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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RYANT TRIMALE PRATT,  
Plaintiff,  
v.  
B. HEDRICKS, et al.,  
Defendants.

Case No. [16-cv-01129-JD](#)

**ORDER GRANTING  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

Re: Dkt. Nos. 28, 29

Ryant Pratt, a state prisoner proceeding pro se, has sued under 42 U.S.C. § 1983 alleging that defendants violated his due process rights in finding him guilty of a prison disciplinary violation. Defendants filed a motion for summary judgment. Pratt filed an opposition and defendants filed a reply. The motion is granted.

**BACKGROUND**

The following facts are undisputed unless otherwise noted:

On June 18, 2013, Pratt was observed with another inmate punching the victim. Motion for Summary Judgment (“MSJ”), Shearon Decl. ¶ 2. Correctional officers arrived and ordered Pratt and the other inmate to stop, but both continued to kick and punch the victim, who was on the ground. *Id.* Correctional officers fired a sponge round and then used pepper spray on Pratt and the other inmate to stop the attack, and all three inmates were evaluated by medical staff. *Id.* The victim had an abrasion on his shoulder and problems with his jaw. *Id.*; MSJ, Desta Decl. (Docket No. 29) ¶ 2. Plaintiff concedes there was an incident with the victim, but contends that the victim stated it was just “horseplaying.” MSJ, Medina Decl., Ex. B at 13 of 92.

On June 21, 2013, prison officials charged Pratt with battery on an inmate in Rules Violation Report (“RVR”) No. SVSP-FB13-06-0034. MSJ, Shearon Decl. ¶ 3. At his request Pratt was provided an investigative employee to collect and present evidence. MSJ, Martinez Decl

1 ¶¶ 8-9.

2 The prison's Chief Medical Executive reported that the victim's injuries met the definition  
3 of serious bodily injury pursuant to California Penal Code section 243(f)(4), so the charge against  
4 plaintiff was upgraded to battery on an inmate with serious bodily injury. MSJ, Solis Decl. ¶ 4.  
5 On July 3, 2013, Pratt was issued a supplemental RVR with the upgraded charge. *Id.* ¶ 5.

6 The investigative employee interviewed Pratt about his defense, but Pratt declined to make  
7 a statement and instead submitted handwritten questions for witnesses. MSJ, Martinez Decl. ¶ 9.  
8 Pursuant to Pratt's instructions the investigative employee interviewed and took statements from a  
9 staff physician, a nurse, the victim and a correctional captain who is one of the defendants in this  
10 case. *Id.* The investigative employee summarized the witnesses' statements and submitted them  
11 to a senior hearing officer. *Id.* In preparation for the hearing, Pratt was given a copy of the  
12 investigative employee's report and he was examined by a mental health clinician to ensure that he  
13 could proceed with the hearing. *Id.* ¶¶ 9, 11. Pratt made no request for any witness to appear and  
14 no request for any evidence to be produced at the hearing. *Id.* ¶¶ 9-12.

15 The hearing was held on July 19, 2013. *Id.* ¶¶ 12-14. Pratt refused to attend the hearing so  
16 a not-guilty plea was entered on his behalf. *Id.* ¶ 13. No witnesses testified on Pratt's behalf  
17 because he did not request any. *Id.* The hearing officer reviewed all the materials, including the  
18 investigative employee's report, the victim's statement, the incident and medical reports, and the  
19 written questions and responses requested by Pratt. *Id.* Pratt was found guilty of battery on an  
20 inmate causing serious bodily injury and assessed 360 days loss of credits, 30 days loss of  
21 privileges and a referral to the classification committee for program review. *Id.* ¶¶ 12-15. The  
22 hearing officer gave less weight to the victim's characterization of the incident as horseplay  
23 because the victim could have been dissuaded from making statements against the perpetrators for  
24 safety reasons. *Id.* ¶ 14. The hearing officer also noted that if the incident was just horseplay,  
25 then it would not have required multiple direct orders, pepper spray and sponge rounds to stop the  
26 assault. *Id.*

