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8 *Attorneys for Defendants Amaya, Castro, and
Espinoza*

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION

13 **BRAD MROZEK,**

14 Plaintiff,

15 v.

16
17 **CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
18 REHABILITATION, et al.,**

No. 1:16-cv-01308 SKO

**STIPULATION AND ORDER
ENTERING PARTIAL SUMMARY
JUDGMENT ON PLAINTIFF'S EIGHTH
AMENDMENT CLAIM AGAINST
DEFENDANT AMAYA**

Judge: Hon. Sheila K. Oberto
Trial Date: May 22, 2018
Action Filed: September 2, 2016

21 The parties, through their respective attorneys of record, stipulate and agree that partial
22 summary judgment be entered in favor of Defendant Amaya on Plaintiff's Eighth Amendment
23 claim for excessive force arising from the March 15, 2015 yard incident. This agreement is based
24 on the following undisputed facts:

25 1. Plaintiff Bradley Mrozek is serving a twenty-seven-year-four-month prison
26 sentence for his 2013 felony convictions. He entered the custody of the California Department of
27 Corrections and Rehabilitation (CDCR) in March 2014.

1 2. On March 24, 2015, Plaintiff was issued a Rules Violation Report (RVR), Log No.
2 3B-15-03-031, for “resisting a peace officer” during a March 15, 2015 yard incident involving
3 Defendant Amaya. This yard incident is a basis for Plaintiff’s 42 U.S.C. § 1983 excessive-force
4 claim against Amaya.

5 3. Plaintiff was found guilty of RVR Log No. 3B-15-03-031 and assessed ninety-days
6 of credit forfeiture, among other penalties. The forfeiture of credits adversely affected the length
7 of Plaintiff’s incarceration.

8 4. RVR Log No. 3B-15-03-031 was re-issued in September 2015, and Plaintiff was
9 again found guilty of the charge of “resisting a peace officer” arising from the March 15, 2015
10 yard incident. He was assessed ninety-days credit forfeiture, among other penalties. The
11 forfeiture of credits adversely affected the length of Plaintiff’s incarceration.

12 5. The finding of guilty for RVR Log No. 3B-15-03-031R has not been reversed or
13 vacated, and the forfeited credits have not been restored.

14 6. Plaintiff’s excessive-force claim against Defendant Amaya arising from the March
15 15, 2015 yard incident, as alleged in paragraphs 15 and 16 of the complaint (ECF No. 1), is
16 barred under the favorable-termination doctrine (*Heck v. Humphrey*, 512 U.S. 477 (1994))
17 because success on this claim will necessarily invalidate RVR Log No. 3B-15-03-031R.

18 This agreement and stipulation applies only to the yard incident at issue in this lawsuit, and
19 does not affect Plaintiff’s remaining Eighth Amendment claims against Defendants Amaya,
20 Castro, and Espinoza arising from the March 15, 2015 holding-cell incident as alleged in the
21 complaint. (*See* Compl. ¶¶ 18-21, ECF No. 1.) The parties agree that factual disputes exist
22 concerning the holding-cell incident that precludes summary judgment.

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Each party is to bear his own costs and attorney's fees incurred in connection with the adjudication of the excessive-force claim arising from the yard incident.

IT IS SO STIPULATED.

Dated: January 9, 2018

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
CHRISTOPHER J. BECKER
Supervising Deputy Attorney General

/s/ Diana Esquivel

DIANA ESQUIVEL
Deputy Attorney General
Attorneys for Defendants

Dated: January 8, 2018

STANLEY GOFF, ESQ.

/s/ Stanley Goff (as authorized 1/8/18)

STANLEY GOFF
Attorney for Plaintiff

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ORDER

On January 9, 2018, the parties filed the above stipulation (Doc. 32), indicating that the undisputed facts show there is no genuine dispute that Plaintiff's 42 U.S.C. § 1983 excessive-force claim arising from the March 15, 2015, yard incident against Defendant Amaya is barred by the favorable-termination doctrine. Based on the parties' stipulation, partial summary judgment is hereby GRANTED and entered in favor of Defendant Amaya against Plaintiff on this claim, and each party shall bear its own costs and attorney's fees in connection with the adjudication of the claim arising from the yard incident.

Based on the parties' above stipulation, this action shall proceed on Plaintiff's Eighth Amendment claims against Defendants Amaya, Castro, and Espinoza arising from the March 15, 2015, holding-cell incident as alleged in the complaint. (Doc. 32.)

IT IS SO ORDERED.

Dated: January 10, 2018

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE