

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Fratus v. Dayson

No. 2:20-cv-000354 TLN SCR P (E.D. Cal. Feb. 27, 2025) · No. 2:20-cv-000354 TLN SCR P · Decided
February 27, 2025

SUMMARY

The United States District Court for the Eastern District of California issued findings and recommendations addressing defendants Lozano’s and Hurley’s motion for summary judgment in a 42 U.S.C. § 1983 action. The court recommended denying the motion because genuine disputes remained regarding defendants’ authority over plaintiff’s housing unit, the reasonableness of their response to the denial of outdoor exercise, and qualified immunity.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 27, 2025
DOCKET	2:20-cv-000354 TLN SCR P
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on defendants Lozano's and Hurley's motion for summary judgment in a pro se prisoner's 42 U.S.C. § 1983 action alleging unconstitutional denial of outdoor exercise under the Eighth Amendment.
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. The court views the nonmovant's evidence as true, draws reasonable inferences in the nonmovant's favor, and may not resolve genuine factual disputes in favor of the party seeking summary judgment. Qualified immunity may be resolved on summary judgment only when the material facts are undisputed.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	John Fratus v. Dayson, et al., Lozano, Hurley

TOPICS

summary judgment

prisoners rights

cruel and unusual punishment

qualified immunity

section 1983

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

federal civil procedure

QUESTIONS PRESENTED

1. Whether summary judgment should be granted on the 2016 outdoor-exercise claim because Lozano and Hurley allegedly lacked authority or personal involvement over the CMF-DSH unit.
2. Whether summary judgment should be granted on the 2018 outdoor-exercise claim because defendants' efforts to create alternative yard procedures established that they were not deliberately indifferent.
3. Whether Lozano and Hurley were entitled to qualified immunity on the outdoor-exercise claims at the summary-judgment stage.

HOLDINGS

1. Summary judgment should be denied because Fratus submitted minimally sufficient evidence creating a genuine dispute regarding whether CDCR and defendants retained authority over the CMF-DSH unit and its yard operations.
2. Summary judgment should be denied because genuine disputes remained regarding whether defendants reasonably responded to the lack of outdoor exercise and whether security concerns justified the deprivation.
3. Defendants should not receive qualified immunity on the current record because the qualified-immunity analysis depended on disputed facts concerning the reasonableness of their conduct.

KEY QUOTATIONS

“At the very least, plaintiff’s evidence suggests that there was not as clear a line of control between CDCR and DSH regarding CMF-DSH operations as defendants suggest.” (at 2016 discussion)

“Under either prong of the qualified immunity analysis, “courts may not resolve genuine disputes of fact in favor of the party seeking summary judgment.”” (at qualified-immunity discussion)

“The Eighth Amendment’s prohibition against cruel and unusual punishment protects prisoners not only from inhumane methods of punishment but also from inhumane methods of confinement.” (at Eighth Amendment outdoor-exercise standards)

FACTUAL BACKGROUND

Fratus, a state prisoner, was housed at the California Medical Facility in 2016 and again in 2018 as a maximum-custody inmate. During both periods, he alleged that he was denied outdoor exercise because the relevant housing units lacked outdoor modules for maximum-custody prisoners. In 2016, the unit was allegedly operated by the Department of State Hospitals, while in 2018 the unit was operated by CDCR and defendants developed procedures to use administrative-segregation modules, but those procedures were implemented after Fratus had

transferred. Fratus alleged that wardens Lozano and Hurley were responsible for implementing or permitting the policies and that their responses were deliberately indifferent to his Eighth Amendment rights.

PROCEDURAL HISTORY

The action proceeded on plaintiff's first amended complaint, which asserted Eighth Amendment medical-indifference claims against Dayson, Vallar, and Houston and an Eighth Amendment conditions-of-confinement claim against Siegel, Rodgers, Hurley, and Lozano. Siegel and Rodgers were voluntarily dismissed; Dayson, Vallar, and Houston answered but did not move for summary judgment. Lozano and Hurley moved for summary judgment, and the magistrate judge recommended that the motion be denied because genuine disputes remained regarding defendants' authority over the 2016 housing unit, the reasonableness of their response to the 2018 lack of outdoor exercise, and the existence of security justifications.

DISPOSITION

other

REMAND INSTRUCTIONS

The magistrate judge recommended denial of defendants' motion for summary judgment. The findings and recommendations were submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), with objections permitted within twenty-one days.

CASES CITED

- In re Oracle Corp. Sec. Litig., 627 F.3d 376, 387 (9th Cir. 2010)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23, 325 (1986)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586-87 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-49, 255 (1986)
- T.W. Elec. Serv., Inc. v. Pacific Elec. Contractors Ass'n, 809 F.2d 626, 631 (9th Cir. 1987)
- Richards v. Nielsen Freight Lines, 602 F. Supp. 1224, 1244-45 (E.D. Cal. 1985), aff'd, 810 F.2d 898, 902 (9th Cir. 1987)
- Morgan v. Morgensen, 465 F.3d 1041, 1045 (9th Cir. 2006)
- Farmer v. Brennan, 511 U.S. 825, 834, 837, 844, 847 (1994)
- Norbert v. City & County of San Francisco, 10 F.4th 918, 927-29 (9th Cir. 2021)
- Allen v. Sakai, 48 F.3d 1082, 1087 (9th Cir. 1995)
- May v. Baldwin, 109 F.3d 557, 565 (9th Cir. 1997)
- Spain v. Procunier, 600 F.2d 189, 199 (9th Cir. 1979)
- Thomas v. Ponder, 611 F.3d 1144, 1151 (9th Cir. 2010)
- LeMaire v. Maass, 12 F.3d 1444, 1457-58 (9th Cir. 1993)
- Tolan v. Cotton, 572 U.S. 650, 655-56 (2014)
- Sampson v. County of Los Angeles, 974 F.3d 1012, 1018 (9th Cir. 2020)

- Peck v. Montoya, 51 F.4th 877, 887 (9th Cir. 2022)
- City of Tahlequah v. Bond, 595 U.S. 9, 12 (2021)
- LaLonde v. County of Riverside, 204 F.3d 947, 953 (9th Cir. 2000)
- Heilman v. Thumser, No. 2:11-cv-1907-MCE-EFB, 2014 WL 6886016, at *10 (E.D. Cal. Dec. 4, 2014), report and recommendation adopted, 2015 WL 367461 (E.D. Cal. Jan. 27, 2015)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)