

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

OPINION

(PC) Lanier v. Doerer

PER CURIAM.

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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, 2024.¹ (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

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