

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Joseph Lee McDonald v. Sean Wead, et al.

McDonald · No. CV-24-01609-PHX-MTL (ASB) · Decided March 26, 2026

SUMMARY

The United States District Court for the District of Arizona ruled on Defendants’ motions for summary judgment in Joseph Lee McDonald’s 42 U.S.C. § 1983 action concerning restrictions on his communications with his wife, a former correctional officer. The court denied summary judgment on the First Amendment familial-association claim because disputed facts remained under the Turner factors, but granted summary judgment on the First Amendment retaliation claim. The court also denied Plaintiff’s motion for a court order, dismissed Count Two, and referred the action for a settlement conference.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Michael T. Liburdi
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 26, 2026
DOCKET	CV-24-01609-PHX-MTL (ASB)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a pro se 42 U.S.C. § 1983 action alleging First Amendment familial-association and retaliation claims. Defendants moved for summary judgment. The court denied summary judgment on the familial-association claim, granted it on the retaliation claim, dismissed the retaliation count, denied a separate motion for a court order, and referred the action for a settlement conference.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that no genuine dispute as to any material fact exists and the movant is entitled to judgment as a matter of law. The court must view the evidence and draw reasonable inferences in favor of the nonmovant and may not weigh evidence or determine credibility. For the prisoner's First Amendment association claim, restrictions are evaluated under the four-factor Turner v. Safley test. For retaliation, the plaintiff must show, among other elements, that protected conduct was a substantial or motivating factor in the challenged action.

PRECEDENTIAL VALUE	Unpublished district court order; persuasive value only
PARTIES	Joseph Lee McDonald v. Sean Wead, Jody Bradley, Christopher Loomis

TOPICS

summary judgment section 1983 prisoners rights first amendment civil procedure

PRACTICE AREAS

civil rights prisoner litigation constitutional law civil procedure

QUESTIONS PRESENTED

1. Whether Defendants were entitled to summary judgment on McDonald's First Amendment familial-association claim based on the prohibition against communicating with his wife, a former SCC employee.
2. Whether Defendants were entitled to summary judgment on McDonald's First Amendment retaliation claim where the disciplinary actions were based on his communications with his wife and Plaintiff offered evidence of alleged retaliatory motive.
3. Whether Plaintiff could obtain injunctive relief against Jennifer Bechler, who was not a party to the action.

HOLDINGS

1. Summary judgment was inappropriate on Count One because disputed facts concerning alternative means of communication, the effect of accommodating communication, and whether the blanket prohibition was an exaggerated response prevented completion of the Turner analysis.
2. Defendants were entitled to summary judgment on Count Two because Plaintiff failed to present evidence sufficient to establish that his protected First Amendment activity was a substantial or motivating factor in Defendants' disciplinary actions.
3. The court denied Plaintiff's request for relief against Jennifer Bechler because she was not a party to the action and the court lacked jurisdiction over her.
4. No relief could be granted concerning a purported ban on communications with McDonald's daughters because the record contained no evidence that such a restriction existed.

KEY QUOTATIONS

“To determine the validity of a regulation, courts apply the test established under Turner, which considers four factors: (1) whether there is a valid, rational connection between the regulation and the legitimate governmental interest the regulation is designed to protect; (2) whether the prisoner has alternative means of exercising the right at issue; (3) the impact any accommodation would have on guards, other prisoners, and allocation of prison resources; and (4) whether there are “ready alternatives” for furthering the government interest, which would suggest that the regulation is an exaggerated response to the jail’s concern.” (at 8)

“Accordingly, because the Turner analysis cannot be completed without these factual determinations, summary judgment on Count One is not appropriate.” (at 10)

“As such, while there may be questions of fact as to whether Defendants have infringed on Plaintiff's First Amendment rights to familial association (see Part IV.A), there is no evidence to support that they have retaliated against Plaintiff in doing so.” (at 12)

FACTUAL BACKGROUND

McDonald, a New Mexico state prisoner housed at Saguaro Correctional Center under an interstate compact, began communicating with Sheri Rodriguez, an SCC correctional officer, in 2022; they later married after Rodriguez resigned. Prison officials investigated their relationship and communications, and McDonald received disciplinary sanctions and a prohibition on communicating with Rodriguez, who was then a former SCC employee. McDonald alleged that the restriction violated his First Amendment right of familial association and that the disciplinary actions were retaliatory. The record showed a policy prohibiting inmates from corresponding on a personal level with current or former staff, but factual disputes remained concerning available alternatives and the burden of permitting monitored communications.

PROCEDURAL HISTORY

On screening under 28 U.S.C. § 1915A(a), the court found that Plaintiff stated First Amendment familial-association and retaliation claims and directed Defendants to answer. Plaintiff sought injunctive relief concerning restrictions on communications with his wife and daughters. After discovery, Defendants moved for summary judgment; Plaintiff opposed and Defendants replied. The court denied summary judgment as to Count One because material factual disputes prevented completion of the Turner analysis, granted summary judgment as to Count Two for failure to establish retaliatory motive, denied Plaintiff's motion for a court order directed at a nonparty, and referred the case to a settlement conference.

DISPOSITION

other

CASES CITED

- Rand v. Rowland, 154 F.3d 952, 962 (9th Cir. 1998) (en banc)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986)
- Nissan Fire & Marine Insurance Co. v. Fritz Co., 210 F.3d 1099, 1102-03 (9th Cir. 2000)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-50, 255 (1986)
- Triton Energy Corp. v. Square D. Co., 68 F.3d 1216, 1221 (9th Cir. 1995)
- First National Bank of Arizona v. Cities Service Co., 391 U.S. 253, 288-89 (1968)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Edwards v. Balisok, 520 U.S. 641, 647-8 (1998)
- Overton v. Bazzetta, 539 U.S. 126, 131-35 (2003)
- Block v. Rutherford, 468 U.S. 576, 586, 589 (1984)

- Dunn v. Castro, 621 F.3d 1196, 1201 (9th Cir. 2010)
- Gerber v. Hickman, 291 F.3d 617, 621 (9th Cir. 2002)
- Barnett v. Centoni, 31 F.3d 813, 817 (9th Cir. 1994)
- Pell v. Procunier, 417 U.S. 817, 822 (1974)
- Turner v. Safley, 482 U.S. 78, 89-91 (1987)
- Thornburgh v. Abbott, 490 U.S. 401, 412-19 (1989)
- Bahrampour v. Lampert, 356 F.3d 969, 975-76 (9th Cir. 2004)
- Procunier v. Martinez, 416 U.S. 396, 404-05 (1974)
- Beard v. Banks, 548 U.S. 521, 528 (2006)
- Frost v. Symington, 197 F.3d 348, 355 (9th Cir. 1999)
- Mauro v. Arpaio, 188 F.3d 1054, 1060-62 (9th Cir. 1999)
- O'Keefe v. Van Boening, 82 F.3d 322, 326 (9th Cir. 1996)
- Rhodes v. Robinson, 408 F.3d 559, 567-68 (9th Cir. 2005)
- Hines v. Gomez, 108 F.3d 265, 267 (9th Cir. 1997)
- Mt. Healthy City School District Board of Education v. Doyle, 429 U.S. 274, 287 (1977)
- Soranno's Gasco, Inc. v. Morgan, 874 F.2d 1310, 1314 (9th Cir. 1989)