

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON,
MEDFORD DIVISION

Timothy McCarter v. State of Oregon by and through the Oregon
Department of Corrections, Leland Beamer, and John and Jane Does

I-III

McCarter · No. 3:24-cv-00900-CL · Decided May 14, 2026

SUMMARY

A magistrate judge recommends granting defendants’ motion for summary judgment in Timothy McCarter’s action alleging deliberate indifference to medical needs under 42 U.S.C. § 1983 and state-law negligence. The recommendation concludes that the claims are procedurally undefended, time-barred, and unsupported by evidence of deliberate indifference or negligence.

CASE DETAILS

COURT	United States District Court for the District of Oregon, Medford Division
WRITING FOR THE COURT	Mark D. Clarke, United States Magistrate Judge
JURISDICTION	United States District Court for the District of Oregon, Medford Division
DECIDED	May 14, 2026
DOCKET	3:24-cv-00900-CL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought claims under 42 U.S.C. § 1983 for deliberate indifference to serious medical needs and under Oregon law for negligence. Defendants moved for summary judgment. The magistrate judge issued Findings and Recommendation recommending that the motion be granted.
STANDARD OF REVIEW	Summary judgment is appropriate when the record shows no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. The court may not weigh evidence or determine truth, must view evidence in the light most favorable to the nonmoving party, and requires the opposing party to identify specific facts showing a genuine issue for trial.

PRECEDENTIAL VALUE	nonprecedential
PARTIES	Timothy McCarter v. State of Oregon by and through the Oregon Department of Corrections, Leland Beamer, John and Jane Does I-III

TOPICS

summary judgment statute of limitations section 1983 prisoners rights negligence

PRACTICE AREAS

civil rights prisoner medical care civil procedure statute of limitations negligence

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment because McCarter failed to respond to the motion and therefore failed to identify a genuine dispute of material fact.
2. Whether McCarter's 42 U.S.C. § 1983 deliberate-indifference claim was barred by Oregon's two-year personal-injury statute of limitations.
3. Whether McCarter's Oregon negligence claim against a public body was barred by Oregon's two-year limitations period for tort claims.
4. Whether the undisputed evidence established that defendants were not deliberately indifferent to McCarter's medical needs and had not even acted negligently.

HOLDINGS

1. When a properly supported summary-judgment motion is unanswered, and the opposing party does not identify specific facts showing a genuine issue for trial, the factual record submitted by the movant is undisputed for purposes of the motion.
2. McCarter's § 1983 claim was time-barred because it accrued no later than June 3, 2022, when he knew or had reason to know of his injury and its cause, and he filed suit on June 5, 2024, after Oregon's two-year limitations period expired.
3. McCarter's Oregon negligence claim was time-barred because he knew of his injury and the allegedly tortious conduct by June 3, 2022, and did not file within Oregon's two-year limitations period for tort claims against a public body.
4. The undisputed evidence did not establish deliberate indifference, or even negligence, by defendants; therefore, McCarter's § 1983 claim failed on the merits.

KEY QUOTATIONS

“An issue of fact is genuine “if the evidence is such that a reasonable jury could return a verdict for the nonmoving party.”” (2)

“Deliberate indifference requires that the prison official “knows of and disregards an excessive risk to inmate health and safety.”” (4)

“Negligence alone does not support a constitutional violation under § 1983.” (4)

“Because the undisputed record does not even amount to negligence, Plaintiff claims fail on the merits.” (5)

FACTUAL BACKGROUND

McCarter was incarcerated in the Oregon Department of Corrections from April 1, 2021, through May 20, 2024. After reporting vision problems on May 19, 2021, he was evaluated at Orion Eye Clinic, underwent surgery for a detached retina, and received three additional procedures and numerous follow-up appointments. On June 3, 2022, Dr. Constantine told him that a delay in repairing the detached retina likely caused long-term retinal damage. McCarter later filed claims alleging that ODOC officials failed to schedule follow-up treatment, but the undisputed record showed repeated medical appointments and no instance in which ODOC providers refused or declined recommended care.

PROCEDURAL HISTORY

McCarter filed the action on June 5, 2024, alleging that prison officials failed to schedule follow-up treatment for his eye condition. Defendants moved for summary judgment, and McCarter did not file a response within the time required by District of Oregon Local Rule 7-1(f). The magistrate judge recommended granting summary judgment because the claims were undisputedly supported by the record, time-barred, and insufficient on the merits. The recommendation was subject to referral to a district judge and a fourteen-day objection period.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand instructions. The magistrate judge recommended that the district judge grant defendants' motion for summary judgment.

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-50 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- Devereaux v. Abbey, 263 F.3d 1070, 1076 (9th Cir. 2001) (en banc)
- Playboy Enterprises, Inc. v. Welles, 279 F.3d 796, 800 (9th Cir. 2002)
- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- Allen v. City of Los Angeles, 66 F.3d 1052, 1056 (9th Cir. 1995)
- Holt v. County of Orange, 91 F.4th 1013, 1018 (9th Cir. 2024)
- Bonneau v. Centennial School District No. 28J, 666 F.3d 577, 580 (9th Cir. 2012)
- Gregg v. Hawaii, Department of Public Safety, 870 F.3d 883, 885 (9th Cir. 2017)
- Dunn v. City of Milwaukie, 270 Or. App. 478, 484-85 (2015)
- Raethke v. Oregon Health Sciences University, 115 Or. App. 195, 198 (1992)

- Estelle v. Gamble, 429 U.S. 97, 103 (1976)
- Colwell v. Bannister, 763 F.3d 1060, 1066 (9th Cir. 2014)
- Toguchi v. Chung, 391 F.3d 1051, 1057 (9th Cir. 2004)
- Wakefield v. Thompson, 177 F.3d 1160, 1165 (9th Cir. 1999)
- Sandoval v. County of San Diego, 985 F.3d 657, 668 (9th Cir. 2021)
- Peralta v. Dillard, 744 F.3d 1076, 1086 (9th Cir. 2014) (en banc)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

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