27

28 Pratt challenged the disciplinary finding through the prison inmate appeals system. Am.

1 Compl. (Docket No. 14) at 7; MSJ, Voong Decl. ¶ 10. Pratt’s appeal was successful and it was  
2 ordered that the disciplinary finding be vacated and a new hearing held because the hearing officer  
3 failed to articulate in his report how the victim’s injuries met the standard for serious bodily  
4 injury. MSJ, Voong Decl. ¶ 10. A new RVR was issued, No. SVSP-FB14-05-0007R, and a new  
5 hearing was held before a different hearing officer. MSJ, Solis Decl. ¶¶ 8-9. Pratt declined any  
6 help from staff and did not request any witnesses for the hearing. *Id.* The new hearing was held  
7 on June 13, 2014, and Pratt was found guilty of simple battery and assessed 90 days of credit  
8 forfeiture. *Id.* He was not found guilty of battery with serious bodily injury. *Id.*

9  
10 **LEGAL STANDARD**

11 Summary judgment is proper where the pleadings, discovery, and affidavits show there is  
12 “no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of  
13 law.” *See* Fed. R. Civ. P. 56(a). Material facts are those that may affect the outcome of the case.  
14 *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A dispute as to a material fact is  
15 genuine if the evidence is such that a reasonable jury could return a verdict for the nonmoving  
16 party. *See id.*

17 A court shall grant summary judgment “against a party who fails to make a showing  
18 sufficient to establish the existence of an element essential to that party’s case, and on which that  
19 party will bear the burden of proof at trial[,] . . . since a complete failure of proof concerning an  
20 essential element of the nonmoving party’s case necessarily renders all other facts immaterial.”  
21 *See Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986). The moving party bears the initial  
22 burden of identifying those portions of the record that demonstrate the absence of a genuine issue  
23 of material fact. *Id.* The burden then shifts to the nonmoving party to “go beyond the pleadings  
24 and by [his] own affidavits, or by the ‘depositions, answers to interrogatories, and admissions on  
25 file,’ designate ‘specific facts showing that there is a genuine issue for trial.’” *See id.* at 324  
26 (citing Fed. R. Civ. P. 56(e) (amended 2010)).

27 For purposes of summary judgment, the Court must view the evidence in the light most  
28 favorable to the nonmoving party; if the evidence produced by the moving party conflicts with

1 evidence produced by the nonmoving party, the court must assume the truth of the evidence  
2 submitted by the nonmoving party. *See Leslie v. Grupo ICA*, 198 F.3d 1152, 1158 (9th Cir. 1999).  
3 The Court’s function on a summary judgment motion is not to make credibility determinations or  
4 weigh conflicting evidence with respect to a disputed material fact. *See T.W. Elec. Serv., Inc. v.*  
5 *Pac. Elec. Contractors Ass’n*, 809 F.2d 626, 630 (9th Cir. 1987).

6 The Due Process Clause of the Fourteenth Amendment protects prisoners from being  
7 deprived of life, liberty, or property without due process of law. *Wolff v. McDonnell*, 418 U.S.  
8 539, 556 (1974). The Supreme Court has established five procedural requirements for disciplinary  
9 hearings. *Id.* at 539. First, “written notice of the charges must be given to the disciplinary-action  
10 defendant in order to inform him of the charges and to enable him to marshal the facts and prepare  
11 a defense.” *Id.* at 564. Second, “[a]t least a brief period of time after the notice, no less than 24  
12 hours, should be allowed to the inmate to prepare for the appearance before the [disciplinary  
13 committee].” *Id.* Third, “there must be a ‘written statement by the factfinders as to the evidence  
14 relied on and reasons’ for the disciplinary action.” *Id.* (quoting *Morrissey v. Brewer*, 408 U.S.  
15 471, 489 (1972)). Fourth, “the inmate facing disciplinary proceedings should be allowed to call  
16 witnesses and present documentary evidence in his defense when permitting him to do so will not  
17 be unduly hazardous to institutional safety or correctional goals.” *Id.* at 566. Fifth, “[w]here an  
18 illiterate inmate is involved . . . or whether the complexity of the issue makes it unlikely that the  
19 inmate will be able to collect and present the evidence necessary for an adequate comprehension  
20 of the case, he should be free to seek the aid of a fellow inmate, or . . . to have adequate substitute  
21 aid . . . from the staff or from a[n] . . . inmate designated by the staff.” *Id.* at 570. The Court  
22 specifically held that the Due Process Clause does not require that prisons allow inmates to cross-  
23 examine their accusers, *see id.* at 567-68, and does not give rise to a right to counsel in the  
24 proceedings, *see id.* at 569-70.

