

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Benanti v. Doerer

Benanti · No. 1:24-cv-01108-CDB (PC) · Decided May 6, 2025

SUMMARY

The United States District Court for the Eastern District of California discharged its November 21, 2024 order to show cause in Michael Benanti’s civil-rights action concerning prison lockdown conditions. The court held that, liberally construing Benanti’s allegations regarding the temporary unavailability of administrative-remedy forms, dismissal for failure to exhaust was not appropriate at that stage; exhaustion remained an affirmative defense for the defendant to plead and prove.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 6, 2025
DOCKET	1:24-cv-01108-CDB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	The court reconsidered its prior dismissal without prejudice for failure to exhaust administrative remedies after construing Plaintiff’s filings as a motion for reconsideration under Federal Rule of Civil Procedure 60(b) and a request to file a late response to the order to show cause.
STANDARD OF REVIEW	The court liberally construed the pro se filings and considered whether the allegations and response showed good cause to discharge the order to show cause. The court noted that failure to exhaust is ordinarily an affirmative defense to be pleaded and proved by defendants, but may be dismissed at the pleading stage when failure to exhaust is clear on the face of the complaint.
PRECEDENTIAL VALUE	unpublished
PARTIES	Michael Benanti v. J. Doerer

TOPICS

- prisoners rights
- affirmative defenses
- civil rights
- civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

federal question jurisdiction

QUESTIONS PRESENTED

1. Whether Plaintiff showed sufficient cause to discharge the order to show cause concerning failure to exhaust administrative remedies.
2. Whether the allegations that prison officials failed to provide grievance forms plausibly showed that administrative remedies may have been temporarily or otherwise effectively unavailable.
3. Whether the court should decide at this stage whether Plaintiff actually exhausted administrative remedies.

HOLDINGS

1. The court discharged the November 21, 2024, order to show cause because, liberally construing Plaintiff's allegations and response, there was good cause to question whether administrative remedies were available to him.
2. The court made no finding regarding Plaintiff's access to, recourse to, or exhaustion of administrative remedies; those matters may be addressed if the action proceeds following screening.

KEY QUOTATIONS

“Exhaustion of administrative remedies is mandatory and “unexhausted claims cannot be brought in court.””
(at 2)

“a defendant must first prove that there was an available administrative remedy and that the prisoner did not exhaust that available remedy” (at 4)

“Thus, the Court makes no finding as to Plaintiff's access, recourse to, and exhaustion of administrative remedies at this stage of the proceedings” (at 5)

FACTUAL BACKGROUND

Plaintiff, a federal prisoner proceeding pro se and in forma pauperis, alleges civil-rights violations arising from lockdown conditions at USP-Atwater between August 9 and October 9, 2024. He alleges that he requested informal-resolution and administrative-remedy forms but that prison personnel did not provide access to them. He also asserted that mail-processing delays prevented him from timely receiving the court's order to show cause.

PROCEDURAL HISTORY

The court previously ordered Plaintiff to show cause why the action should not be dismissed for failure to exhaust administrative remedies. When Plaintiff did not timely respond, the court recommended and then ordered dismissal without prejudice and entered judgment on January 13, 2025. The court later granted reconsideration, vacated the dismissal and judgment, and remanded the matter for consideration of Plaintiff's

response. In this order, the court discharged the order to show cause, declined to decide whether Plaintiff exhausted administrative remedies, and stated that the complaint would proceed to screening.

DISPOSITION

other

CASES CITED

- Jones v. Bock, 549 U.S. 199, 204, 211, 216 (2007)
- Porter v. Nussle, 534 U.S. 516, 532 (2002)
- Booth v. Churner, 532 U.S. 731, 738, 741 (2001)
- Woodford v. Ngo, 548 U.S. 81, 88, 93 (2006)
- Albino v. Baca, 747 F.3d 1162, 1166 (9th Cir. 2014)
- Williams v. Paramo, 775 F.3d 1182, 1191-92 (9th Cir. 2015)
- Ross v. Blake, 578 U.S. 632, 639, 642-44 (2016)
- Storm v. Officer of California Governor, No. 1:24-cv-00917-EPG (PC), 2024 WL 4216807, at *1-2 (E.D. Cal. Sept. 17, 2024)
- Creamer v. California State Prison Delano, No. 1:23-cv-00139-CDB (PC), 2023 WL 2024859, at *1 (E.D. Cal. Feb. 15, 2023)
- Kile v. Doerer, Case No. 1:24-cv-01177-KES-SAB (PC), 2025 WL 604992, at *1 (E.D. Cal. Feb. 25, 2025)

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