

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Sylvester Conway v. J. Moua, et al.

Conway v. Moua · No. No. 1:23-cv-00898-KES-SAB (PC) · Decided November 5, 2025

SUMMARY

This document is a magistrate judge’s Findings and Recommendations in a 42 U.S.C. § 1983 action concerning an alleged excessive-force incident at the Madera County Jail. It addresses defendants’ motion for summary judgment based on failure to exhaust administrative remedies and motion for judgment on the pleadings based on claim preclusion arising from a prior state habeas proceeding. The court finds that the exhaustion defense was waived when jail officials addressed the merits of an allegedly untimely grievance and analyzes whether the prior habeas proceeding precludes the federal civil-rights claim.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 5, 2025
DOCKET	No. 1:23-cv-00898-KES-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a United States magistrate judge on defendants' motion for summary judgment based on failure to exhaust administrative remedies and motion for judgment on the pleadings based on res judicata.
STANDARD OF REVIEW	Summary judgment is appropriate when no genuine dispute of material fact exists and the movant is entitled to judgment as a matter of law, with the evidence viewed in the light most favorable to the nonmovant. For failure-to-exhaust motions, defendants bear the initial and ultimate burdens of proving that an available remedy existed and was not exhausted. Judgment on the pleadings is analyzed substantially like a Rule 12(b)(6) motion; factual allegations are accepted as true and construed in the nonmovant's favor, and judgment is proper only when no material fact is disputed and the movant is entitled to judgment as a matter of law.

TOPICS

summary judgment

motion for judgment on the pleadings

res judicata

prisoners rights

section 1983

PRACTICE AREAS

prisoner civil rights

federal civil procedure

claim preclusion

administrative exhaustion

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment for plaintiff's alleged failure to exhaust available administrative remedies under the PLRA.
2. Whether prison officials waived any timeliness objection by addressing plaintiff's February 2023 grievance on the merits at each available administrative level.
3. Whether plaintiff's § 1983 excessive-force claim was barred by claim preclusion based on the prior California habeas proceeding.
4. Whether the state habeas proceeding involved the same cause of action, the same parties or parties in privity, and a final judgment on the merits.

HOLDINGS

1. Summary judgment on failure to exhaust should be denied because the parties' evidence created a genuine dispute about when plaintiff received the response to his May 2022 grievance.
2. A prisoner satisfies the PLRA exhaustion requirement when prison officials address the grievance on the merits at each available step instead of enforcing a procedural bar, including a timeliness bar.
3. Plaintiff's § 1983 excessive-force claim should be barred by res judicata because his prior California habeas proceeding involved the same cause of action, the same parties or parties in privity, and a final judgment on the merits after a full and fair opportunity to litigate.

KEY QUOTATIONS

"An inmate, that is, must exhaust available remedies, but need not exhaust unavailable ones." (Section II.A, page 1)

"when prison officials opt not to enforce a procedural rule but instead decide an inmate's grievance on the merits, the purposes of the PLRA exhaustion requirement have been fully served." (Section II.E, page 10)

"Accordingly, ... a prisoner exhausts [available administrative remedies] under the PLRA despite failing to comply with a procedural rule if prison officials ignore the procedural problem and render a decision on the merits of the grievance at each available step of the administrative process." (Section II.E, page 10)

"bars repetitious suits involving the same cause of action once a court of competent jurisdiction has entered a final judgment on the merits." (Section III.B, page 12)

FACTUAL BACKGROUND

Plaintiff alleged that Madera County Jail officers removed medical mattresses from his cell while he was sleeping, causing his head and neck to strike the wall and aggravating preexisting injuries. He filed a grievance in May 2022 but contended that he did not receive the response in time to appeal it. He filed another grievance in February 2023, which prison officials addressed on the merits through the final administrative level. Plaintiff had also filed a California state habeas petition concerning the same mattress-removal incident, and the Madera County Superior Court denied that petition after briefing.

PROCEDURAL HISTORY

Plaintiff, proceeding pro se and in forma pauperis under 42 U.S.C. § 1983, alleged excessive force by Madera County Jail officers. Defendants answered, then moved for summary judgment asserting that plaintiff failed to exhaust administrative remedies and moved for judgment on the pleadings asserting claim preclusion based on plaintiff's prior California habeas proceeding. The magistrate judge recommended denying the exhaustion motion and granting the motion for judgment on the pleadings; the recommendations were subject to objections and submission to the assigned district judge.

DISPOSITION

other

REMAND INSTRUCTIONS

The magistrate judge recommended that the assigned district judge deny defendants' exhaustion motion for summary judgment and grant defendants' motion for judgment on the pleadings. The parties were permitted 21 days to file objections.

