

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dewayne Thompson v. P. Kuppinger, et al.

Thompson v. Kuppinger · No. 2:23-cv-00463-DJC-EFB (PC) · Decided September 15, 2025

SUMMARY

This document is Findings and Recommendations in a prisoner civil-rights action under 42 U.S.C. § 1983 in the Eastern District of California. The court recommends denying the plaintiff’s motion for summary judgment and granting defendants’ cross-motion for summary judgment on claims involving prison conditions, excessive force, retaliation, property handling, cell searches, and medical care. The excerpt specifically analyzes the Eighth Amendment conditions-of-confinement claim arising from flooding in the plaintiff’s cell.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Edmund F. Brennan, United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 15, 2025
DOCKET	2:23-cv-00463-DJC-EFB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983 in which plaintiff and defendants filed cross-motions for summary judgment. The magistrate judge recommended denial of plaintiff's motion and grant of defendants' motion on all remaining claims.
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 evidence and reasonable inferences are viewed in favor of the nonmoving party, but the nonmoving party must identify specific admissible evidence showing a genuine, material dispute.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Dewayne Thompson v. P. Kuppinger, Struve, Heinkel, Pohovich, Lujan, Haynie, Aung

TOPICS

section 1983

prisoners rights

summary judgment

first amendment

cruel and unusual punishment

PRACTICE AREAS

prisoner civil rights

constitutional litigation

federal civil procedure

summary judgment

QUESTIONS PRESENTED

1. Whether plaintiff was entitled to summary judgment on his Eighth Amendment conditions-of-confinement claim based on leaking and flooding in his cell.
2. Whether plaintiff established an Eighth Amendment deliberate-indifference claim against officers who escorted him after a fall.
3. Whether plaintiff established deliberate indifference to serious medical needs against physician Aung.
4. Whether the alleged handcuff twisting, touching, pushing, and verbal abuse constituted excessive force under the Eighth Amendment.
5. Whether defendants retaliated against plaintiff for protected grievances, threatened grievances, or this lawsuit in violation of the First Amendment.
6. Whether the cross-motions for summary judgment should be resolved without reaching defendants' qualified-immunity argument.

HOLDINGS

1. Plaintiff failed to create a genuine dispute that Struve or Heinkel subjected him to conditions posing a substantial risk of serious harm or acted with deliberate indifference during the week he remained in a leaking cell. Summary judgment was therefore appropriate for defendants on this portion of Claim 1.
2. Plaintiff failed to show that Pohovich or Lujan exposed him to a substantial risk of serious harm or acted with deliberate indifference when escorting him after his fall and returning him to his cell.
3. Plaintiff failed to show that Aung's treatment decisions were medically unacceptable and made in conscious disregard of an excessive risk to plaintiff's health. Summary judgment was appropriate for Aung on Claim 9.
4. Plaintiff failed to show that Pohovich or Lujan used more than de minimis force, caused more than de minimis physical injury, or acted in a manner constituting excessive force under the Eighth Amendment.
5. Plaintiff failed to establish any of his retaliation claims because he did not show the required adverse action, causal connection to protected conduct, retaliatory motive, or failure of the challenged action to advance a legitimate correctional goal.
6. The court did not reach defendants' qualified-immunity argument because it concluded that defendants were entitled to summary judgment on the merits of all claims.

KEY QUOTATIONS

“Summary judgment is appropriate when the moving party “shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”” (Summary Judgment Standard

Under Rule 56)

“Plaintiff’s motion for summary judgment (ECF No. 29) be DENIED; and Defendants’ motion for summary judgment (ECF No. 36) be GRANTED, judgment entered for defendants, and this case closed.”

