

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

William Rouser v. Julia Gamboa, et al.

Rouser v. Gamboa · No. 2:19-cv-01233-DJC-DMC · Decided September 17, 2025

OPINION

Gamboa

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 WILLIAM ROUSER, No. 2:19-cv-01233-DJC-DMC

12 Plaintiff, 13 v. ORDER 14 JULIA GAMBOA, et al., 15 Defendants. 16 17 Plaintiff, a prisoner
proceeding pro se, brings this civil rights action under 42 18 U.S.C. § 1983. The matter was
referred to a United States Magistrate Judge pursuant 19 to Eastern District of California local
rules. 20 On February 5, 2025, the Magistrate Judge filed Findings and 21 Recommendations
herein which were served on the parties, and which contained 22 notice that the parties may file
objections within the time specified therein. (ECF No. 23 95.) Timely Objections to the Findings
and Recommendations have been filed. (ECF

24 No. 96.)

25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 26 304(f), this
Court has conducted a de novo review of this case. On review, the Court 27 finds that the Findings
and Recommendations are supported by the record and the 28 proper analysis. As such, the Court
adopts in full the Findings and Recommendations. 1 Where the record permits, summary
judgment is “the appropriate device” for 2 resolving whether administrative remedies have been
exhausted under the PLRA is 3 summary judgment. *Albino v. Baca*, 747 F.3d 1162, 1168 (9th Cir.
2014). Here, there 4 is no dispute of material fact; only the legal significance of those facts is in
dispute. 5 Thus, the record permits the Court to determine on summary judgment whether 6
Plaintiff’s claims have been exhausted for purposes of the PLRA. 7 As to the exhaustion of
Plaintiff’s First and Fourth Causes of Action for 8 deliberate indifference, Plaintiff’s claims have
not been exhausted. Healthcare 9 grievance SAC HC 18001330 did raise allegations regarding
Plaintiff’s suicidal 10 ideation and potential deliberate indifference to that suicidal ideation. (See
ECF 92-1 11 at 82.) But that grievance was filed on May 23, 2018. The issues raised therein have
12 no clear connection to the 2017 events at issue in Plaintiff’s Fourth Cause of Action. 13 (See
SAC at 3–4.) While it seems that the issues raised in this grievance are relevant 14 background to

the claims raised in Plaintiff's First Cause of Action, the actual events at issue in that claim took place on June 5, 2018. (See *id.* at 1–2.) Thus, it is impossible for SAC HC 18001330 (which, as noted, was filed in May of 2018) to have exhausted the claims in Plaintiff's First Cause of Action, as the grievance preceded the events that form the basis of that claim. Plaintiff did raise the June 5, 2018, events at issue in his First Cause of Action in his appeal of the Institutional Level Response to SAC HC 20 18001330. (ECF No. 92-1 at 81.) However, as a new issue, this needed to be raised in a new grievance to be properly exhausted. See *Hill v. Ayala*, No. 2:19-cv-0184-TLN-DB, 2021 WL 3403793, at *5 (E.D. Cal. Aug. 4, 2021) (collecting cases). As such, this also does not suffice to satisfy the exhaustion requirement as to the First and Fourth Causes of Action. Regarding Plaintiff's Second Cause of Action for retaliation, this claim is also not exhausted. In their Motion, Defendants argued that SAC HC 18001330, which mentions retaliation, could not have exhausted that claim because the grievance did not name Defendants Roth or Gonzalez. (ECF No. 92-3 at 8.) However, the PLRA does not require a defendant to be named in a grievance for a claim to be properly exhausted. *Jones v. Bock*, 549 U.S. 199, 217 (2007) (noting that “nothing in the [PLRA] imposes a ‘name all defendants’ requirement” but adding that proper exhaustion requires compliance with the grievance policy). Nevertheless, exhaustion under the PLRA does still require a plaintiff to comply with California's healthcare grievance procedure. That procedure requires that “[t]he patient . . . document clearly and coherently all information known and available to them regarding the issue.” 15 Cal. Code Regs. § 3999.227(g). The regulations also require the inclusion of information regarding all involved staff members, but provide that “[i]f the patient does not have information to identify involved staff member(s), the patient shall provide any other available information that may assist in processing the health care grievance.” *Id.* § 3999.227(g)(1)–(2). Moreover, even if a grievance does not comply with the specific requirements of the healthcare grievance procedure, they are sufficient to “alert the prison to the nature of the wrong for which redress is sought and provide sufficient information to allow prison officials to take appropriate responsive measures.” *Reyes v. Smith*, 810 F.3d 654, 658–59 (9th Cir. 2016). While it is not necessary that Plaintiff specifically name the Defendants, Plaintiff's grievances were not sufficient to satisfy California's healthcare grievance procedure or otherwise put the institution on notice about the wrong Plaintiff was raising so that prison officials could take appropriate responsive measures. Healthcare grievance SAC HC 18001330 does mention retaliation, but the discussion is limited, saying only that he suffered retaliation for “contacting coleman lawyers and telling the courts I was being denied mental health treatment” (ECF No. 92-1 at 24 80.) The remainder of Plaintiff's grievance focuses on the alleged actions of Defendant Marquez's conduct and treatment of Plaintiff and allegations that Defendant Marquez was deliberately indifferent. (*Id.* at 80, 82.) The singular allegation that Plaintiff was suffering retaliation, without any further detail or information that could alert prison officials to the nature of Plaintiff's claims, is 1 | insufficient to exhaust Plaintiff's Second

Cause of Action. Particularly so where that 2 | allegation is contained within a grievance focused on allegations concerning actions 3 | of adifferent Defendant. As such, Defendant has met their burden to show that 4 | Plaintiff failed to administratively exhaust his Second Cause of Action. 5 The Court notes that there are two additional Defendants who have never 6 | appeared in this action: Tracy Weyer and Dr. Montoya. Montoya is named in Plaintiff's 7 | First and Fourth Causes of Action. Weyer is named in Plaintiff's Second Cause of 8 | Action. Given Plaintiff's failure to administratively exhaust his claims bars Plaintiff from 9 | proceeding on those claims for all defendants, and Plaintiff has had a "full and fair 10 | opportunity to brief and present evidence" on this issue, summary judgment is 11 | appropriate for both appearing and non-appearing Defendants. See Columbia Steel 12 | Fabricators, Inc. v. Ahlstrom Recovery, 44 F.3d 800, 803 (9th Cir. 1995); see also 13 | Gallardo v. Bourne, No. 20-cv-09184-JSW, 2023 WL 3569997, at *12-13 (N.D. Cal. May 14 | 19, 2023). Thus, the Court grants summary judgment for non-appearing Defendants 15 | Weyer and Montoya on the same basis. 16 Accordingly, IT IS HEREBY ORDERED that: 17 1. The Findings and Recommendations are ADOPTED IN FULL; 18 2. Defendants' Motion for Summary Judgment (ECF No. 92) is GRANTED; 19 3. This action is dismissed for failure to exhaust administrative remedies 20 prior to filing suit; and 21 4. The Clerk of the Court is directed to enter judgment and close this file. 22 53 IT IS SO ORDERED. 24 | Dated: _September 16, 2025 Donel J bnetto Hon. Daniel alabretta
25 UNITED STATES DISTRICT JUDGE
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