

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Arthur Walker v. Edgar Rodriguez-Becerra

Walker · No. 24-cv-02685-GPG-CYC · Decided April 24, 2026

SUMMARY

This magistrate judge’s recommendation addresses a prisoner’s 42 U.S.C. § 1983 retaliation claim against a correctional-facility case manager. It recommends granting summary judgment on the claim based on the alleged refusal to reclassify the plaintiff, denying summary judgment on the alleged threat to poison the plaintiff’s food, and limiting any remaining relief to nominal and punitive damages because the plaintiff alleged no physical injury.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Cyrus Y. Chung
JURISDICTION	United States District Court for the District of Colorado
DECIDED	April 24, 2026
DOCKET	24-cv-02685-GPG-CYC
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner brought a 42 U.S.C. § 1983 First Amendment retaliation action. The defendant moved for summary judgment, and the magistrate judge issued a recommendation to grant the motion in part and deny it in part.
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 court viewed the facts in the light most favorable to the plaintiff and considered the verified complaint to the extent it satisfied Federal Rule of Civil Procedure 56(c)(4).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Arthur Walker v. Edgar Rodriguez-Becerra

TOPICS

- summary judgment
- section 1983
- prisoners rights
- free speech
- damages

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the defendant was entitled to summary judgment on the First Amendment retaliation claim based on the alleged refusal to reclassify the plaintiff for transfer.
2. Whether the defendant was entitled to summary judgment on the First Amendment retaliation claim based on the alleged threat to poison the plaintiff's food.
3. Whether the Prison Litigation Reform Act barred the plaintiff's request for compensatory damages absent a showing of physical injury.

HOLDINGS

1. The defendant should receive summary judgment on the retaliation claim to the extent it was based on refusing to reclassify or transfer the plaintiff because the undisputed evidence showed that the defendant lacked authority to take the alleged retaliatory action and the plaintiff offered no counterevidence establishing retaliatory motive or but-for causation.
2. Summary judgment should be denied on the retaliation claim to the extent it was based on the alleged threat to poison the plaintiff's food because the defendant did not adequately develop an argument addressing that basis of the claim.
3. If the retaliation claim based on the alleged poisoning threat proceeds, the plaintiff's relief should be limited to nominal and punitive damages because he alleged no physical injury.

KEY QUOTATIONS

“Government retaliation against a plaintiff for exercising his or her First Amendment rights may be shown by proving the following elements: (1) that the plaintiff was engaged in constitutionally protected activity; (2) that the defendant’s actions caused the plaintiff to suffer an injury that would chill a person of ordinary firmness from continuing to engage in that activity; and (3) that the defendant’s adverse action was substantially motivated as a response to the plaintiff’s exercise of constitutionally protected conduct.”

“The Court recommends that summary judgment be denied on the retaliation claim to the extent it is based on the threat to poison the plaintiff.”

FACTUAL BACKGROUND

Arthur Walker, a Colorado Department of Corrections inmate housed at Bent County Correctional Facility, alleged that case manager Edgar Rodriguez-Becerra retaliated against him for filing grievances and lawsuits. Walker claimed Rodriguez-Becerra refused to reclassify him for transfer to a lower-level facility and threatened to poison his food. The undisputed evidence showed that Rodriguez-Becerra lacked authority to change Walker's classification or control the timing of a transfer, and that the officials with classification authority determined Walker was properly coded. Walker alleged no physical injury.

PROCEDURAL HISTORY

Walker filed suit on September 27, 2024, alleging that Rodriguez-Becerra retaliated against him for filing grievances and lawsuits by refusing to reclassify him for transfer and by threatening to poison his food. Walker did not respond to the motion for summary judgment or to a notice concerning his overdue response. The magistrate judge treated unchallenged facts as undisputed, recommended summary judgment on the reclassification-based claim, recommended denial of summary judgment on the poisoning-threat claim, and recommended limiting any surviving damages to nominal and punitive damages.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48 (1986)
- Wright ex rel. Tr. Co. of Kan. v. Abbott Lab'ys, Inc., 259 F.3d 1226, 1231-32 (10th Cir. 2001)
- Kannady v. City of Kiowa, 590 F.3d 1161, 1169 (10th Cir. 2010)
- Libertarian Party of N.M. v. Herrera, 506 F.3d 1303, 1309 (10th Cir. 2007)
- Tucker v. Faith Bible Chapel Int'l, 36 F.4th 1021, 1030-31 (10th Cir. 2022)
- Lantec, Inc. v. Novell, Inc., 306 F.3d 1003, 1019 (10th Cir. 2002)
- Thomas v. U.S. Bureau of Prisons, 282 F. App'x 701, 704 (10th Cir. 2008) (unpublished)
- Garrett v. Selby Connor Maddux & Janer, 425 F.3d 836, 840 (10th Cir. 2005)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Whitney v. New Mexico, 113 F.3d 1170, 1173-74 (10th Cir. 1997)
- Yang v. Archuleta, 525 F.3d 925, 927 n.1 (10th Cir. 2008)
- Carney v. City & Cnty. of Denver, 534 F.3d 1269, 1276 (10th Cir. 2008)
- Shero v. City of Grove, 510 F.3d 1196, 1203 (10th Cir. 2007)
- Peterson v. Shanks, 149 F.3d 1140, 1144 (10th Cir. 1998)
- Collect, LLC v. Samsung Elecs. Co., Ltd., No. 19-cv-00438-DDD-CYC, 2026 WL 951419, at *3 (D. Colo. Feb. 13, 2026)
- Drake v. City of Fort Collins, 927 F.2d 1156, 1159 (10th Cir. 1991)
- Walker v. Mozatti, No. 18-cv-03292-RBJ-MEH, 2020 WL 638859, at *4-*5 (D. Colo. Feb. 11, 2020)
- Strobe v. McKune, 382 F. App'x 705, 710 (10th Cir. 2010) (unpublished)
- Strobe v. Cummings, 381 F. App'x 878, 884 (10th Cir. 2010)
- Dawson v. Audet, 636 F. App'x 753, 758 (10th Cir. 2016) (unpublished)
- Perkins v. Kan. Dep't of Corrs., 165 F.3d 803, 807 (10th Cir. 1999)
- Searles v. Van Bebber, 251 F.3d 869, 876 (10th Cir. 2001)
- Janny v. Gamez, No. 16-cv-2840-RM-SKC, 2023 WL 7551558, at *5 (D. Colo. Nov. 14, 2023)
- United States v. Raddatz, 447 U.S. 667, 676-83 (1980)
- Duffield v. Jackson, 545 F.3d 1234, 1237 (10th Cir. 2008)

- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)

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