(Recommendation)

FACTUAL BACKGROUND

Thompson, a state prisoner, alleged that heavy rains caused contaminated water to leak and flood his prison cell, that correctional officers used excessive force during an escort, and that prison officials were deliberately indifferent to his medical needs. He also alleged that prison personnel retaliated against him for grievances, threatened grievances, and this lawsuit by restricting or confiscating property, issuing or reviewing a rules-violation report, searching his cell, and denying requested medical equipment. Defendants submitted declarations, records, and video evidence attributing the housing conditions to facility-wide flooding and capacity constraints, characterizing the property actions and cell search as policy-based, and describing the medical treatment and RVR actions as legitimate responses. The court found plaintiff’s evidence insufficient to create a genuine dispute for trial.

PROCEDURAL HISTORY

The court previously screened plaintiff’s first amended complaint under 28 U.S.C. § 1915A and found potentially cognizable Eighth Amendment and First Amendment claims. After discovery, both sides moved for summary judgment. The magistrate judge concluded that plaintiff failed to establish genuine disputes of material fact supporting his conditions-of-confinement, deliberate-indifference, excessive-force, or retaliation claims and recommended judgment for defendants and closure of the case, subject to district-judge review under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Allen v. Sakai, 48 F.3d 1082, 1087 (9th Cir. 1994)
- Farmer v. Brennan, 511 U.S. 825, 834, 847 (1994)
- Hudson v. McMillian, 503 U.S. 1, 6-10 (1992)
- Norbert v. City and County of San Francisco, 10 F.4th 918, 927-928 (9th Cir. 2021)
- Johnson v. Lewis, 217 F.3d 726, 731 (9th Cir. 2000)
- Brown v. Bueno, No. 1:17-cv-01295-LJO-SKO (PC), 2018 WL 6068513, at *3 (E.D. Cal. Nov. 20, 2018)
- Wilson v. Seiter, 501 U.S. 294, 300, 302-05 (1991)
- Hansen v. Black, 885 F.2d 642, 646 (9th Cir. 1989)
- Shapley v. Nevada Bd. of State Prison Comm’rs, 766 F.2d 404, 407 (9th Cir. 1985)
- McGuckin v. Smith, 974 F.2d 1050, 1059-60 (9th Cir. 1992)
- Ortiz v. City of Imperial, 884 F.2d 1312, 1314 (9th Cir. 1989)

- Broughton v. Cutter Laboratories, 622 F.2d 458, 460 (9th Cir. 1980)
- Toguchi v. Chung, 391 F.3d 1051, 1058 (9th Cir. 2004)
- Jackson v. McIntosh, 90 F.3d 330, 332 (9th Cir. 1996)
- Wilkins v. Gaddy, 559 U.S. 34, 37-38 (2010)
- Oliver v. Keller, 289 F.3d 623, 627 (9th Cir. 2002)
- Freeman v. Arpaio, 125 F.3d 732, 738 (9th Cir. 1997)
- Shakur v. Schriro, 514 F.3d 878, 884-885 (9th Cir. 2008)
- Keenan v. Hall, 83 F.3d 1083, 1092 (9th Cir. 1996), amended, 135 F.3d 1318 (9th Cir. 1998)
- Rhodes v. Robinson, 408 F.3d 559, 567-68 (9th Cir. 2005)
- Sandin v. Conner, 515 U.S. 472, 482-83 (1995)
- Long v. Sugai, 91 F.4th 1331, 1339 (9th Cir. 2024)
- Brodheim v. Cry, 584 F.3d 1262, 1266 (9th Cir. 2009)
- Entler v. Gregoire, 872 F.3d 1031, 1036 (9th Cir. 2017)
- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- Meachum v. Fano, 427 U.S. 215, 225-27 (1976)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-25 (1986)
- In re Oracle Corp. Sec. Litig., 627 F.3d 376, 387 (9th Cir. 2010)
- 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 (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)
- Walls v. Central Costa County Transit Auth., 653 F.3d 963, 966 (9th Cir. 2011)
- 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)
- County of Sacramento v. Lewis, 523 U.S. 833, 841 n.5 (1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

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