

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Serrano v. Rudas

Serrano · No. 1:22-cv-00950-KES-CDB · Decided May 22, 2025

SUMMARY

The document contains findings and recommendations in a 42 U.S.C. § 1983 action brought by Andres Masqueda Serrano against correctional medical provider Robert Rudas. It recommends granting Rudas’s partial motion for summary judgment on the ground that Serrano failed to exhaust administrative remedies for medical-deliberate-indifference claims beyond the alleged discontinuation of pain medication.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 22, 2025
DOCKET	1:22-cv-00950-KES-CDB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved for partial summary judgment, arguing that Plaintiff failed to exhaust administrative remedies for his Eighth Amendment deliberate-indifference claim concerning allegedly inadequate medical care. The magistrate judge issued findings and recommendations recommending that the motion be granted and that the unexhausted portion of the claim be dismissed without prejudice.
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. On exhaustion, the defendant bears the ultimate burden of proving failure to exhaust; the evidence is viewed in the light most favorable to the prisoner, and the burden shifts to the prisoner to produce evidence showing that available remedies were effectively unavailable.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

summary judgment

exhaustion of remedies

prisoners rights

section 1983

civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

administrative exhaustion

health law

QUESTIONS PRESENTED

1. Whether Plaintiff exhausted available administrative remedies for his Eighth Amendment deliberate-indifference claim that Defendant Rudas failed to provide adequate medical care apart from discontinuing morphine.
2. Whether the undisputed grievance record established Defendant's entitlement to partial summary judgment on that unexhausted claim.
3. Whether Plaintiff demonstrated that the administrative grievance process was effectively unavailable to him.

HOLDINGS

1. Plaintiff's grievance did not exhaust his claim that Defendant Rudas failed to provide adequate medical care unrelated to the discontinuation of pain medication because it concerned the discontinuation of morphine and did not provide sufficient notice of the separate factual basis for the broader inadequate-treatment claim.
2. Defendant established the existence of an available administrative remedy and Plaintiff's failure to exhaust the inadequate-medical-care claim, shifting the burden of production to Plaintiff.
3. Plaintiff failed to produce evidence showing that the available administrative grievance process was effectively unavailable.

KEY QUOTATIONS

“Exhaustion of administrative remedies is mandatory and “unexhausted claims cannot be brought in court.”” (§ IV.B)

“Thus, the undersigned finds that MCSP HC18002563 failed 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” with respect to whether Defendant Rudas failed to provide medical treatment in violation of Plaintiff’s Eighth Amendment rights.” (§ VIII.A.1)

“Plaintiffs claim against Defendant Rudas alleging a violation of the Eighth Amendment for deliberate indifference to Plaintiffs serious medical needs based on the allegation that Defendant Rudas failed to provide adequate medical care be DISMISSED without prejudice.” (§ IX)

FACTUAL BACKGROUND

Plaintiff, a California prisoner, alleged severe chronic right-knee pain and claimed that Defendant Rudas refused to provide adequate medical treatment or helpful pain medication in 2018. Plaintiff's September 9, 2018 grievance primarily challenged Rudas's discontinuation of morphine and received institutional- and

headquarters-level responses. The grievance was filed before several of the later treatment encounters with Rudas that formed part of Plaintiff's broader inadequate-medical-care allegations.

PROCEDURAL HISTORY

Plaintiff filed this pro se prisoner civil-rights action under 42 U.S.C. § 1983. Defendant Rudas filed a partial motion for summary judgment based on failure to exhaust. After Plaintiff opposed the motion following an order to show cause and an extension of time, the Court struck Plaintiff's sur-reply and considered the motion, opposition, reply, grievance records, and verified pleadings. The magistrate judge recommended granting partial summary judgment and dismissing without prejudice the inadequate-medical-care portion of the claim, subject to review by the assigned district judge after objections.

DISPOSITION

dismissed

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586-87 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 255 (1986)
- T.W. Elec. Serv. v. Pacific Elec. Contractors Ass'n, 809 F.2d 626, 630-31 (9th Cir. 1987)
- Wool v. Tandem Computers, Inc., 818 F.2d 1433, 1436 (9th Cir. 1987)
- Jones v. Bock, 549 U.S. 199, 204, 211, 216 (2007)
- Woodford v. Ngo, 548 U.S. 81, 85-86, 88, 93 (2006)
- Porter v. Nussle, 534 U.S. 516, 532 (2002)
- Booth v. Churner, 532 U.S. 731, 741 (2001)
- Albino v. Baca, 747 F.3d 1162, 1166, 1168-69, 1170-72 (9th Cir. 2014)
- Ross v. Blake, 578 U.S. 632, 642-44 (2016)
- Wyatt v. Terhune, 315 F.3d 1108, 1120 (9th Cir. 2003)
- Griffin v. Arpaio, 557 F.3d 1117, 1120-21 (9th Cir. 2009)
- Sapp v. Kimbrell, 623 F.3d 813, 818 (9th Cir. 2010)
- Morton v. Hall, 599 F.3d 942, 946 (9th Cir. 2010)
- O'Guinn v. Lovelock Correctional Center, 502 F.3d 1056, 1062 (9th Cir. 2007)
- Cafasso, U.S. ex rel. v. Gen. Dynamics C4 Sys., Inc., 637 F.3d 1047, 1061 (9th Cir. 2011)
- Nelson v. Pima Community College, 83 F.3d 1075, 1081-82 (9th Cir. 1996)
- Rand v. Rowland, 154 F.3d 952, 962-63 (9th Cir. 1998) (en banc)
- Jones v. Blanas, 393 F.3d 918, 923 (9th Cir. 2004)
- Williams v. Thompson, No. 1:19-cv-00330-AWI-CDB, 2023 WL 2823388, at *1 (E.D. Cal. Apr. 7, 2023)
- Patkins v. Ferguson, No. 18-cv-05139-EMC, 2020 WL 978649, at *7 (N.D. Cal. Feb. 28, 2020)

- *Ethridge v. Rodriguez*, No. 1:12-cv-2088 AWI SAB PC, 2015 WL 13237012, at *7 (E.D. Cal. Nov. 13, 2015)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)

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