

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Christopher Elliott v. M. Campose

Elliott v. Campose, No. 2:22-CV-1236-KJM-DMC-P (E.D. Cal. Nov. 26, 2025) (findings and recommendations)
· No. No. 2:22-CV-1236-KJM-DMC-P · Decided November 26, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends granting Defendant M. Campose’s motion for summary judgment in Christopher Elliott’s 42 U.S.C. § 1983 action. The court concludes that the alleged verbal sexual harassment, single-meal deprivation, and speculative retaliation did not establish constitutional violations. It also recommends denying the motion for terminating sanctions as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 26, 2025
DOCKET	No. 2:22-CV-1236-KJM-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner proceeding pro se brought an action under 42 U.S.C. § 1983. Defendant moved for summary judgment and terminating sanctions. The magistrate judge recommended granting summary judgment and denying the sanctions motion as moot.
STANDARD OF REVIEW	Summary judgment is appropriate when the pleadings, discovery materials, admissions, and affidavits show no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. The moving party bears the initial burden; if satisfied, the opposing party must present admissible evidence of a genuine, material factual dispute. The court views the opposing party's evidence and reasonable inferences in its favor, but the dispute must be supported by a factual predicate from which a reasonable jury could find for that party.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Christopher Elliott v. M. Campose

TOPICS

section 1983

prisoners rights

summary judgment

cruel and unusual punishment

first amendment

PRACTICE AREAS

prisoner civil rights

constitutional litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's allegation that Defendant verbally asked to see his penis, without physical contact or evidence of serious psychological injury, established an Eighth Amendment sexual-harassment violation.
2. Whether the alleged denial of a single breakfast constituted an objectively serious deprivation under the Eighth Amendment.
3. Whether Plaintiff presented evidence of an adverse action sufficient to support a First Amendment retaliation claim.
4. Whether Defendant was entitled to summary judgment on Plaintiff's claims.
5. Whether Defendant's motion for terminating sanctions should be reached after summary judgment disposed of the case.

HOLDINGS

1. Alleged verbal sexual harassment, consisting of an officer asking to see Plaintiff's penis, did not establish an Eighth Amendment violation where there was no physical contact and no evidence that the comment was unusually gross for a prison setting or calculated to cause psychological damage.
2. The alleged denial of a single meal on a single occasion did not rise to the level of an Eighth Amendment violation.
3. Plaintiff could not prevail on his retaliation claim because he did not suffer an adverse action.
4. Defendant was entitled to summary judgment on all of Plaintiff's claims.

KEY QUOTATIONS

"Thus, Defendant has met the initial burden on summary judgment of identifying the non-existence of a genuine issue of material fact as to the nature and result of the alleged sexual harassment." (at 8)

"Such a claim does not rise to an Eighth Amendment violation." (at 9-10)

"Thus, Plaintiff did not suffer any adverse action and, as a result, he cannot prevail on a First Amendment retaliation claim." (at 10-11)

FACTUAL BACKGROUND

Plaintiff, a prisoner housed in the Psychiatric Services Unit at California State Prison—Sacramento, alleged that on June 21, 2022, correctional officer M. Campose asked to see his penis, took his breakfast tray, and threatened that he was dead if he were moved to the yard after filing a sexual-harassment grievance against another officer. Defendant's evidence showed that Campose approached the cell to deliver breakfast, did not enter or touch Plaintiff, and that Plaintiff's meal was delivered shortly afterward by another officer. The evidence also showed that Plaintiff remained in the Psychiatric Services Unit and that Campose did not recommend or request his transfer to the general population.

