

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hearne v. Farhat

Hearne · No. 2:20-cv-00557-DAD-DB (PC) · Decided March 13, 2023

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge's findings and recommendations and granted defendants' motion for summary judgment. The court held that plaintiff failed to exhaust available administrative remedies before filing his 42 U.S.C. § 1983 action because he did not appeal the cancellation of his grievance. The action was dismissed without prejudice, and the clerk was directed to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dale A. Drozd
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 13, 2023
DOCKET	2:20-cv-00557-DAD-DB (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's findings and recommendations recommending grant of defendants' motion for summary judgment for failure to exhaust administrative remedies. The district court conducted de novo review, adopted the findings and recommendations, granted summary judgment, and dismissed the action without prejudice.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	John Andrew Hearne v. Farhat, et al.

TOPICS

summary judgment

prisoners rights

section 1983

civil rights

civil procedure

PRACTICE AREAS

prisoner civil rights

federal civil procedure

administrative exhaustion

QUESTIONS PRESENTED

1. Whether Hearne exhausted his available administrative remedies before filing his § 1983 action when prison officials cancelled his grievance as untimely and he did not separately appeal the cancellation.
2. Whether defendants were entitled to summary judgment based on Hearne's failure to exhaust administrative remedies.

HOLDINGS

1. Hearne did not exhaust his administrative remedies because he could have filed a separate appeal challenging the cancellation of his grievance but failed to do so.
2. Defendants were entitled to summary judgment because Hearne failed to exhaust his administrative remedies before filing suit.

KEY QUOTATIONS

"This case is dismissed without prejudice;" (at 2)

FACTUAL BACKGROUND

Hearne filed inmate appeal Log No. CHCF-C-19-04940 after the thirty-day period for filing a grievance had expired. Prison officials screened and cancelled the appeal as untimely, and Hearne argued that the deadline should have been extended because he had been briefly hospitalized. He did not file a separate appeal challenging the cancellation decision, although the record showed that he had filed at least one unrelated inmate appeal during the same thirty-day period.

PROCEDURAL HISTORY

Hearne brought a 42 U.S.C. § 1983 civil rights action while incarcerated. The assigned magistrate judge recommended granting defendants' summary-judgment motion because Hearne failed to exhaust available administrative remedies before filing suit. Hearne filed objections, but the district court found no basis to reject the recommendation, adopted it in full, granted summary judgment, dismissed the case without prejudice, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Ranson v. Aquirre, No. 1:12-cv-1343-AWI-DLB, 2013 WL 5923104, at *7 (E.D. Cal. Nov. 1, 2013)