25 In *Superintendent v. Hill*, 472 U.S. 445, 454 (1985), the Court held that the revocation of  
26 good-time credits does not comport with the minimum requirements of procedural due process in  
27 *Wolff* unless the findings of the prison disciplinary board are supported by some evidence in the  
28 record. The standard for the modicum of evidence required is met if there was some evidence

1 from which the conclusion of the administrative tribunal could be deduced. *See id.* at 455.

2 **DISCUSSION**

3 It is undisputed that the RVR finding for battery causing serious bodily injury was vacated  
4 along with the resulting punishment. It is also undisputed that at the rehearing Pratt was found  
5 guilty of simple battery. Pratt's arguments concern the due process protections at the first hearing  
6 and that there was insufficient evidence for a guilty finding at that hearing. However, when an  
7 alleged due process violation is corrected by additional process, no due process violation has  
8 occurred. *Frank v. Schultz*, 808 F.3d 762, 764 (9th Cir. 2015). The facts of *Frank* are similar to  
9 this case. The inmate in *Frank* lost time credits after a disciplinary hearing and filed an appeal to  
10 prison officials, who granted the appeal, and the time credits were restored. *Id.* The inmate in  
11 *Frank* filed a federal civil rights action alleging a due process violation, but the district court  
12 dismissed the case. *Id.* The Ninth Circuit agreed and held that the procedural error was corrected  
13 through the administrative process. *Id.* For the same reasons as in *Frank*, summary judgment is  
14 granted for defendants because the error in Pratt's hearing was corrected. *See id.*; *see also*  
15 *Strohmeyer v. Belanger*, 661 F. App'x 471, 473 (9th Cir. Aug. 5, 2016) (administrative reversal  
16 cured process violations).

17 To the extent that Pratt argues there was a due process violation simply by being accused  
18 of committing a battery causing serious bodily injury, he is not entitled to relief. He cites no case  
19 law that charging an inmate in these circumstances could constitute a due process violation.  
20 Moreover, in *Hines v. Gomez*, 108 F.3d 265, 268-69 (9th Cir. 1997), the Ninth Circuit declined to  
21 extend the "some evidence" standard to a prison officer's initial accusation of a rule violation.  
22 Pratt also argues that he suffered deprivations after his inmate appeal was granted and after there  
23 was a new hearing for the RVR. However, this punishment was independent of the original RVR  
24 and the original finding of battery causing serious bodily injury. Pratt's punishment was based on  
25 the finding of simple battery in the new hearing. To the extent Pratt argues it was improper that he  
26 was again charged with causing serious bodily injury, he was not found guilty of that charge; thus,  
27 there was no harm. Moreover, this action only involves his allegations concerning the first  
28 hearing. Pratt does not present allegations in the amended complaint concerning the second

1 hearing.<sup>1</sup>

2 Despite the first RVR being vacated due to the failure of the hearing officer to articulate  
3 how the victim’s injuries met the standard for serious bodily injury, the *Wolff* requirements were  
4 met, and Pratt cannot demonstrate a due process violation. Pratt was provided notice of the  
5 charges and an investigative employee to investigate the case. There were several weeks between  
6 the issuance of the RVR and the hearing which allowed Pratt and the investigative employee to  
7 investigate and prepare the case. The hearing officer prepared a written statement regarding the  
8 evidence and the reasons for the disciplinary action, and Pratt was provided the opportunity to call  
9 witnesses and present a defense. While Pratt did not appear at the hearing, the questions and  
10 answers he presented to several witnesses were reviewed. Pratt also received a mental health  
11 evaluation to ensure that he understood the procedures and proceedings.

