

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Silva v. Jackson

Silva v. Jackson · No. 1:25-cv-00458-EPG (PC) · Decided June 9, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered state prisoner Yolanda Silva to show cause why her civil rights action against Nancy Jackson should not be dismissed without prejudice for failure to exhaust administrative remedies under the Prison Litigation Reform Act. The court stated that the complaint appeared to show that Silva had not completed the applicable grievance process before filing suit. Silva was given thirty days to respond or alternatively file a notice of voluntary dismissal.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 9, 2025
DOCKET	1:25-cv-00458-EPG (PC)
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause why a pro se prisoner's § 1983 action should not be dismissed without prejudice for failure to exhaust available administrative remedies before filing suit.
STANDARD OF REVIEW	The court applied the PLRA exhaustion requirement and the rule that dismissal is proper when failure to exhaust is clear from the face of the complaint.
PRECEDENTIAL VALUE	Unpublished federal district court order; limited persuasive value.

TOPICS

- prisoners rights
- civil rights
- section 1983
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation
- administrative exhaustion

QUESTIONS PRESENTED

1. Whether the complaint appeared to show that Silva failed to exhaust available administrative remedies before filing the prisoner civil-rights action.
2. Whether the appropriate potential disposition for a complaint that clearly shows nonexhaustion is dismissal without prejudice.

HOLDINGS

1. A prisoner must exhaust available administrative remedies before bringing an action concerning prison conditions under 42 U.S.C. § 1983 or another federal law.
2. The PLRA does not bar suit when the administrative remedies are unavailable, including when the process operates as a dead end, is practically incapable of use because it is too opaque, or is thwarted by officials through machination, misrepresentation, or intimidation.
3. When failure to exhaust administrative remedies is clear from the face of the complaint, dismissal of the barred claims is proper and should be without prejudice.

KEY QUOTATIONS

“ “[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” ” (at 2)

“ [A]n administrative procedure is unavailable when (despite what regulations or guidance materials may promise) it operates as a simple dead end—with officers unable or consistently unwilling to provide any relief to aggrieved inmates.” (at 2–3)

FACTUAL BACKGROUND

Silva is a state prisoner who filed a civil-rights action concerning an attack by another inmate. Her complaint indicated that she had not completed the applicable administrative grievance procedure before filing suit and had not yet filed an appeal or grievance concerning the alleged attack.

PROCEDURAL HISTORY

Yolanda Silva, a state prisoner proceeding pro se, filed the operative civil-rights complaint on April 21, 2025, alleging that another inmate attacked her. The face of the complaint indicated that Silva had not completed, and apparently had not yet initiated or appealed, the applicable grievance process. Rather than immediately dismissing the action, the court ordered Silva to show cause within thirty days or voluntarily dismiss the action without prejudice.

DISPOSITION

other

CASES CITED

- Jones v. Bock, 549 U.S. 199, 211 (2007)

- McKinney v. Carey, 311 F.3d 1198, 1199–1201 (9th Cir. 2002) (per curiam)
- Porter v. Nussle, 534 U.S. 516, 532 (2002)
- Booth v. Churner, 532 U.S. 731, 736, 741 (2001)
- Ross v. Blake, 578 U.S. 632, 639, 643–44 (2016)
- Reyes, 810 F.3d at 659
- Lira v. Herrera, 427 F.3d 1164, 1175–76 (9th Cir. 2005)
- Albino v. Baca, 747 F.3d 1162, 1166 (9th Cir. 2014)

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