

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Coronel v. Havard

Coronel · No. 2:24-cv-3087-JDP (P) · Decided April 24, 2025

SUMMARY

The court recommends dismissing without prejudice a state inmate’s first amended civil rights complaint alleging excessive force and due process violations. Dismissal is recommended because the complaint shows on its face that the plaintiff had not exhausted available administrative remedies before filing suit.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 24, 2025
DOCKET	2:24-cv-3087-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	A pro se state prisoner filed an amended civil rights complaint under 42 U.S.C. § 1983. On screening, the magistrate judge recommended dismissal without prejudice because the complaint established on its face that administrative remedies had not been exhausted.
STANDARD OF REVIEW	At screening, the court determines whether the complaint is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Failure to exhaust may ordinarily be resolved on summary judgment, but dismissal at screening is appropriate when nonexhaustion is clear from the face of the complaint and attached exhibits.
PRECEDENTIAL VALUE	Unknown; magistrate judge findings and recommendations in a district court action
PARTIES	Hank Richard Coronel v. Havard

TOPICS

prisoners rights

section 1983

civil rights

pleadings

civil procedure

PRACTICE AREAS

prisoner civil rights

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the first amended complaint should be dismissed at screening because the face of the complaint establishes that plaintiff failed to exhaust available administrative remedies before filing suit.
2. Whether a prisoner may exhaust administrative remedies while a civil rights action is pending.

HOLDINGS

1. When a prisoner's failure to exhaust available administrative remedies is clear from the face of the complaint and attached materials, the action may be dismissed at screening rather than deferred to a motion for summary judgment.
2. A prisoner must complete exhaustion before filing suit and may not cure the failure to exhaust by exhausting administrative remedies while the action is pending.

KEY QUOTATIONS

"The availability of administrative remedies must be assessed at the time the prisoner filed his action." (at 1)

"Exhaustion must occur prior to filing suit, and a plaintiff cannot exhaust while the suit is pending." (at 3)

FACTUAL BACKGROUND

Plaintiff alleged that Sergeant Havard and another sergeant called him to Havard's office for a confidential interview. He alleged that Havard threw him against a wall, kned him in the face, and twisted his wrists in handcuffs, asserting Eighth and Fourteenth Amendment violations. Plaintiff's amended complaint indicated that administrative remedies were available, that he had submitted requests for relief, but that he had not appealed them to the highest level because he had not received a response.

PROCEDURAL HISTORY

The court previously dismissed plaintiff's original complaint because it appeared that he had failed to exhaust administrative remedies and advised him to address exhaustion in any amended complaint. Plaintiff filed a first amended complaint and confirmed that he had not appealed his administrative requests to the highest level because he had not yet received a response. The magistrate judge recommended dismissal without prejudice and directed that the findings and recommendations be submitted to an assigned district judge for review after the objection period.

DISPOSITION

other

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-679 (2009)
- Kobold v. Good Samaritan Reg'l Med. Ctr., 832 F.3d 1024, 1038 (9th Cir. 2016)
- Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hayes v. Idaho Corr. Ctr., 849 F.3d 1204, 1208 (9th Cir. 2017)
- Bruns v. Nat'l Credit Union Admin., 122 F.3d 1251, 1257 (9th Cir. 1997)
- Ivey v. Bd. of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Ross v. Blake, 578 U.S. 632, 635 (2016)
- Andres v. Marshall, 867 F.3d 1076, 1079 (9th Cir. 2017)
- Albino v. Baca, 747 F.3d 1162, 1166 (9th Cir. 2014)
- Medina v. Sacramento Cnty. Sheriff's Dep't, No. 2:16-cv-0765-AC-P, 2016 WL 6038181, at *3 (E.D. Cal. Oct. 14, 2016)
- McKinney v. Carey, 311 F.3d 1198, 1199-1201 (9th Cir. 2002)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)