

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 2 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

ROBIN R. GILLILAND,

Plaintiff - Appellant,

v.

Linn County Deputy EASON; Linn County  
Deputy LEDERER; Linn County Deputy Lt.  
D. RANDALL,

Defendants - Appellees.

No. 23-3228

D.C. No.

6:22-cv-00496-MO

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Oregon  
Michael W. Mosman, District Judge, Presiding

Argued and Submitted February 9, 2026  
San Francisco, California

Before: GOULD and MILLER, Circuit Judges, and BLUMENFELD, District  
Judge.\*\*

After his parole was revoked, Robin Gilliland was reincarcerated in the Linn  
County Jail in Albany, Oregon. Several months later, Gilliland, proceeding pro se,

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by Ninth Circuit Rule 36-3.

\*\* The Honorable Stanley Blumenfeld, Jr., United States District Judge  
for the Central District of California, sitting by designation.

brought this action under 42 U.S.C. § 1983. As relevant here, Gilliland alleged that Deputies Ray Eason and Eric Lederer violated his constitutional rights during two hospital visits in January 2022, and that Lieutenant Donna Randall did so with respect to his housing conditions from December 2021 to April 2022. The district court granted summary judgment to all defendants, and Gilliland appealed. We have jurisdiction under 28 U.S.C. § 1291. We reverse the grant of summary judgment to Deputy Eason on Gilliland’s excessive-force claim based on Deputy Eason’s alleged conduct in transit to Albany General Hospital on January 16, 2022. In all other respects, we affirm.

We review a district court’s grant of summary judgment de novo, viewing the evidence in the light most favorable to the nonmoving party to determine whether a genuine dispute of material fact exists. *Jones v. Williams*, 791 F.3d 1023, 1030 (9th Cir. 2015).

1. As defendants concede, the district court erred in not treating Gilliland’s verified complaint as capable of creating genuine disputes of material fact. *See Jones v. Blanas*, 393 F.3d 918, 923 (9th Cir. 2004). With one exception, however, that error was harmless.

2. Gilliland argues that his complaint creates triable issues of fact as to whether Deputy Eason and Deputy Lederer used excessive force in violation of the Eighth Amendment. Whether an officer used excessive force against a prisoner

“ultimately turns on whether force was applied in a good faith effort to maintain or restore discipline or maliciously and sadistically for the very purpose of causing harm.” *Hudson v. McMillian*, 503 U.S. 1, 6 (1992) (internal quotation marks and citation omitted).

As to Deputy Eason, there is a triable issue of fact, but only with respect to his conduct while transporting Gilliland to Albany General on January 16, 2022. As defendants concede, Gilliland’s verified allegation that Deputy Eason “repeatedly used his hands to smash [Gilliland’s] head and chest and face against [the] gurney” is sufficient to defeat summary judgment. There is not a triable issue, however, as to whether Deputy Eason used excessive force inside the hospital. Deputy Eason was permitted to keep Gilliland in full restraints while outside of the jail. *See Spain v. Procnier*, 600 F.2d 189, 198 (9th Cir. 1979). And beyond Gilliland’s conclusory allegation that Deputy Eason “suffocate[d]” him at the hospital, the undisputed facts show that Deputy Eason used reasonable additional force in response to Gilliland’s active resistance, which could have endangered hospital staff, Deputy Eason, or Gilliland himself. Even considering Deputy Eason’s alleged threatening statements, no reasonable jury could find that he acted “maliciously and sadistically for the very purpose of causing harm” rather than in a “good faith effort to maintain or restore discipline.” *Hudson*, 503 U.S. at 6.

Deputy Lederer is entitled to qualified immunity on Gilliland's excessive-force claim. Qualified immunity is proper unless the plaintiff can establish that "the deputies' specific conduct violated 'clearly established' federal law." *Sharp v. County of Orange*, 871 F.3d 901, 909 (9th Cir. 2017) (citation omitted). The plaintiff must "point to prior case law that articulates a constitutional rule specific enough to alert these deputies in this case that their particular conduct was unlawful." *Id.* at 911 (emphasis omitted).

Gilliland alleges that Deputy Lederer used excessive force by dragging him into Good Samaritan Regional Medical Center. But it was not clearly established that Deputy Lederer's actions here would amount to excessive force. Gilliland identifies no case law on point holding that an officer could not drag a noncompliant prisoner who refuses to walk voluntarily, especially under the circumstances present here, where the director's hold indicated that Gilliland was in urgent need of treatment, and where Deputy Lederer had been told that he needed to leave the ambulance bay quickly because an ambulance was arriving soon. Gilliland primarily cites Fourth Amendment cases, which unlike Eighth Amendment cases, involve an objective, rather than subjective, standard for excessive-force claims and thus do not clearly establish relevant law.

3. Gilliland argues that the district court erred by not interpreting his complaint as separately asserting a claim that Deputy Eason and Deputy Lederer

violated his Fourteenth Amendment right to refuse medical treatment. That claim is barred by qualified immunity.

Deputy Eason and Deputy Lederer were directed by jail medical staff to take Gilliland to the hospital. Even assuming that we could consider various disputed documents that Gilliland argues show he was not urgently in need of treatment, the record does not show that either deputy was aware of any facts that would have made a reasonable officer doubt the necessity of treatment, especially the stabilization- and diagnostic-focused treatment here. For example, although Gilliland claims he was not eating because he disliked the jail's food, he provides no evidence that he communicated that fact to anyone at the time.

Gilliland identifies no case law that would have alerted the officers that their conduct violated the Fourteenth Amendment. He relies on *Runnels v. Rosendale*, in which we stated that “prison medical personnel” violate the Fourteenth Amendment when they “perform[] major surgical procedures [on] . . . an inmate, without his consent . . . , that [are] not required to preserve his life.” 499 F.2d 733, 735 (9th Cir. 1974). Unlike *Runnels*, this case does not involve “major surgical procedures.” *Id.* The other cases Gilliland cites either do not involve the prison context, see *Cruzan ex rel. Cruzan v. Director, Mo. Dep’t of Health*, 497 U.S. 261, 265 (1990), or address only the nonemergency use of psychiatric medication, see

*Washington v. Harper*, 494 U.S. 210, 214–17 (1990); *Benson v. Terhune*, 304 F.3d 874, 876 (9th Cir. 2002).

4. Finally, Gilliland argues that the district court erred in granting summary judgment to Lieutenant Randall on his “claim for lack of outdoor exercise.”

Although we construe a pro se plaintiff’s complaint liberally, *Blaisdell v. Frappiea*, 729 F.3d 1237, 1241 (9th Cir. 2013), a complaint must provide sufficient notice to permit the development of the relevant factual record, *see Alvarez v. Hill*, 518 F.3d 1152, 1157–58 (9th Cir. 2008). Gilliland’s complaint did not adequately put Lieutenant Randall on notice that he was raising an exercise-related claim.

Claim V of Gilliland’s complaint alleged that after he returned to the Linn County Jail, he was kept in “solitary confinement [for] 23 ½ [hours] a day for [approximately] 109 days” because of a “no-contact” order related to another inmate. The claim focused on Gilliland’s belief that the order was either fabricated from the beginning or, in the alternative, was kept in place for malicious reasons. To the extent that the complaint can be read as alleging more than just unwarranted confinement, the single mention of “lethargy” did not put Lieutenant Randall on notice that Gilliland’s complaint related specifically to a lack of outdoor exercise.

The parties shall bear their own costs.

**AFFIRMED in part; REVERSED in part; REMANDED.**