

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Michael R. Green v. Heather Shirley, et al.

Green v. Shirley · No. 1:23-cv-00505-JLT-EPG (PC) · Decided October 2, 2025

SUMMARY

The document contains findings and recommendations in Michael R. Green’s 42 U.S.C. § 1983 action alleging that unsafe levels of 1,2,3-trichloropropane in drinking water at Wasco State Prison violated the Eighth Amendment. The magistrate judge recommends denying Green’s partial motion for summary judgment and granting defendants’ motion for summary judgment, based principally on evidence that the water did not pose a substantial risk of serious harm and that defendants were not deliberately indifferent. The recommendations are subject to objections within thirty days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 2, 2025
DOCKET	1:23-cv-00505-JLT-EPG (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on cross-motions for summary judgment in a prisoner civil-rights action under 42 U.S.C. § 1983.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The moving party bears the initial burden; if met, the nonmoving party must identify specific admissible evidence from which a reasonable jury could find in its favor. Evidence and reasonable inferences are viewed in the light most favorable to the nonmoving party, but conclusory allegations, inadmissible evidence, and unsupported inferences do not create a triable dispute.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Michael R. Green v. Heather Shirley, J. Cronjager, S. DeGough

TOPICS

prisoners rights

section 1983

summary judgment

cruel and unusual punishment

evidence

PRACTICE AREAS

prisoner civil rights

constitutional law

civil procedure

evidence

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment on Green's Eighth Amendment conditions-of-confinement claim because the evidence did not establish that the prison water posed a substantial risk of serious harm.
2. Whether Green was entitled to partial summary judgment based on evidence that TCP levels in Wasco State Prison's water exceeded California's regulatory maximum contaminant level.
3. Whether Green's challenge to defendants' toxicology expert under Daubert and Federal Rule of Evidence 702 warranted exclusion of the expert's opinion.

HOLDINGS

1. Defendants' motion for summary judgment should be granted because defendants presented sufficient evidence that the TCP levels in Wasco State Prison's water did not pose a substantial risk of serious harm to Green, and Green failed to present admissible evidence creating a genuine dispute of material fact.
2. Green's partial motion for summary judgment should be denied because evidence that TCP levels exceeded California's MCL did not establish, as a matter of law, that the water posed a substantial risk of serious harm under the Eighth Amendment.
3. Green's request to exclude defendants' expert should be denied because Green did not establish that the expert's methodology or opinions were unreliable and did not provide admissible contrary expert or scientific evidence.

KEY QUOTATIONS

"Two requirements must be met to show an Eighth Amendment violation for unconstitutional conditions of confinement." (V.A)

"Defendants have met their burden of presenting sufficient evidence to show an absence of genuine issue of material fact as to whether the WSP water posed a substantial risk of serious harm to Plaintiff." (V.A)

"Defendants' motion for summary judgment (ECF No. 52) be GRANTED; Plaintiff's partial motion for summary judgment (ECF No. 47) be DENIED;" (VI)

FACTUAL BACKGROUND

Green was incarcerated at Wasco State Prison from approximately November 2020 through September 2023 and alleged that the prison's drinking water contained unsafe levels of 1,2,3-trichloropropane (TCP). Quarterly testing showed that TCP levels sometimes exceeded California's maximum contaminant level, although notices stated that the levels did not present an emergency and that inmates did not need an alternative water source. Defendants submitted expert toxicology evidence that Green's estimated exposure was far below levels

associated with harmful effects and that his alleged symptoms were not supported by medical records or scientific literature. Green relied primarily on regulatory reports, personal opinions, unauthenticated documents, and general materials concerning prison healthcare.

PROCEDURAL HISTORY

Green filed this action on April 25, 2023, alleging that unsafe TCP levels in Wasco State Prison's drinking water violated the Eighth Amendment. The court screened the complaint and allowed conditions-of-confinement claims against Shirley, Cronjager, and DeGough to proceed. Green later moved for partial summary judgment, and defendants filed a cross-motion for summary judgment. The magistrate judge recommended granting defendants' motion, denying Green's motion, entering judgment for defendants, and closing the case, subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Albino v. Baca, 747 F.3d 1162, 1169 (9th Cir. 2014) (en banc)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986)
- In re Oracle Corp. Securities Litigation, 627 F.3d 376, 387 (9th Cir. 2010)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252 (1986)
- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- Comite de Jornaleros de Redondo Beach v. City of Redondo Beach, 657 F.3d 936, 942 (9th Cir. 2011)
- Carmen v. San Francisco Unified School District, 237 F.3d 1026, 1031 (9th Cir. 2001)
- Helling v. McKinney, 509 U.S. 25, 31 (1993)
- Rhodes v. Chapman, 452 U.S. 337, 347 (1981)
- Morgan v. Morgensen, 465 F.3d 1041, 1045 (9th Cir. 2006)
- Toussaint v. McCarthy, 801 F.2d 1080, 1107 (9th Cir. 1986)
- Johnson v. Lewis, 217 F.3d 726, 731 (9th Cir. 2000)
- Farmer v. Brennan, 511 U.S. 825, 834-37 (1994)
- Frost v. Agnos, 152 F.3d 1124, 1128 (9th Cir. 1998)
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993)
- Orr v. Bank of America, 285 F.3d 764, 773 (9th Cir. 2002)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)