

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Mackey v. Bloomfield

No. 22-cv-05105-JSC (N.D. Cal. Mar. 4, 2025) · No. 22-cv-05105-JSC · Decided March 4, 2025

SUMMARY

The United States District Court for the Northern District of California granted Defendant Della Baker’s motion for summary judgment in a prisoner’s 42 U.S.C. § 1983 due process action. The court held that inaccuracies in an MDO form, which incorrectly identified prior convictions, did not cause the plaintiff’s parole denial or otherwise result in an atypical and significant hardship. The court also denied the defendant’s motion to strike the plaintiff’s sur-reply.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jacqueline Scott Corley
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 4, 2025
DOCKET	22-cv-05105-JSC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a civil-rights action under 42 U.S.C. § 1983. After screening and rulings on motions to dismiss, one due-process claim against Correctional Counselor Della Baker remained. The court granted Baker's motion for summary judgment and denied her motion to strike Plaintiff's sur-reply.
STANDARD OF REVIEW	Summary judgment is proper when the pleadings, discovery, and affidavits show no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court viewed the evidence in the light most favorable to the nonmoving party and credited reasonable inferences in that party's favor.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Vincent Robert Mackey v. Della Baker, Sgt. Baker, et al.

TOPICS

summary judgment

section 1983

prisoners rights

procedural due process

civil procedure

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

civil procedure

QUESTIONS PRESENTED

1. Whether Baker's inaccurate entries on an MDO form violated Mackey's Fourteenth Amendment right to procedural due process.
2. Whether the inaccurate MDO information caused or contributed to Mackey's 2021 parole denial or otherwise imposed an atypical and significant hardship.
3. Whether Mackey presented a triable due-process claim based on an alleged gang-member label.

HOLDINGS

1. The inaccurate MDO form did not violate Mackey's due-process rights because the record contained no evidence that the form was used in his parole determination, caused an adverse consequence, or subjected him to an atypical and significant hardship.
2. Mackey failed to present a triable issue because he did not allege or provide evidence that Baker participated in, prepared, or controlled the records containing the alleged gang-member label.

KEY QUOTATIONS

“For the reasons discussed below, Defendant’s motion for summary judgment is GRANTED.” (at 2)

“No reasonable trier of fact could find these errors violated Plaintiff’s right to due process.” (at 8)

“So, Defendant is entitled to summary judgment on the due process claim arising from the erroneous MDO form.” (at 9)

FACTUAL BACKGROUND

Mackey is serving a 30-years-to-life sentence under California's Three Strikes law for a 1999 first-degree burglary conviction. In 2015, Baker incorrectly completed an MDO form stating that Mackey had been convicted of attempted kidnapping for ransom and first-degree robbery in 1984, although he had been convicted of first-degree robbery in 1990 and had not been convicted of kidnapping. The inaccurate information appeared only on the MDO form, not in the criminal-history records in Mackey's central file, and the form was not referenced in his 2021 parole hearing or comprehensive risk assessment. The parole board denied parole based on other factors, including his parole history, violent crimes, drug-related criminal conduct, lack of insight, and risk of relapse.

PROCEDURAL HISTORY

Mackey, a California state prisoner proceeding without counsel, filed an amended complaint alleging that Baker placed inaccurate conviction information on an MDO form and that the information contributed to the denial of parole. The court previously screened the complaint under 28 U.S.C. § 1915A and resolved motions to dismiss,

leaving a due-process claim against Baker. After discovery, Baker moved for summary judgment; Mackey opposed and filed a sur-reply, which Baker moved to strike. The court considered the sur-reply, denied the motion to strike as unnecessary, granted summary judgment, directed entry of judgment, and closed the case.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- Tolan v. Cotton, 570 U.S. 650, 656-657 (2014)
- Hunt v. Cromartie, 526 U.S. 541, 552 (1999)
- Wilkinson v. Austin, 545 U.S. 209, 221 (2005)
- Johnson v. Ryan, 55 F.4th 1167, 1180 (9th Cir. 2022)
- Sandin v. Conner, 515 U.S. 472, 484 (1995)
- Ashker v. Newsom, 81 F.4th 863, 887 (9th Cir. 2023)
- Burnsworth v. Gunderson, 179 F.3d 771, 773-775 (9th Cir. 1999)
- Superintendent v. Hill, 472 U.S. 445, 454 (1985)
- Slaughter v. Cate, No. 12-cv-03872-VC, 2014 WL 5474025, at *5-*6 (N.D. Cal. Oct. 28, 2014)
- Paul v. Davis, 424 U.S. 693 (1976)