

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Gutierrez v. Pantoja

Case No. 2:22-cv-1492-TLN-JDP (P) (E.D. Cal. Feb. 27, 2025) · No. 2:22-cv-1492-TLN-JDP (P) · Decided
February 28, 2025

SUMMARY

The document contains findings and recommendations in a prisoner civil-rights action concerning alleged denial of due process during a prison disciplinary hearing. The magistrate judge recommends denying the plaintiff’s request to reopen discovery and granting summary judgment for the defendant, concluding that the claim is barred by Heck and Edwards and that the plaintiff received the process required by Wolff v. McDonnell. The recommendations were issued in the United States District Court for the Eastern District of California.

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	February 28, 2025
DOCKET	2:22-cv-1492-TLN-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding under 42 U.S.C. § 1983, challenged the procedures used in a prison disciplinary hearing. Defendant moved for summary judgment. Plaintiff's opposition was construed as a request to reopen discovery. The magistrate judge recommended denying the discovery request and granting summary judgment for defendant.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The evidence must be viewed in the light most favorable to the nonmoving party, without credibility determinations or weighing of evidence. Requests to modify a scheduling order require good cause and diligence.

PRECEDENTIAL VALUE	Nonprecedential findings and recommendations; final effect pending district-judge review
PARTIES	Ubaldo Mio Gutierrez v. J. Pantoja

TOPICS

section 1983 prisoners rights due process summary judgment civil procedure

PRACTICE AREAS

Civil rights Prisoner litigation Federal civil procedure Constitutional law

QUESTIONS PRESENTED

1. Whether plaintiff's § 1983 due process claim challenging the procedures used in a prison disciplinary hearing was barred by *Heck v. Humphrey* and *Edwards v. Balisok* because success would necessarily imply the invalidity of the disciplinary conviction and loss of good-time credits.
2. Whether the undisputed evidence established that plaintiff received the procedural protections required by *Wolff v. McDonnell* and that the disciplinary decision was supported by some evidence under *Superintendent v. Hill*.
3. Whether plaintiff demonstrated good cause and diligence sufficient to justify reopening discovery after the discovery deadline.
4. Whether plaintiff's opposition and request for additional discovery created a genuine dispute of material fact precluding summary judgment.

HOLDINGS

1. The claim was barred because a determination that plaintiff was denied the opportunity to call the accusing officer would necessarily imply the invalidity of the disciplinary proceedings and the resulting forfeiture of good-time credits.
2. Even if the claim were not barred by *Heck* and *Edwards*, the undisputed evidence showed that plaintiff received the process required by *Wolff* and that the disciplinary decision was supported by some evidence.
3. The request to reopen discovery should be denied because plaintiff did not show diligence, good cause, or that further discovery would yield relevant information.

KEY QUOTATIONS

"The principal procedural defect complained of by [the prisoner] would necessarily imply the invalidity of the deprivation of his [earned]-time credits." (at 6)

"Due process in prison disciplinary hearings requires only that the prisoner receive: (1) advanced written notice of the alleged violation; (2) an opportunity to present evidence and call witnesses, unless doing so

would be hazardous to institutional security; and (3) legal assistance where the charges are complex or the prisoner is illiterate.” (at 7)

“Because there is no genuine dispute that plaintiff received the procedural protections to which he was entitled under Wolff over the course of the disciplinary proceedings and that “some evidence” supports defendant’s finding—and because plaintiff’s claim is barred by Heck and Edwards, the court need not and will not address defendant’s remaining arguments.” (at 8)

FACTUAL BACKGROUND

On December 12, 2019, correctional officer P. Reyersbach discovered a contraband cell phone concealed in a package addressed to plaintiff. The package appeared to contain legal papers, but the papers had been altered to create a cavity for the phone, and Reyersbach determined that plaintiff was not a client of the purported sender. At a December 27, 2019 disciplinary hearing, defendant J. Pantoja found plaintiff guilty of conspiracy to possess a cell phone after considering the disciplinary report, photographs, plaintiff’s statements, and his prior history of possessing contraband phones. Plaintiff lost 90 days of good-time credit and later alleged that he had been denied the opportunity to call and question Reyersbach.

