

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Barrett v. Brumfield

Barrett · No. 21-cv-06802-HSG · Decided March 6, 2023

SUMMARY

The United States District Court for the Northern District of California denies defendants’ motion for summary judgment in a 42 U.S.C. § 1983 action alleging excessive force during a prison cell extraction. The order addresses disputed facts concerning the reasons for and manner of the extraction, statute-of-limitations tolling during administrative exhaustion, and the prison mailbox rule. The court also refers the case to the pro se prisoner mediation program and stays the action.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 6, 2023
DOCKET	21-cv-06802-HSG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a pro se action under 42 U.S.C. § 1983 alleging that correctional officials used excessive force during a cell extraction in violation of the Eighth Amendment. Defendants moved for summary judgment based on the statute of limitations, the merits of the excessive-force and supervisory-liability claims, and qualified immunity.
STANDARD OF REVIEW	Summary judgment is appropriate when the record shows no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. At summary judgment, the court may not weigh conflicting evidence or make credibility determinations and must view the evidence and reasonable inferences in the light most favorable to the nonmoving party. For qualified immunity, disputed facts must be resolved in the plaintiff's favor when determining whether the alleged conduct violated a clearly established constitutional right.
PRECEDENTIAL VALUE	Unknown; district-court order denying summary judgment.

TOPICS

section 1983

prisoners rights

cruel and unusual punishment

summary judgment

qualified immunity

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the § 1983 action was barred by the applicable statute of limitations.
2. Whether genuine disputes of material fact regarding the necessity and manner of the cell extraction precluded summary judgment on Barrett's Eighth Amendment excessive-force claim.
3. Whether summary judgment was warranted on Barrett's Eighth Amendment supervisory-liability and deliberate-indifference claims against officials who authorized or permitted the extraction.
4. Whether defendants were entitled to qualified immunity at the summary-judgment stage.

HOLDINGS

1. The action was timely because the limitations period was tolled while Barrett actively pursued and exhausted his administrative remedies, from December 23 or 24, 2018 through September 11, 2019.
2. Summary judgment was improper because triable disputes existed as to whether the cell extraction was necessary and whether the force was applied in a good-faith effort to maintain or restore discipline or instead maliciously and sadistically to cause harm.
3. Defendants were not entitled to qualified immunity on the record presented because, accepting Barrett's version of events, a reasonable correctional officer would have understood that maliciously and sadistically using force to cause harm against an inmate who was already effectively restrained during a cell extraction violated the Eighth Amendment.

KEY QUOTATIONS

“When prison officials are accused of using excessive force in violation of the Eighth Amendment, the core judicial inquiry is whether force was applied in a good-faith effort to maintain or restore discipline, or maliciously and sadistically to cause harm.” (Discussion II.C.1)

“There is a triable issue of material fact as to whether Defendants acted in bad faith with the intent to harm Plaintiff, because it is disputed whether there was a need for the cell extraction and whether the force used during the cell extraction was applied maliciously and sadistically to cause harm or in a good-faith effort to maintain discipline.” (Discussion II.C.2)

“At the time of the relevant events, it would have been clear to a reasonable correctional officer that it was unconstitutional to sadistically and maliciously apply force with the intent to cause harm when conducting a

cell extraction of an inmate who was already effectively restrained, as Plaintiff alleges happened here.”
(Discussion II.D)

FACTUAL BACKGROUND

Barrett, a condemned inmate at San Quentin State Prison with a history of self-harm, covered the windows of his cell on December 23, 2018, stating that he intended to prompt officials outside the Adjustment Center to address problems with his food and living conditions. Defendants treated the covered cell and Barrett's failure to respond as requiring an emergency extraction, while Barrett claimed that officials intended to harm him and that he was pinned and effectively restrained before additional force was used. Barrett alleged that officers struck him in the head, dislocated his elbow, and fractured his wrist; defendants claimed that he charged and struck the extraction team and resisted restraints. The parties' accounts materially differed regarding the need for the extraction, Barrett's resistance, and the amount and purpose of force used.

PROCEDURAL HISTORY

Barrett filed the action after exhausting an administrative grievance concerning the December 23, 2018 cell extraction. Defendants moved for summary judgment. The court denied the motion, concluding that factual disputes concerning the necessity of the extraction, the amount and purpose of the force used, and the officers' intent precluded judgment as a matter of law. The court referred the matter to the Pro Se Prisoner Mediation Program, stayed further proceedings, and administratively closed the case pending settlement.

DISPOSITION

other

REMAND INSTRUCTIONS

The case was referred to Magistrate Judge Robert Illman for settlement proceedings under the Pro Se Prisoner Mediation Program within 120 days or as soon thereafter as his calendar permitted. Further proceedings were stayed and the case was administratively closed pending settlement; if the case did not settle, the court would issue a new scheduling order.

CASES CITED

- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-24 (1986)
- *T.W. Elec. Serv. v. Pac. Elec. Contractors Ass'n*, 809 F.2d 626, 630-31 (9th Cir. 1987)
- *Leslie v. Grupo ICA*, 198 F.3d 1152, 1158 (9th Cir. 1999)
- *Wallace v. Kato*, 549 U.S. 384, 387 (2007)
- *TwoRivers v. Lewis*, 174 F.3d 987, 991 (9th Cir. 1999)
- *Brown v. Valoff*, 422 F.3d 926, 942-43 (9th Cir. 2005)
- *Soto v. Sweetman*, 882 F.3d 865, 875 (9th Cir. 2018)
- *Houston v. Lack*, 487 U.S. 266 (1988)

- Douglas v. Noelle, 567 F.3d 1103, 1107 (9th Cir. 2009)
- Farmer v. Brennan, 511 U.S. 825, 832, 834, 837 (1994)
- Hudson v. McMillian, 503 U.S. 1, 6-7 (1992)
- Martinez v. Stanford, 323 F.3d 1178, 1184 (9th Cir. 2003)
- Jeffers v. Gomez, 267 F.3d
- Hoard v. Hartman, 904 F.3d 780, 790 (9th Cir. 2018)
- Saucier v. Katz, 533 U.S. 194, 200-01 (2001)
- Pearson v. Callahan, 555 U.S. 223, 231-32, 236 (2009)
- Mueller v. Auker, 576 F.3d 979, 993 (9th Cir. 2009)
- Davis v. Scherer, 468 U.S. 183, 196 (1984)
- Kisela v. Hughes, 138 S. Ct. 1148, 1152 (2018)
- Tolan v. Cotton, 572 U.S. 650, 655-56 (2014)
- Rodriguez v. County of Los Angeles, 891 F.3d 776, 784-87, 795-96 (9th Cir. 2018)