administrative remedies before bringing an action concerning prison conditions, and unexhausted claims cannot be brought in federal court.
2. Although failure to exhaust is ordinarily an affirmative defense for the defendant to plead and prove, a court may dismiss a claim when failure to exhaust is clear from the face of the complaint.

KEY QUOTATIONS

“The Prison Litigation Reform Act (PLRA) provides that “[n]o action shall be brought with respect to prison conditions under . . . any other Federal law . . . by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.”” (at 1)

“In general, failure to exhaust is an affirmative defense that the defendant must plead and prove.” (at 2)

FACTUAL BACKGROUND

Plaintiff, a former inmate at Wasco State Prison, brought a civil-rights action under 42 U.S.C. § 1983 concerning prison-related claims. In Claim I, he indicated that administrative remedies were available but did not state whether he submitted a grievance or appealed it to the highest level. His responses concerning Claim II were left blank, including the explanation for any failure to seek or appeal administrative relief.

PROCEDURAL HISTORY

Plaintiff filed his complaint on December 4, 2025. The court found that his responses concerning exhaustion were incomplete for Claim I and entirely blank for Claim II, and issued an order requiring a written response within 30 days. The court also permitted Plaintiff to file a notice of voluntary dismissal without prejudice instead.

DISPOSITION

other

CASES CITED

- Jones v. Bock, 549 U.S. 199, 211 (2007)
- Porter v. Nussle, 534 U.S. 516, 532 (2002)
- Booth v. Churner, 532 U.S. 731, 741 (2001)

- Woodford v. Ngo, 548 U.S. 81, 88, 93 (2006)
- Albino v. Baca, 747 F.3d 1162, 1166 (9th Cir. 2014)

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