

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Jonathan Christopher Coffey v. Jose Duron, et al.

Coffey v. Duron · No. 25-cv-04138-EKL · Decided January 26, 2026

SUMMARY

The court orders that Jonathan Christopher Coffey’s action proceed only on specified Eighth Amendment deliberate-indifference claims and Americans with Disabilities Act claims. It dismisses all other claims and defendants, directs service on the remaining defendants, and establishes a dispositive-motion briefing schedule. The order also addresses discovery, service of filings, and Coffey’s obligation to prosecute the case.

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
JONATHAN CHRISTOPHER COFFEY, Case No. 25-cv-04138-EKL 8 Plaintiff, ORDER
DISMISSING CERTAIN 9 v. CLAIMS, SERVING COMPLAINT 10 JOSE DURON, et al.,
Defendants. 11 12 13 On October 15, 2025, the Court screened Plaintiff Jonathan Christopher
Coffey’s complaint 14 and partially dismissed it with leave to amend within 28 days.

See ECF No. 8. Coffey did not file 15 an amended complaint and instead notified the Court that he
would like to proceed only as to his 16 cognizable claims and voluntarily dismiss the remaining
claims. See ECF No. 9 at 1. 17 Accordingly, the Court orders as follows: 18 1.

The operative complaint remains ECF No. 1. 19 2. This case will proceed only as to the following
cognizable claims: 20 a. Eighth Amendment deliberate indifference claims against Defendants Lt.
Jose 21 Duron, Officer Rodriguez, and the Second and Third Watch Officers based on the 22 two
15-day periods that Coffey was allegedly locked inside his cell for 24 hours 23 each day.

24 b. Americans with Disabilities Act (“ADA”) claims against the California Department 25 of
Corrections and Rehabilitation (“CDCR”) for the two alleged 15-day periods 26 that Coffey was
allegedly prevented from leaving his cell due to his ADA status. 27 3. While Coffey states Eighth
Amendment claims against the Second and Third Watch 1 ensure they can be served.

Coffey is encouraged to obtain their names through discovery 2 and provide them to the Court in a
future filing. 3 4. All other claims and defendants are DISMISSED. 4 5. Defendants Duron,
Rodriguez, and CDCR shall be served. Service shall proceed under 5 CDCR’s e-service pilot
program for civil rights cases from prisoners in CDCR custody.

In 6 accordance with the program, the Clerk of the Court is directed to serve on CDCR via 7 email the following documents: the operative complaint (ECF No. 1), the Court's 8 screening order (ECF No. 8), this order, a CDCR Report of E-Service Waiver form, and a 9 summons. 10 No later than 45 days after service of this order via email on CDCR, CDCR shall 11 provide the Court a completed CDCR Report of E-Service Waiver advising the Court 12 whether Defendants will be waiving service of process without the need for service by the 13 United States Marshal Service (USMS) or whether any Defendant declined to waive 14 service.

CDCR also shall provide a copy of the CDCR Report of E-Service Waiver to the 15 California Attorney General's Office, which, within 21 days of service, shall file with the 16 Court a waiver of service of process for the Defendants waiving service. 17 Upon receipt of the CDCR Report of E-Service Waiver, the Clerk shall prepare for 18 each Defendant who has not waived service according to the CDCR Report of E-Service 19 Waiver a USM-285 Form.

The Clerk shall provide to the USMS the completed USM-285 20 form and copies of this order, summons, and operative complaint for service upon each 21 Defendant who has not waived service. The Clerk also shall provide to the USMS a copy 22 of the CDCR Report of E-Service Waiver. 23 Additionally, the Clerk shall mail a copy of this order to Coffey. 24 6.

In order to expedite the resolution of this case, the Court orders the following briefing 25 schedule: 26 a. No later than 90 days from the date of service, Defendants will file a motion for 27 summary judgment or other dispositive motion.

The motion will be supported by 1 Civil Procedure 56, and will include as exhibits all records and incident reports 2 stemming from the events at issue. If Defendants are of the opinion that this case 3 cannot be resolved by summary judgment or other dispositive motion, they will so 4 inform the Court prior to the date the dispositive motion is due. All papers filed 5 with the Court will be promptly served on Coffey.

