

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Augustine v. Shirley

No. 1:23-cv-00520-SAB (PC) · No. 1:23-cv-00520-SAB (PC) · Decided May 28, 2025

SUMMARY

The document contains an order directing random assignment of a district judge and findings and recommendations on defendants’ motion for summary judgment in a 42 U.S.C. § 1983 action. Plaintiff alleged that Wasco State Prison officials were deliberately indifferent to risks from contaminated drinking water. The magistrate judge recommended granting summary judgment to defendants and entering judgment in their favor, subject to the parties’ opportunity to file objections.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| WRITING FOR THE COURT | Stanley A. Boone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| DECIDED               | May 28, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| DOCKET                | 1:23-cv-00520-SAB (PC)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | Findings and recommendations by a magistrate judge recommending that defendants' motion for summary judgment in a prisoner civil-rights action be granted. The matter was ordered randomly assigned to a district judge, and the parties were given fourteen days to object.                                                                                                                                                                                                                                                                                                       |
| 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 court may not weigh conflicting evidence or make credibility determinations and must draw reasonable inferences in favor of the nonmoving party. On an Eighth Amendment conditions-of-confinement claim, the plaintiff must show an objectively sufficiently serious deprivation and that prison officials acted with deliberate indifference by knowing of and disregarding an excessive risk to inmate health or safety. |
| PRECEDENTIAL VALUE    | Nonprecedential findings and recommendations; not a final adjudication unless adopted by the assigned district judge.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## PARTIES

Carlos Augustine v. Heather Shirley, James Cronjager, Scott DeGough

## TOPICS

section 1983

prisoners rights

summary judgment

cruel and unusual punishment

civil procedure

## PRACTICE AREAS

prisoner civil rights

constitutional law

civil procedure

## QUESTIONS PRESENTED

1. Whether the undisputed evidence established an objectively substantial risk of serious harm from Augustine's exposure to TCP in Wasco State Prison's drinking water.
2. Whether the undisputed evidence established that defendants knew of and disregarded an excessive risk to Augustine's health or safety.
3. Whether defendants were entitled to summary judgment on Augustine's Eighth Amendment deliberate-indifference claim.

## HOLDINGS

1. The evidence did not establish that the TCP concentrations in Wasco State Prison's water created an objectively sufficiently serious risk of harm or that Augustine's medical conditions were caused by the exposure; exceeding a state environmental or drinking-water standard alone did not establish a constitutional violation.
2. The undisputed evidence did not show that Shirley, Cronjager, or DeGough knew of and disregarded an excessive risk of serious harm to inmates.
3. Defendants were entitled to summary judgment on Augustine's deliberate-indifference claim.

## KEY QUOTATIONS

*"Violations of environmental regulatory standards are not tantamount to a constitutional violation."* (at 7)

*"In sum, the undisputed evidence presented demonstrates that Wasco State Prison officials did not ignore the issue but rather investigated and made reasonable attempts to resolve the issue."* (at 13)

## FACTUAL BACKGROUND

Augustine, a California state prisoner housed at Wasco State Prison beginning in January 2023, alleged that prison officials knowingly exposed inmates to drinking water containing levels of 1,2,3-trichloropropane above California's regulatory maximum contaminant level. He alleged that the exposure caused abdominal pain, kidney irritation, painful urination, dry mouth, sore throat, and vomiting. Testing showed TCP concentrations ranging from 0.000 to 0.016 ug/L, while prison officials pursued installation of a granular activated carbon filtration system and posted quarterly notices. Defendants submitted toxicological evidence that the concentrations were safe to drink and had not caused Augustine's alleged conditions; Augustine did not oppose the motion or submit contrary evidence.

## PROCEDURAL HISTORY

Augustine proceeded pro se and in forma pauperis under 42 U.S.C. § 1983 on an Eighth Amendment deliberate-indifference claim concerning allegedly contaminated drinking water at Wasco State Prison. Defendants answered the second amended complaint and later moved for summary judgment. Augustine did not oppose the motion, and the magistrate judge recommended judgment for defendants, subject to review by an assigned district judge.

## DISPOSITION

other

## REMAND INSTRUCTIONS

The Clerk was directed to randomly assign a district judge. The findings and recommendations were to be submitted to the assigned district judge, and the parties were permitted fourteen days to file objections.

## CASES CITED

- Washington Mut. Inc. v. U.S., 636 F.3d 1207, 1216 (9th Cir. 2011)
- Carmen v. San Francisco Unified Sch. Dist., 237 F.3d 1026, 1031 (9th Cir. 2001)
- Simmons v. Navajo Cnty., Ariz., 609 F.3d 1011, 1017 (9th Cir. 2010)
- Soremekun v. Thrifty Payless, Inc., 509 F.3d 978, 984 (9th Cir. 2007)
- Comite de Jornaleros de Redondo Beach v. City of Redondo Beach, 657 F.3d 936, 942 (9th Cir. 2011)
- Woods v. Carey, 684 F.3d 934, 939-41 (9th Cir. 2012)
- Rand v. Rowland, 154 F.3d 952, 960-61 (9th Cir. 1998)
- McElyea v. Babbitt, 833 F.2d 196, 197-98 (9th Cir. 1987)
- Lew v. Kona Hospital, 754 F.2d 1420, 1423 (9th Cir. 1985)
- Morgan v. Morgensen, 465 F.3d 1041, 1045 (9th Cir. 2006)
- Rhodes v. Chapman, 452 U.S. 337, 347 (1981)
- Farmer v. Brennan, 511 U.S. 825, 828, 833-34, 837-38 (1994)
- Thomas v. Ponder, 611 F.3d 1144, 1151-52 (9th Cir. 2010)
- Richardson v. Runnels, 594 F.3d 666, 672 (9th Cir. 2010)
- Toguchi v. Chung, 391 F.3d 1051, 1057, 1060 (9th Cir. 2004)
- Wallis v. Baldwin, 70 F.3d 1074, 1076-77 (9th Cir. 1995)
- Nguyen v. Biter, No. 1:11-cv-00809-AWI-SKO (PC), 2015 WL 5232163 (E.D. Cal. Sept. 8, 2015)
- Helling v. McKinney, 509 U.S. 25, 33, 35-36 (1993)
- Lopez v. McGrath, No. C 04-4782, 2007 WL 1577893, at \*13 (N.D. Cal. May 31, 2007)
- Reed v. Harrington, No. 1:11-CV-01883, 2013 WL 1627622, at \*3 (E.D. Cal. Apr. 15, 2013)
- Robinson v. Gonzalez, No. CV 11-5639, 2012 WL 405006, at \*11 (C.D. Cal. Feb. 7, 2012)

- Kern County Taxpayers Ass'n v. Cal. State Water Res. Control Bd., No. 34-2017-80002769, 2019 Cal. Super. LEXIS 15602, at \*13 (Sac. Sup. Ct. Mar. 4, 2019)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

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