PROCEDURAL HISTORY

Plaintiff was found guilty in a prison disciplinary proceeding involving possession of a contraband cell phone and lost 90 days of good-time credit. He filed a second amended complaint alleging that the hearing officer denied him due process by refusing to allow him to call and question the correctional officer who discovered and reported the phone. Defendant moved for summary judgment, and plaintiff sought additional discovery. The magistrate judge recommended denial of the discovery request, dismissal of the § 1983 claim as barred by Heck and Edwards, and judgment for defendant.

DISPOSITION

other

CASES CITED

- Washington Mutual Inc. v. United States, 636 F.3d 1207, 1216 (9th Cir. 2011)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 252 (1986)
- Wool v. Tandem Computs., Inc., 818 F.2d 1422, 1436 (9th Cir. 1987)
- Lies v. Farrell Lines, Inc., 641 F.2d 765, 769 n.3 (9th Cir. 1981)
- Mora v. Chem-Tronics, 16 F. Supp. 2d 1192, 1200 (S.D. Cal. 1998)
- Carmen v. San Francisco Unified Sch. Dist., 237 F.3d 1026, 1031 (9th Cir. 2001)
- Simmons v. Navajo Cnty., Ariz., 609 F.3d 1011, 1017 (9th Cir. 2010)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986)
- Nissan Fire & Marine Ins. Co., Ltd. v. Fritz Cos., Inc., 210 F.3d 1099, 1102 (9th Cir. 2000)
- In re Oracle Corp. Sec. Litig., 627 F.3d 376, 387 (9th Cir. 2010)
- T.W. Elec. Serv., Inc. v. Pac. Elec. Contractors Assoc., 809 F.2d 626, 630 (9th Cir. 1987)

- Henry v. Gill Indus., Inc., 983 F.2d 943, 950 (9th Cir. 1993)
- Manley v. Rowley, 847 F.3d 705, 711 (9th Cir. 2017)
- Orr v. Bank of America, NT & SA, 285 F.3d 764, 772 (9th Cir. 2002)
- Addisu v. Fred Meyer, Inc., 198 F.3d 1130, 1134 (9th Cir. 2000)
- Simpson v. Thomas, 528 F.3d 685, 693 (9th Cir. 2008)
- Preiser v. Rodriguez, 411 U.S. 475, 489 (1973)
- Heck v. Humphrey, 512 U.S. 477-88 (1994)
- Edwards v. Balisok, 520 U.S. 641, 646-48 (1997)
- Muhammad v. Close, 540 U.S. 749, 754 (2004)
- Hooper v. Cnty. of San Diego, 629 F.3d 1127, 1133 (9th Cir. 2011)
- Hebrard v. Nofziger, 90 F.4th 1000, 1010 (9th Cir. 2024)
- Nonnette v. Small, 316 F.3d 872, 875 (9th Cir. 2003)
- Luster v. Amezcua, No. 16-cv-0554-LJO-GSA, 2019 WL 1442992, at *8 (E.D. Cal. Apr. 1, 2019)
- Trimble v. City of Santa Rosa, 49 F.3d 583, 585 (9th Cir. 1995)
- Wolff v. McDonnell, 418 U.S. 539, 563-70 (1974)
- Superintendent v. Hill, 472 U.S. 445, 455 (1985)
- Villiarimo v. Aloha Island Air, Inc., 281 F.3d 1054, 1061 (9th Cir. 2002)
- Nilsson v. City of Mesa, 503 F.3d 947, 952 n.2 (9th Cir. 2007)
- Harrison v. Marshall, No. CV 10-2300-GW (RNB), 2010 WL 5422540, at *11 (C.D. Cal. July 28, 2010)
- Zivkovic v. S. California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

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