

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Gary Crain v. State of California, et al.

Crain · No. 1:24-cv-00468-JLT-CDB · Decided December 31, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations concerning defendants’ motion to dismiss. The court denied dismissal of the plaintiff’s Eighth Amendment excessive-force and medical-indifference claims, but dismissed without leave to amend his California Government Code section 845.6 claim and state-law negligence claim based on procedural bars. The case was referred to the magistrate judge for further proceedings.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 31, 2025
DOCKET	1:24-cv-00468-JLT-CDB
DISPOSITION	other
PROCEDURAL POSTURE	The district court conducted de novo review of a magistrate judge's findings and recommendations concerning defendants' motion to dismiss and adopted those findings and recommendations in full.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C) of the magistrate judge's findings and recommendations; on the motion to dismiss, the court accepted the well-pleaded factual allegations as true and viewed them in the light most favorable to plaintiff.
PRECEDENTIAL VALUE	Unknown; district-court order with no stated publication or precedential designation.

TOPICS

- motions to dismiss
- qualified immunity
- prisoners rights
- civil rights
- cruel and unusual punishment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint plausibly stated Eighth Amendment excessive-force and deliberate-medical-indifference claims against correctional officer Lwin.
2. Whether defendants were entitled to dismissal based on qualified immunity at the pleading stage.
3. Whether plaintiff's Government Code § 845.6 claim was barred because the administrative claim did not support that theory and any further claim was time-barred.
4. Whether plaintiff's state-law negligence claim was barred by failure to exhaust prison administrative remedies.
5. Whether the state-law claims could be cured by amendment.

HOLDINGS

1. The allegations that Lwin intentionally shot plaintiff for a retaliatory vendetta rather than to restore discipline, and intentionally delayed or denied medical care for plaintiff's serious head injury, were sufficient at the pleading stage to state Eighth Amendment claims.
2. The qualified-immunity defense was properly denied without prejudice because the factual record was undeveloped and the pleaded facts, accepted as true and viewed favorably to plaintiff, were sufficient to support the Eighth Amendment claims.
3. Plaintiff's Government Code § 845.6 claim was subject to an irremediable procedural bar and was dismissed without leave to amend.
4. Plaintiff's state-law negligence claim was barred because he failed to exhaust applicable prison administrative remedies, and the claim was dismissed without leave to amend.

KEY QUOTATIONS

“a court may deny a qualified immunity defense without prejudice and, after further factual development, a defendant may re-raise the qualified immunity issue at summary judgment or trial.” (Doc. 14 at 14)

“fail[ed] to allege any facts that establish any of the elements to state a claim under § 845.6” (Doc. 14 at 19-20)

FACTUAL BACKGROUND

Plaintiff, a former state inmate and non-revocable parolee, alleged that correctional officer A. Lwin intentionally shot him twice with 40mm sponge bullets during an inmate knife attack because of a personal vendetta rather than in a good-faith effort to restore discipline. Plaintiff also alleged that Lwin intentionally delayed or denied medical care for his serious and obvious head injury. His state-law claims included a Government Code § 845.6 claim for failure to obtain medical care and a negligence claim, but the court found those claims procedurally barred by deficiencies in the administrative claim and failure to exhaust prison administrative remedies.

PROCEDURAL HISTORY

Plaintiff filed a prisoner civil-rights action asserting Eighth Amendment claims and California state-law claims. Defendants Lwin and the State of California moved to dismiss and requested judicial notice. The magistrate judge recommended denying dismissal of the Eighth Amendment claims and granting dismissal without leave to amend as to the state-law claims. After both sides filed objections, the district court conducted de novo review, adopted the recommendations, denied dismissal of Claims I and II, and dismissed Claims III and V without leave to amend.

DISPOSITION

other

REMAND INSTRUCTIONS

The case was referred to the assigned magistrate judge for further proceedings, including scheduling. Claims I and II remained pending; Claims III and V were dismissed without leave to amend.

CASES CITED

- Hernandez v. City of San Jose, 897 F.3d 1125, 1139 (9th Cir. 2018)
- Rhodes v. Robinson, 408 F.3d 559, 567 (9th Cir. 2005)
- Creighton v. City of Livingston, 628 F. Supp. 2d 1199, 1224 (E.D. Cal. 2009)
- Sparks v. Kern County Board of Supervisors, 173 Cal. App. 4th 794, 800 (2009), as modified (May 13, 2009)
- Knappenberger v. City of Phoenix, 566 F.3d 936, 942 (9th Cir. 2009)
- Torres v. Gipson, 2019 WL 1599416, at *4 (E.D. Cal. Apr. 15, 2019)
- Matias Torres v. Gipson, 2019 WL 2464938 (E.D. Cal. June 13, 2019)
- Jay v. Mahaffey, 218 Cal. App. 4th 1522, 1538 (2013)
- Fanaro v. County of Contra Costa, 2021 WL 2207363, at *16 (N.D. Cal. June 1, 2021)

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