

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

**Lanier v. Doerer**

Lanier · No. 1:24-cv-01178 JLT GSA · Decided July 31, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and dismissed Kareem Lanier’s civil rights action without prejudice. The court held that Lanier failed to exhaust available administrative remedies under the Prison Litigation Reform Act and did not establish that the remedies remained unavailable after the prison lockdown ended. The Clerk of Court was directed to close the case.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF  
CALIFORNIA 10 11 KAREEM LANIER, ) Case No.: 1:24-cv-01178 JLT GSA ) 12 Plaintiff, )  
ORDER ADOPTING IN FULL THE FINDINGS ) AND RECOMMENDATIONS, DISMISSING  
THE 13 v. ) ACTION WITHOUT PREJUDICE FOR FAILURE ) TO EXHAUST  
ADMINISTRATIVE REMEDIES, 14 J. DOERER, et al., ) AND DIRECTING THE CLERK OF  
COURT TO ) CLOSE THE CASE 15 Defendants. ) ) (Doc.

23) 16 ) 17 Kareem Lanier seeks to hold the Government and several employees of the Bureau of  
Prisons— 18 including, but not limited to, the Warden of USP Atwater, associate wardens,  
medical staff, mail room 19 staff—liable for violations of his civil rights based upon the  
conditions of lockdown that occurred at 20 United States Penitentiary- Atwater from August 9 to  
October 9, 2024.<sup>1</sup> (See generally Doc.

20.) The 21 magistrate judge ordered Plaintiff to show cause why the matter should not be  
dismissed for failure to 22 exhaust administrative remedies (Doc. 21), and Plaintiff failed to  
respond to the order. 23 The magistrate judge found it was undisputed that Plaintiff did not  
exhaust his administrative 24 remedies prior to filing his complaint. (Doc. 23 at 2.)

The magistrate judge also observed that despite 25 Plaintiff’s report that he was “cut off from the  
world” during the lockdown, Plaintiff’s separate 26 27 1 On October 3, 2024, the Court severed  
Plaintiff’s claims from Benanti v. Doerer, Case No. 1:24-cv-01108-CDB and directed Plaintiff to:  
(1) file a signed complaint bearing his own case number; and (2) submit a completed application  
28 1 complaint and amended complaint were filed after the lockdown, and after the date Plaintiff  
claimed he 2 was “improperly confined to his cell for twenty-four hours a day.” (Id. at 3.)

Consequently, the 3 magistrate judge determined Plaintiff failed to show that he was unable to exhaust his administrative 4 remedies due to the lockdown. (See *id.*) The magistrate judge recommended the Court “summarily 5 dismiss[]” the action. (*Id.* at 4, emphasis omitted.) 6 Plaintiff filed objections to the Findings and Recommendations. (Doc. 24.) Plaintiff contends 7 the Court should not find that he failed to respond to the order to show cause because prior to the order 8 issuing, he filed a “motion to show cause.” (*Id.* at 1-2.)

Plaintiff asserts in his objections, he 9 “incorporates entire unsolicited motion” and arguments raised. (*Id.* at 2.) Plaintiff suggests he was not 10 required to exhaust administrative remedies after the lockdown ended because a prisoner “need not 11 exhaust unavailable ones.” (*Id.*) He asserts the Warden and Atwater staff “denied the plaintiff access 12 to administrative remedy forms” during the lockdown from August 9 to October 9, 2024.

(*Id.* at 3.) 13 Plaintiff also asserts “after Oct. 9, 2024 when the plaintiff was let off lockdown there was no remedy 14 available.” (*Id.* at 4.) Thus, Plaintiff requests he be permitted to proceed with the action. (*Id.*) 15 Significantly, Plaintiff does not explain how the administrative process was unavailable after 16 the lockdown, which is when Plaintiff filed both his own complaint and the amended complaint.

17 Plaintiff’s objections do not undermine the findings of the magistrate judge that he failed to exhaust 18 available administrative remedies filing to filing his complaint—or the amended complaint—in this 19 action. See, e.g., *Talley v. Clark*, 111 F.4th 255, 264 (3d Cir. 2024) (“It is true that administrative 20 remedies were temporarily ‘unavailable’ while Talley was ... without access to writing materials, but 21 that does not excuse his failure to request an extension once he was ... able to complete the necessary 22 forms”); see also *Roman v. Knowles*, 2011 WL 3741012, at \*7 (S.D.

Cal. June 20, 2011) (“Plaintiff 23 does not plead facts sufficient to establish an intentional and systematic obstruction to administrative 24 remedies that, on its own, would render those remedies unavailable, and excuse his inability to exhaust 25 them. Plaintiff’s pleadings themselves contain facts sufficient to establish that these remedies were only 26 temporarily unavailable and thus exhaustion should not be excused.”) Consequently, Plaintiff failed to 27 comply with the exhaustion requirements of the Prison Litigation Reform Act, and the matter should be 28 dismissed.

1 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Havi 2 || carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported 3 || by the record and proper analysis.

Thus, the Court ORDERS: 4 1. The Findings and Recommendations dated June 11, 2025 (Doc. 23) are ADOPTED. 5 2. The action is DISMISSED without prejudice, for failure to exhaust

administrative 6 remedies. 7 3. The Clerk of Court is directed to close this case. 8 9 IT IS SO  
ORDERED. 10 |! Dated: \_ July 31, 2025 Cerin | Tower 11 TED STATES DISTRICT JUDGE 12  
13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28