

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Tylo Jerome Felix, Jr. v. C. Cazores, et al.

No. 1:24-cv-00332-JLT-SKO (E.D. Cal. Sept. 24, 2025) · No. 1:24-cv-00332-JLT-SKO · Decided September 24, 2025

SUMMARY

The document is findings and recommendations in a 42 U.S.C. § 1983 action concerning alleged excessive force by correctional officers. The court recommends granting defendants’ motion for summary judgment because Plaintiff failed to exhaust available administrative remedies under the Prison Litigation Reform Act, including by failing to separately appeal the cancellation of his grievance. The recommendations are subject to a 14-day objection period.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Sheila K. Oberto                                                                                                                                                                                                                                                                                                                                                                                    |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                                                 |
| DECIDED               | September 24, 2025                                                                                                                                                                                                                                                                                                                                                                                  |
| DOCKET                | 1:24-cv-00332-JLT-SKO                                                                                                                                                                                                                                                                                                                                                                               |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | Defendants moved for summary judgment on the ground that Plaintiff failed to exhaust administrative remedies under the Prison Litigation Reform Act. The magistrate judge issued findings and recommendations recommending that the motion be granted and the action be dismissed without prejudice.                                                                                                |
| STANDARD OF REVIEW    | Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. On exhaustion, the evidence is viewed in the light most favorable to the prisoner; defendants bear the ultimate burden of proof, while the prisoner bears the burden of production after defendants show an available remedy and nonexhaustion. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                                                                                                                     |

## PARTIES

Tylo Jerome Felix, Jr. v. C. Cazores, C. Cazares, J. Smothermon, Diaz, Velasquez, Arreazola

## TOPICS

summary judgment

prisoners rights

section 1983

civil rights

civil procedure

## PRACTICE AREAS

civil rights

prisoner litigation

civil procedure

## QUESTIONS PRESENTED

1. Whether Plaintiff exhausted available administrative remedies before filing his § 1983 excessive-force claims as required by the PLRA.
2. Whether the cancellation of Plaintiff's grievance, the exceptional-delay notices, his duplicative appeal, or his alleged mental-health conditions rendered the administrative remedies effectively unavailable.
3. Whether Defendants were entitled to summary judgment on exhaustion.

## HOLDINGS

1. Plaintiff failed to exhaust available administrative remedies before filing his Eighth Amendment excessive-force claims.
2. The grievance process remained available despite the cancellation, exceptional-delay notices, duplicative-appeal screening, and Plaintiff's asserted mental-health conditions.
3. Defendants were entitled to summary judgment on the exhaustion issue.

## KEY QUOTATIONS

*"The failure to exhaust administrative remedies is an affirmative defense, which the defendant must plead and prove."* (at 14)

*"However, ... the ultimate burden of proof remains with the defendant."* (at 15)

*"The PLRA requires exhaustion of available administrative remedies; availability is the only qualifier."* (at 16)

## FACTUAL BACKGROUND

Plaintiff alleged that on June 19, 2019, five correctional officers used excessive force against him while he was handcuffed at the Substance Abuse Treatment Facility and State Prison, Corcoran. He filed grievance SATF-O-19-4172 concerning the incident, but the grievance was cancelled after he refused to participate in an interview, and he did not file a separate grievance challenging the cancellation. Plaintiff later submitted appeal 1914311 seeking a response based on alleged exceptional delay, but the Office of Appeals screened it out as duplicative while the original grievance remained pending.

## PROCEDURAL HISTORY

The action was severed on March 20, 2024, from Felix v. Dougherty, et al., No. 1:21-cv-01472-JLT-SKO. Plaintiff asserted Eighth Amendment excessive-force claims under 42 U.S.C. § 1983 against five correctional officers. Defendants moved for summary judgment concerning exhaustion; Plaintiff opposed and later filed an unauthorized surreply. The findings and recommendations were submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), subject to a 14-day objection period.

## DISPOSITION

other

## REMAND INSTRUCTIONS

The magistrate judge recommended that the assigned district judge grant Defendants' motion for summary judgment, dismiss the action without prejudice for failure to exhaust administrative remedies, direct the Clerk to enter judgment, and close the case. The recommendations were subject to objections within 14 days and review under 28 U.S.C. § 636(b)(1)(C).

## CASES CITED

- Hill v. England, No. CV-F-05-869-REC-TAG, 2005 WL 3031136, at \*1 (E.D. Cal. 2005)
- JG v. Douglas County School District, 552 F.3d 786, 803 n.14 (9th Cir. 2009)
- Wilhelm v. Rotman, 680 F.3d 1113, 1121 (9th Cir. 2012)
- Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)
- Garcia v. Biter, 195 F. Supp. 3d 1131, 1134 (E.D. Cal. 2016)
- United States v. Bruce, No. 1:18-CR-00464-JCH, 2018 WL 3232353, at \*1 (D.N.M. July 2, 2018)
- Green v. New Mexico, 420 F.3d 1189, 1196 (10th Cir. 2005)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23, 325 (1986)
- In re Oracle Corp. Securities Litigation, 627 F.3d 376, 387 (9th Cir. 2010)
- Jones v. Bock, 549 U.S. 199, 204, 211, 216 (2007)
- Woodford v. Ngo, 548 U.S. 81, 85-86, 88, 93 (2006)
- Porter v. Nussle, 534 U.S. 516, 532 (2002)
- Albino v. Baca, 747 F.3d 1162, 1166, 1168-70, 1172 (9th Cir. 2014)
- Ross v. Blake, 578 U.S. 632, 638-44 (2016)
- Wyatt v. Terhune, 315 F.3d 1108, 1120 (9th Cir. 2003)
- Sapp v. Kimbrell, 623 F.3d 813, 818, 823-24 (9th Cir. 2010)
- Beard v. Banks, 548 U.S. 521, 527 (2006)
- Jones v. Blanas, 393 F.3d 918, 923 (9th Cir. 2004)
- Cortinas v. Portillo, 754 F. App'x 525, 527 (9th Cir. 2018)
- Sekona v. Perez, No. 1:19-cv-00400-JLT-HBK, 2025 WL 2107526, at \*8 (E.D. Cal. July 28, 2025)

- *Martinez v. Lawhorn*, No. 1:21-cv-01602-JLT-CDB (PC), 2024 WL 779049, at \*7 (E.D. Cal. Feb. 26, 2024)
- *Oden v. Voong*, 2020 WL 1322943, at \*12-14 (N.D. Cal. Mar. 20, 2020)
- *Lindsey v. Tait*, 2019 WL 2867172, at \*5-6 (E.D. Cal. July 3, 2019)
- *Washington v. Sexton*, No. 1:18-cv-00513-DAD-JLT (PC), 2021 WL 1784859, at \*5-6 (E.D. Cal. May 5, 2021)
- *Fordley v. Lizarraga*, 18 F.4th 344, 352 n.5 (9th Cir. 2021)
- *Ardds v. Hicks*, No. 1:19-cv-01738-SAB (PC), 2021 WL 3471595, at \*6 (E.D. Cal. Aug. 6, 2021)
- *Holguin v. Bell*, No. 1:19-cv-00757-HBK, 2021 WL 5867420, at \*8 (E.D. Cal. Dec. 10, 2021)
- *Ruiz v. Sadler*, 2021 WL 106572, at \*2 (E.D. Cal. 2021)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)

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