12 While the prison found that the hearing officer failed to articulate how the victim’s injuries  
13 met the standard for serious bodily injury, Pratt has not demonstrated a federal due process  
14 violation, and, regardless, any error was cured with the vacating of the disciplinary finding and the  
15 holding of a new hearing. For all these reasons, defendants are entitled to summary judgment.<sup>2</sup>

16 **Qualified Immunity**

17 The defense of qualified immunity protects “government officials . . . from liability for  
18 civil damages insofar as their conduct does not violate clearly established statutory or  
19 constitutional rights of which a reasonable person would have known.” *Harlow v. Fitzgerald*, 457  
20 U.S. 800, 818 (1982). The rule of “qualified immunity protects ‘all but the plainly incompetent or  
21 those who knowingly violate the law.’” *Saucier v. Katz*, 533 U.S. 194, 202 (2001) (quoting  
22 *Malley v. Briggs*, 475 U.S. 335, 341 (1986)). Defendants can have a reasonable, but mistaken,  
23 belief about the facts or about what the law requires in any given situation. *Id.* at 205. A court  
24 considering a claim of qualified immunity must determine whether the plaintiff has alleged the

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26 <sup>1</sup> Regardless, a review of the record demonstrates there was some evidence to find Pratt guilty of  
27 simple battery. Three correctional officers observed Pratt punching the victim and Pratt concedes  
28 there was an incident but that the victim called it horseplay.

<sup>2</sup> Because the Court is granting the motion for summary judgment on the merits, defendants’  
argument that Pratt failed to exhaust his claims against two of the three defendants will not be  
addressed.

1 deprivation of an actual constitutional right and whether such right was clearly established such  
2 that it would be clear to a reasonable officer that his conduct was unlawful in the situation he  
3 confronted. *See Pearson v. Callahan*, 555 U.S. 223, 236 (2009) (overruling the sequence of the  
4 two-part test that required determining a deprivation first and then deciding whether such right  
5 was clearly established, as required by *Saucier*). The Court may exercise its discretion in deciding  
6 which prong to address first, in light of the particular circumstances of each case. *Pearson*, 555  
7 U.S. at 236.


8 Even if the Court were to find that defendants had deprived plaintiff of a constitutional  
9 right, they would still be entitled to qualified immunity. The record demonstrates that the  
10 disciplinary finding was vacated and Pratt was provided a new hearing due to the hearing officer's  
11 failure at the first hearing to articulate how the victim's injuries met the standard for serious bodily  
12 injury. At the new hearing Pratt was only found guilty of simple battery. It would not be clear to  
13 a reasonable official that the various procedures and safeguards that vacated the finding and  
14 provided for a new hearing, at which Pratt was found guilty of a lesser offense than he had  
15 originally been found guilty of, would be unlawful.

16 **CONCLUSION**

- 17 1. Defendants' motion for summary judgment (Docket No. 28) is **GRANTED**.  
18 2. Defendants' motion to file the victim's medical records under seal (Docket No. 29) is  
19 **GRANTED** and the medical records (Docket No. 29, Ex. A) shall be filed **UNDER SEAL** and  
20 the Court has reviewed it in camera.  
21 3. The Clerk shall terminate all pending motions, enter judgment, and close the file.

22 **IT IS SO ORDERED.**

23 Dated: January 16, 2018

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27 \_\_\_\_\_  
28 JAMES DONATO  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 RYANT TRIMALE PRATT,  
4 Plaintiff,  
5  
6 v.  
7 B. HEDRICKS, et al.,  
8 Defendants.

Case No. [16-cv-01129-JD](#)

**CERTIFICATE OF SERVICE**


9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11  
12 That on January 16, 2018, I SERVED a true and correct copy(ies) of the attached, by  
13 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.

16  
17 Ryant Trimale Pratt ID: H06191  
18 P.O. Box 7500  
19 Crescent City, CA 95532

20 Dated: January 16, 2018

21  
22 Susan Y. Soong  
23 Clerk, United States District Court

24  
25 By:   
26 LISA R. CLARK, Deputy Clerk to the  
27 Honorable JAMES DONATO  
28