6 b. At the time the dispositive motion is served, Defendants will also serve, on a 7 separate paper, the appropriate notice or notices required by *Rand v. Rowland*, 154 8 F.3d 952, 953-54 (9th Cir. 1998) (en banc), and *Wyatt v. Terhune*, 315 F.3d 1108, 9 1120 n.4 (9th Cir. 2003). See *Woods v. Carey*, 684 F.3d 934, 940-41 (9th Cir. 10 2012) (Rand and Wyatt notices must be given at the time motion for summary 11 judgment or motion to dismiss for non-exhaustion is filed, not earlier); *Rand*, 154 12 F.3d at 960 (separate paper requirement).

13 c. Coffey's opposition to the dispositive motion, if any, will be filed with the Court 14 and served upon Defendants no later than 28 days from the date the motion was 15 served upon him. Coffey must read the attached page headed "NOTICE -- 16 WARNING," which is provided to him pursuant to *Rand*, 154 F.3d at 953-54, and 17 *Klinge v. Eikenberry*, 849 F.2d 409, 411-12 (9th Cir.

1988). If Defendants file a 18 dispositive motion claiming that Coffey failed to exhaust his available 19 administrative remedies as required by 42 U.S.C. § 1997e(a), he should take note of 20 the attached page headed “NOTICE -- WARNING (EXHAUSTION),” which must 21 be provided to him as required by Wyatt, 315 F.3d at 1120 n.4. 22 d. If Defendants wish to file a reply brief, they shall do so no later than 14 days after 23 the opposition is served upon them.

24 e. The motion shall be deemed submitted as of the date the reply brief is due. Absent 25 a further order of the Court, no hearing will be held on the motion. 26 7. All communications by Coffey with the Court must be served on Defendants, or 27 Defendants’ counsel once counsel has been designated, by mailing a true copy of the] 8. Discovery may be taken in accordance with the Federal Rules of Civil Procedure.

No 2 further Court order is required before the parties may conduct discovery. 3 9. It is Coffey’s responsibility to prosecute this case. Coffey must keep the Court informed of 4 any change of address by filing a separate paper with the Clerk headed “Notice of Change 5 of Address.” He also must comply with the Court’s orders in a timely fashion. Failure to 6 do so may result in the dismissal of this action for failure to prosecute pursuant to Federal 7 Rule of Civil Procedure 41(b).

8 IT IS SO ORDERED. 9 Dated: January 26, 2026 10 1] mi K. Lee 12 United States District Judge 14 15 16 (17 Z 18 19 20 21 22 23 24 25 26 27 28 1 NOTICE -- WARNING (SUMMARY JUDGMENT) 2 If defendants move for summary judgment, they are seeking to have your case dismissed. 3 A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if 4 granted, end your case.

5 Rule 56 tells you what you must do in order to oppose a motion for summary judgment. 6 Generally, summary judgment must be granted when there is no genuine issue of material fact-- 7 that is, if there is no real dispute about any fact that would affect the result of your case, the party 8 who asked for summary judgment is entitled to judgment as a matter of law, which will end your 9 case.

When a party you are suing makes a motion for summary judgment that is properly 10 supported by declarations (or other sworn testimony), you cannot simply rely on what your 11 complaint says. Instead, you must set out specific facts in declarations, depositions, answers to 12 interrogatories, or authenticated documents, as provided in Rule 56(e), that contradict the facts 13 shown in the defendant’s declarations and documents and show that there is a genuine issue of 14 material fact for trial.

If you do not submit your own evidence in opposition, summary judgment, 15 if appropriate, may be entered against you. If summary judgment is granted, your case will be 16 dismissed and there

will be no trial. 17 NOTICE -- WARNING (EXHAUSTION) 18 If defendants file a motion for summary judgment for failure to exhaust, they are seeking 19 to have your case dismissed.

If the motion is granted it will end your case. 20 You have the right to present any evidence you may have which tends to show that you did 21 exhaust your administrative remedies. Such evidence may be in the form of declarations 22 (statements signed under penalty of perjury) or authenticated documents, that is, documents 23 accompanied by a declaration showing where they came from and why they are authentic, or other 24 sworn papers, such as answers to interrogatories or depositions.

25 If defendants file a motion for summary judgment for failure to exhaust and it is granted, 26 your case will be dismissed and there will be no trial. 27