PROCEDURAL HISTORY

Plaintiff proceeded on his original complaint alleging sexual harassment, denial of a meal, and First Amendment retaliation. Defendant moved for summary judgment and separately sought terminating sanctions. After considering the parties' submissions and evidence, the magistrate judge recommended granting summary judgment on all claims and denying the sanctions motion as moot, subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- *Mora v. ChemTronics*, 16 F. Supp. 2d 1192, 1200 (S.D. Cal. 1998)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 323, 325 (1986)
- *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87 & n.11 (1986)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 251, 255 (1986)
- *T.W. Elec. Serv., Inc. v. Pacific Elec. Contractors Ass'n*, 809 F.2d 626, 630-31 (9th Cir. 1987)
- *Wool v. Tandem Computers, Inc.*, 818 F.2d 1433, 1436 (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)
- *Helling v. McKinney*, 509 U.S. 25, 31 (1993)
- *Farmer v. Brennan*, 511 U.S. 825, 832, 834 (1994)
- *Estelle v. Gamble*, 429 U.S. 97, 102 (1976)
- *Rhodes v. Chapman*, 452 U.S. 337, 347, 349 (1981)
- *Toussaint v. McCarthy*, 801 F.2d 1080, 1107 (9th Cir. 1986)
- *Schwenk v. Hartford*, 204 F.3d 1187, 1196-98 (9th Cir. 2000)
- *Smith v. Los Angeles County*, 2010 WL 2569232, at *5 (C.D. Cal. 2010), adopted by 2010 WL 2572570 (C.D. Cal. 2010), *aff'd*, 452 F. App'x 768 (9th Cir. 2011)
- *Berryhill v. Schriro*, 137 F.3d 1073, 1076 (8th Cir. 1998)
- *Watson v. Carter*, 668 F.3d 1108, 1112-14 (9th Cir. 2012)
- *Minifield v. Butikofer*, 298 F. Supp. 2d 900, 904 (N.D. Cal. 2004)

- *Oltarzewski v. Ruggiero*, 830 F.2d 136, 139 (9th Cir. 1987)
- *Cox v. Kernan*, 2019 WL 6840136, at *5 (E.D. Cal. Dec. 16, 2019)
- *Keenan v. Hall*, 83 F.3d 1083, 1092 (9th Cir. 1996)
- *Moore v. Calderon*, 2021 WL 1541296, at *2 (E.D. Cal. Apr. 20, 2021)
- *Patrick v. Hernandez*, 2018 WL 5095130, at *1, *3 (E.D. Cal. Oct. 17, 2018)
- *Blacher v. Johnson*, 517 F. App'x 564, 565 (9th Cir. 2013)
- *Hallett v. Morgan*, 296 F.3d 732, 745 (9th Cir. 2002)
- *Hoptowit v. Ray*, 682 F.2d 1237, 1246 (9th Cir. 1982), abrogated on other grounds by *Sandin v. Conner*, 515 U.S. 472 (1995)
- *Morgan v. Morgensen*, 465 F.3d 1041, 1045 (9th Cir. 2006)
- *Osolinski v. Kane*, 92 F.3d 934, 937-39 (9th Cir. 1996)
- *Jordan v. Gardner*, 986 F.2d 1521, 1531 (9th Cir. 1993) (en banc)
- *Wilson v. Seiter*, 501 U.S. 294, 304 (1991)
- *Thomas v. Ponder*, 611 F.3d 1144, 1151 (9th Cir. 2010)
- *Hutto v. Finney*, 437 U.S. 678, 686-87 (1978)
- *Hearns v. Terhune*, 413 F.3d 1036, 1042 (9th Cir. 2005)
- *Khan v. Payton*, 2024 WL 4312222, at *9 (N.D. Cal. Sept. 25, 2025)
- *Glover v. Evans*, 2007 WL 3022249, at *1 (N.D. Cal. Oct. 15, 2007)
- *Barnett v. Centoni*, 31 F.3d 813, 815-16 (9th Cir. 1994) (per curiam)
- *Pratt v. Rowland*, 65 F.3d 802, 807 (9th Cir. 1995)
- *Valandingham v. Bojorquez*, 866 F.2d 1135, 1138-39 (9th Cir. 1989)
- *Resnick v. Hayes*, 213 F.3d 443, 449 (9th Cir. 2000)
- *Rhodes v. Robinson*, 408 F.3d 559, 568-69 (9th Cir. 2005)
- *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991)