

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Zaya Reed v. Officer Prado, et al.

No. 2:23-cv-1101 KJM CSK P · No. No. 2:23-cv-1101 KJM CSK P · Decided June 10, 2025

SUMMARY

This document is an order and findings and recommendations addressing defendants’ motion for summary judgment in a pro se prisoner’s 42 U.S.C. § 1983 excessive-force action. The court considers the parties’ filings, video evidence, requests for admission, evidentiary objections, and judicial notice, and recommends granting summary judgment to the defendant correctional officers.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 10, 2025
DOCKET	No. 2:23-cv-1101 KJM CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a pro se county jail inmate proceeding in forma pauperis, brought 42 U.S.C. § 1983 excessive-force claims against correctional officers and a sergeant. Defendants moved for summary judgment or partial summary judgment. The magistrate judge recommends granting the motion and terminating the action, subject to review by the assigned district judge.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. In evaluating the motion, the court views evidence and draws reasonable inferences in favor of the nonmovant, except when the nonmovant's account is blatantly contradicted by video evidence. The excessive-force claim is evaluated under the objective-reasonableness standard applicable to pretrial detainees.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Zaya Reed v. Wendy Prado Gonzalez, Kaylee Bubar, Marcos Martinez Mendez, Joanna Flores, Brett Whitney, Toni Taylor

TOPICS

summary judgment

police misconduct

civil rights

section 1983

qualified immunity

PRACTICE AREAS

Civil rights

Prisoner litigation

Federal civil procedure

Summary judgment

Evidence

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment on Reed's Fourteenth Amendment excessive-force claims.
2. Whether the body-camera video contradicted material portions of Reed's account and established that the officers' use of force was objectively reasonable.
3. Whether Reed's late responses to requests for admission should be accepted and the automatic admissions withdrawn under Federal Rule of Civil Procedure 36(b).
4. Whether defendants were entitled to qualified immunity.

HOLDINGS

1. The court exercised its discretion under Rule 36(b) to withdraw the automatic admissions resulting from Reed's failure to timely respond to defendants' requests for admission because enforcing them would effectively eliminate consideration of the merits and defendants failed to show prejudice.
2. The officers' use of force against Reed was objectively reasonable under the circumstances and did not violate her Fourteenth Amendment rights; defendants therefore were entitled to summary judgment on the excessive-force claims.
3. Defendants were entitled to qualified immunity because the record showed no constitutional violation and, alternatively, the particular use of force was not clearly unlawful under the circumstances.

KEY QUOTATIONS

"A court must make this determination from the perspective of a reasonable officer on the scene, including what the officer knew at the time, not with the 20/20 vision of hindsight." (at 12)

"Even after drawing all reasonable inferences in plaintiff's favor, withdrawing the automatic admission of defendants' requests for admission, excusing plaintiff's failure to respond to defendants' statement of undisputed facts, and permitting plaintiff to submit two late oppositions, the Court concludes that defendants' use of force was reasonable under the circumstances, and defendant officers are entitled to summary judgment." (at 23)

"The officers' actions in placing plaintiff in the safety cell were rationally related to a legitimate governmental objective to prevent plaintiff from further injuring herself." (at 25)

FACTUAL BACKGROUND

After a state-court hearing, Reed returned to the county jail emotionally distraught and crying about separation from her children. She struck her own head against a cell wall, after which officers restrained her, summoned mental-health and medical staff, and escorted her to medical evaluation. When officers attempted to return her to a safety cell on suicide watch, Reed physically resisted, thrashed, kicked, and bit an officer, requiring several officers to restrain and carry her. The court found the force used during the incident objectively reasonable in light of Reed's self-harm, resistance, and the officers' need to protect her and maintain jail security.