CASES CITED

- Ross v. Blake, 578 U.S. 632, 638 (2016)
- Brown v. Valoff, 422 F.3d 926, 935 (9th Cir. 2005)
- Booth v. Churner, 532 U.S. 731, 739, 741 (2001)
- Porter v. Nussle, 534 U.S. 516, 524, 532 (2002)
- Jones v. Bock, 549 U.S. 199, 211, 216 (2007)
- Albino v. Baca, 747 F.3d 1162, 1166, 1172 (9th Cir. 2014) (en banc)
- Washington Mutual Inc. v. United States, 636 F.3d 1207, 1216 (9th Cir. 2011)
- Carmen v. San Francisco Unified School District, 237 F.3d 1026, 1031 (9th Cir. 2001)
- Simmons v. Navajo County, Arizona, 609 F.3d 1011, 1017 (9th Cir. 2010)
- Cape v. San Luis Obispo Sheriff's Department, No. CV 21-6622-CJC(E), 2022 WL 2308256, at *4 (C.D. Cal. June 1, 2022)
- Rosenfeld v. Mastin, No. CV 11-7002-DOC, 2013 WL 5705638, at *5 (C.D. Cal. Oct. 15, 2013)
- Sandoval v. County of San Diego, 985 F.3d 657, 666 (9th Cir. 2021)

- Fraser v. Goodale, 342 F.3d 1032, 1036-37 (9th Cir. 2003)
- Block v. City of Los Angeles, 253 F.3d 410, 418-19 (9th Cir. 2001)
- Nigro v. Sears, Roebuck & Co., 784 F.3d 495, 497 (9th Cir. 2015)
- Thomas v. Kuo, No. 1:16-cv-00524 DAD EPG P, 2019 WL 2369898, at *13 (E.D. Cal. June 5, 2019)
- Reyes v. Smith, 810 F.3d 654, 657, 659 (9th Cir. 2016)
- Develder v. Hirshler, No. 2:09-cv-1803 TLN EFB P, 2017 WL 3868478, at *5 (E.D. Cal. Sept. 5, 2017)
- Bradley v. Williams, No. CIV. 07-1870 HU, 2009 WL 198014, at *2 (D. Or. Jan. 23, 2009)
- Hammett v. Cofield, 681 F.3d 945, 947 (8th Cir. 2012)
- Conyers v. Abitz, 416 F.3d 580, 584 (7th Cir. 2005)
- Holden v. Nevada ex rel. Nevada Department of Corrections, No. 3:16-CV-00064-MMD-WGC, 2018 WL 4566253, at *9 (D. Nev. Sept. 24, 2018)
- United States v. Tohono O'Odham Nation, 563 U.S. 307, 315 (2011)
- Maldonado v. Harris, 370 F.3d 945, 951 (9th Cir. 2004)
- Gonzales v. California Department of Corrections, 739 F.3d 1226, 1231 (9th Cir. 2014)
- Silverton v. Department of Treasury, 644 F.2d 1341, 1347 (9th Cir. 1981)
- Furnace v. Giurbino, 838 F.3d 1019, 1023, 1028 (9th Cir. 2016)
- Anderson v. Mendoza, No. 2:17-cv-1244-KJM-DB, 2018 WL 6528429, at *3 (E.D. Cal. Dec. 12, 2018)
- Brodheim v. Cry, 584 F.3d 1262, 1268 (9th Cir. 2009)
- City of Martinez v. Texaco Trading & Transportation, Inc., 353 F.3d 758, 762 (9th Cir. 2003)
- Eichman v. Fotomat Corp., 147 Cal. App. 3d 1170, 1174 (1983)
- DKN Holdings LLC v. Faerber, 61 Cal. 4th 813, 824 (2015)
- In re Schimmels, 127 F.3d 875, 881 (9th Cir. 1997)
- Southwest Airlines Co. v. Texas International Airlines, Inc., 546 F.2d 84, 94 (5th Cir. 1977)
- Nordhorn v. Ladish Co., 9 F.3d 1402, 1405 (9th Cir. 1993)
- Leon v. IDX Systems Corp., 464 F.3d 951, 963 (9th Cir. 2006)
- Sunshine Anthracite Coal Co. v. Adkins, 310 U.S. 381, 403 (1940)
- Fund for Animals v. Lujan, 962 F.2d 1391, 1398 (9th Cir. 1992)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)
- Chavez v. United States, 683 F.3d 1102, 1108 (9th Cir. 2012)
- Fleming v. Pickard, 581 F.3d 922, 925 (9th Cir. 2009)
- United States v. Ritchie, 342 F.3d 903, 908 (9th Cir. 2003)
- Summit Media LLC v. City of Los Angeles, 530 F. Supp. 2d 1084, 1096 (C.D. Cal. 2008)
- Marder v. Lopez, 450 F.3d 445, 448 (9th Cir. 2006)
- Heliotrope General, Inc. v. Ford Motor Co., 189 F.3d 971, 981 n.18 (9th Cir. 1999)
- United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc., 971 F.2d 244, 248 (9th Cir. 1992)

