

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Adam Michael Wallace v. Mark Nooth, David Pedro, and Liza Emory

No. 3:23-CV-00704-YY, United States District Court for the District of Oregon (January 2, 2026)

SUMMARY

The United States District Court for the District of Oregon granted defendants’ motion for summary judgment in Adam Michael Wallace’s 42 U.S.C. § 1983 action. The court rejected Wallace’s Eighth Amendment claim concerning alleged rodent infestation, First Amendment retaliation claim arising from removal from a kitchen assignment, and Fourteenth Amendment due process claim. The court also found no basis for supervisory liability and declined to address Eleventh Amendment immunity.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Youlee Yim You
JURISDICTION	United States District Court for the District of Oregon, Portland Division
DECIDED	January 2, 2026
DOCKET	3:23-CV-00704-YY
DISPOSITION	affirmed
PROCEDURAL POSTURE	Motion for Summary Judgment
PRECEDENTIAL VALUE	unpublished

TOPICS

- section 1983
- prisoners rights
- civil rights
- first amendment
- fourteenth amendment
- due process
- cruel and unusual punishment
- summary judgment
- civil procedure

PRACTICE AREAS

- civil rights
- constitutional law
- civil procedure

QUESTIONS PRESENTED

- Whether plaintiff established an Eighth Amendment violation based on alleged rodent infestation.
- Whether plaintiff established a First Amendment retaliation claim for removal from kitchen assignment.

3. Whether plaintiff established a Fourteenth Amendment due process violation for removal from work assignment.
4. Whether defendants Nooth and Pedro are liable under § 1983 supervisory liability.

HOLDINGS

1. Plaintiff failed to make an objective showing of a sufficiently serious deprivation or a subjective showing of deliberate indifference by defendants regarding rodent infestation.
2. Plaintiff failed to establish a causal connection between his protected conduct (filing a grievance) and the adverse action (removal from kitchen assignment).
3. Plaintiff failed to establish a deprivation of a protected liberty or property interest because a work assignment is not a constitutionally protected interest.
4. Defendants Nooth and Pedro are not liable because plaintiff failed to establish any underlying constitutional violation.

FACTUAL BACKGROUND

Plaintiff, a prisoner at Eastern Oregon Correctional Institution (EOCI), alleged an Eighth Amendment violation due to rodent infestation in the kitchen. He also alleged First and Fourteenth Amendment violations for retaliation and lack of due process after being removed from his kitchen work assignment following a grievance about expired meat.

PROCEDURAL HISTORY

Pro se prisoner plaintiff filed 42 U.S.C. § 1983 action. Defendants moved for summary judgment.

DISPOSITION

affirmed

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Anderson v. Liberty Lobby, 477 U.S. 242 (1986)
- Addisu v. Fred Meyer, Inc., 198 F.3d 1130 (9th Cir. 2000)
- Balint v. Carson City, Nev., 180 F.3d 1047 (9th Cir. 1999)
- Graham v. Connor, 490 U.S. 386 (1989)
- Taylor v. List, 880 F.2d 1040 (9th Cir. 1989)
- Johnson v. Duffy, 588 F.2d 740 (9th Cir. 1978)
- Eldridge v. Block, 832 F.2d 1132 (9th Cir. 1987)
- Erickson v. Pardus, 551 U.S. 89 (2007)
- Ivey v. Board of Regents, 673 F.2d 266 (9th Cir. 1982)

- McKinney v. De Bord, 507 F.2d 501 (9th Cir. 1974)
- Estelle v. Gamble, 429 U.S. 97 (1976)
- Farmer v. Brennan, 511 U.S. 825 (1994)
- Rhodes v. Chapman, 452 U.S. 337 (1981)
- Lemire v. Cal. Dep't of Corr. & Rehab., 726 F.3d 1062 (9th Cir. 2013)
- Hampton v. California, 83 F.4th 754 (9th Cir. 2023)
- Estey, Jr. v. Gower et al, No. 1:16-CV-00028-PK, 2017 WL 1282249 (D. Or. Mar. 16, 2017)
- Bennett v. Misner, No. CIV.02-1662-HA, 2004 WL 2091473 (D. Or. Sept. 17, 2004)
- Jones v. Williams, 791 F.3d 1023 (9th Cir. 2015)
- Pell v. Procunier, 417 U.S. 817 (1974)
- Bradley v. Hall, 64 F.3d 1276 (9th Cir. 1995)
- Rodriguez v. Anderson, No. 2:20-CV-01914-AR, 2023 WL 8654285 (D. Or. Nov. 13, 2023)
- Brodheim v. Cry, 584 F.3d 1262 (9th Cir. 2009)
- Watison v. Carter, 668 F.3d 1108 (9th Cir. 2012)
- Hufford v. McEnaney, 249 F.3d 1142 (9th Cir. 2001)
- Womack v. Kelly, No. 6:19-CV-00686-JR, 2020 WL 2768687 (D. Or. May 28, 2020)
- Walker v. Gomez, 370 F.3d 969 (9th Cir. 2004)
- Monro v. Cain, No. 2:20-CV-00866-SU, 2021 WL 1323412 (D. Or. Feb. 10, 2021)
- Felarca v. Birgeneau, 891 F.3d 809 (9th Cir. 2018)

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