PROCEDURAL HISTORY

Plaintiff filed a first amended complaint asserting excessive-force claims arising from a December 22, 2022 incident at the Solano County Justice Center Detention Facility. Several defendants and claims were dismissed without prejudice, and six correctional defendants answered. After defendants moved for summary judgment, plaintiff filed late and procedurally deficient oppositions. The court considered both oppositions, withdrew plaintiff's deemed admissions under Federal Rule of Civil Procedure 36(b), considered the complete record and video evidence, and recommended that defendants' summary-judgment motion be granted.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23, 325 (1986)
- Nursing Home Pension Fund, Local 144 v. Oracle Corp. (In re Oracle Corp. Securities Litigation), 627 F.3d 376, 387 (9th Cir. 2010)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 586-87 & n.11 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 255 (1986)
- T.W. Electric Service, Inc. v. Pacific Electric Contractors Association, 809 F.2d 626, 630 (9th Cir. 1987)
- Wool v. Tandem Computers, Inc., 818 F.2d 1433, 1436 (9th Cir. 1987)
- Flood v. Miller, 35 F. App'x 701, 703 n.3 (9th Cir. 2002)
- 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)
- Scott v. Harris, 550 U.S. 372, 380-81 (2007)
- Vos v. City of Newport Beach, 892 F.3d 1024, 1028 (9th Cir. 2018)
- Williams v. Las Vegas Metropolitan Police Department, 2016 WL 1169447, at *4 (D. Nev. Mar. 22, 2016)
- Blankenhorn v. City of Orange, 485 F.3d 463, 468 n.1 (9th Cir. 2007)
- Rand v. Rowland, 154 F.3d 952, 957 (9th Cir. 1998) (en banc)
- King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987)
- Thomas v. Ponder, 611 F.3d 1144, 1150 (9th Cir. 2010)
- Martinez v. Stanford, 323 F.3d 1178, 1182 (9th Cir. 2003)

- *Lopez v. Smith*, 203 F.3d 1122, 1132 n.14 (9th Cir. 2000)
- *Federal Trade Commission v. Medicor LLC*, 217 F. Supp. 2d 1048, 1053 (C.D. Cal. 2002)
- *Conlon v. United States*, 474 F.3d 616, 621-22 (9th Cir. 2007)
- *Hadley v. United States*, 45 F.3d 1345, 1348 (9th Cir. 1995)
- *Brook Village North Associates v. General Electric Co.*, 686 F.2d 66, 70 (1st Cir. 1982)
- *Ervin v. Merced Police Department*, 2015 WL 5896059, at *3-4 (E.D. Cal. Oct. 6, 2015)
- *Lyons v. Santero*, 2011 WL 3353890, at *3 (C.D. Cal. May 11, 2011)
- *Schroeder v. McDonald*, 55 F.3d 454, 460 (9th Cir. 1995)
- *Powell v. City of Elko*, 2024 WL 4137289, at *7-8 (D. Nev. Sept. 4, 2024)
- *MGIC Indemnity Co. v. Weisman*, 803 F.2d 500, 505 (9th Cir. 1986)
- *Lee v. City of Los Angeles*, 250 F.3d 668, 689-90 (9th Cir. 2001)
- *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006)
- *United States v. Howard*, 381 F.3d 873, 876 n.1 (9th Cir. 2004)
- *Kingsley v. Hendrickson*, 576 U.S. 389, 397, 400-01 (2015)
- *Graham v. Connor*, 490 U.S. 386, 395 n.10, 396 (1989)
- *Castro v. County of Los Angeles*, 833 F.3d 1060, 1068-71 (9th Cir. 2016) (en banc)
- *Madrid v. Gomez*, 889 F. Supp. 1146, 1254 (N.D. Cal. 1995)
- *Moriarty v. County of San Diego*, 2019 WL 4643602 (S.D. Cal. Sept. 24, 2019)
- *Estate of Vargas v. Binnewies*, 2017 WL 2289357, at *4 (E.D. Cal. May 25, 2017)
- *Ashcroft v. al-Kidd*, 563 U.S. 731, 735, 741 (2011)
- *Cuevas v. City of Tulare*, 107 F.4th 894, 898 (9th Cir. 2024)
- *Gordon v. County of Orange*, 6 F.4th 961, 968 (9th Cir. 2021)
- *White v. Pauly*, 580 U.S. 73, 79 (2017)
- *Orn v. City of Tacoma*, 949 F.3d 1167, 1174 (9th Cir. 2020)
- *Tuuamalemallo v. Greene*, 946 F.3d 471, 477 (9th Cir. 2019)
- *Davis v. United States*, 854 F.3d 594, 598 (9th Cir. 2017)
- *Los Angeles County v. Rettele*, 550 U.S. 609, 616 (2007)
- *Saucier v. Katz*, 533 U.S. 194, 201 (2001)
- *Sharp v. County of Orange*, 871 F.3d 901, 911 (9th Cir. 2017)
- *Kisela v. Hughes*, 584 U.S. 100, 104 (2018)
- *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991)

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