

# *Detention and Corrections*

## **CASELAW QUARTERLY**

Second Interim Supplement for the  
*25th Edition Detention and Corrections Caselaw Catalog*

**Issue No. 66**

This issue of *Detention and Corrections Caselaw Quarterly* (DCCQ) provides summaries of 63 federal court decisions that were published after the *25th Edition Detention and Corrections Caselaw Catalog* (2015) was released. It serves as the second interim supplement for the 25th Edition, or may be used as a stand-alone review of cases by readers who do not have the *Catalog*.

**PART 1** provides complete case summaries in alphabetical order.

**PART 2** presents the case summaries according to 50 major topics, using the same organization and format as the *Detention and Corrections Caselaw Catalog*. Cases are presented alphabetically by topic. The left margin identifies the level of court and subtopics for each case summary.

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U.S. Appeals Court  
CONTRACT SERVICES

*U.S. v. Mujahid*, 799 F.3d 1228 (9<sup>th</sup> Cir. 2015). A federal prisoner was convicted in the district court for aggravated sexual abuse and abusive sexual contact against other prisoners while in custody in a state prison, awaiting transfer to a federal prison. The prisoner appealed his conviction. The appeals court affirmed. The appeals court held that the question of whether or not a contract to house federal prisoners existed between the United States Marshals Service and the state department of corrections was a question of law that was within the district court's authority to decide. The appeals court found that a district court may determine as a matter of law whether the facility at which an alleged crime took place was the one in which the persons were held in custody by direction of, or pursuant to, a contract or agreement with the head of any federal department or agency. (Anchorage Correctional Complex, U.S. Marshals Service)

U.S. Appeals Court  
STAFFING LEVELS

*U.S. v. Sanchez-Gomez*, 798 F.3d 1204 (9<sup>th</sup> Cir. 2015). Defendants filed challenges to a federal district court policy, adopted upon the recommendation of the United States Marshals, to place defendants in full shackle restraints for all non-jury proceedings, with the exception of guilty pleas and sentencing hearings, unless a judge specifically requests the restraints be removed in a particular case. The district court denied the challenges. The defendants appealed. The appeals court vacated and remanded. The appeals court found that the defendants' challenges to the shackling policy were not rendered moot by the fact that they were no longer detained. The court held that there was no adequate justification of the necessity for the district court's generalized shackling policy. According to the court, although the Marshals recommended the policy after some security incidents, coupled with understaffing, created strains in the ability of the Marshals to provide adequate security for a newly opened, state-of-the-art courthouse, the government did not point to the causes or magnitude of the asserted increased security risk, nor did it try to demonstrate that other less restrictive measures, such as increased staffing, would not suffice. (Southern District of California, United States Marshals, San Diego Federal Courthouse)

### 3. ADMINISTRATIVE SEGREGATION

U.S. Appeals Court  
LENGTH  
CONDITIONS  
REVIEW

*Incumaa v. Stirling*, 791 F.3d 517 (4<sup>th</sup> Cir. 2015). An inmate brought a § 1983 action against the acting director of a state department of corrections, alleging violations of the Religious Land Use and Institutionalized Persons Act (RLUIPA) and Fourteenth Amendment procedural due process in his placement in solitary confinement for 20 years following his participation in a riot. The inmate was a member of the Nation of Gods and Earths ("NOGE"), also known as the "Five Percenters." Prison policy required the inmate to renounce his affiliation with NOGE as a condition of being released from segregation. The inmate asserted that NOGE was a religion and that he was being asked to renounce his religion in order to be released from solitary confinement, in violation of RLUIPA. The district court granted the director's motion for summary judgment and the inmate appealed. The appeals court affirmed in part, reversed in part, and remanded. The appeals court held that the prison policy did not force the inmate to choose between continued adherence to his religion or release from solitary confinement. But the court held that summary judgment was precluded by a genuine issue of material fact as to whether the prison's review process for inmates in solitary confinement was adequate. The court noted that the inmate was subject to near-daily cavity and strip searches, he was confined to a small cell for all sleeping and waking hours, aside from 10 hours of activity outside the cell per month, he was denied educational, vocational, and therapy programs, the inmate was socially isolated, and confinement was indefinite. (South Carolina Department of Corrections)

### 4. ASSESSMENT OF COSTS

U.S. Appeals Court  
COMMISSARY

*DeBrew v. Atwood*, 792 F.3d 118 (D.C. Cir. 2015). A federal inmate brought an action alleging that the Bureau of Prison's (BOP) response to his request for documents violated the Freedom of Information Act (FOIA), that the BOP and its officials violated the Takings and Due Process Clauses by retaining interest earned on money in inmates' deposit accounts, and that officials violated the Eighth Amendment by charging excessively high prices for items sold by the prison commissary and for telephone calls. The district court entered summary judgment in the BOP's favor and the inmate appealed. The appeals court affirmed in part, vacated in part, and remanded. The court held that the BOP did not violate FOIA by failing to produce recordings of the inmate's telephone conversations and that the inmate's failure to exhaust his administrative remedies precluded the court from reviewing whether the BOP conducted an adequate search. The court found that the Bureau of Prisons' (BOP) alleged practice of charging excessively high prices for items sold by prison commissary and for telephone calls did not violate Eighth Amendment. (Federal Bureau of Prisons, Washington, D.C.)

U.S. District Court  
DUE PROCESS  
RESTITUTION

*Ngemi v. County of Nassau*, 87 F.Supp.3d 413 (E.D.N.Y. 2015). A father brought a § 1983 action against a county, alleging he was denied due process in violation of the Fourteenth Amendment in being arrested and incarcerated for failing to meet his child support obligations. The county moved to dismiss for failure to state a claim. The district court granted the motion, finding that the father received ample process prior to his arrest. The court noted that father was present at the hearing where his failure to comply with the order of support was addressed, an order of disposition was mailed to his home after

the hearing and warned him that failure to comply would result in imprisonment, the order afforded the father the opportunity to object, the order of commitment was also mailed to the father and advised him of his ability to appeal, the father never contested the orders, and the father never claimed over the course of four years that he could not pay his child support arrears. (Nassau County Family Court, Nassau County Correctional Center, New York)

U.S. District Court  
ATTORNEY FEES

*Shaidnagle v. Adams County, Miss.*, 88 F.Supp.3d 705 (S.D.Miss. 2015). After a detainee committed suicide while being held in a county jail, his mother, individually, on behalf of the detainee's wrongful death beneficiaries, and as administratrix of the detainee's estate, brought an action against the county, sheriff, jail staff, and others, asserting claims for deprivation of civil rights, equitable relief, and declaratory judgment. The defendants brought a § 1988 cross-claim for attorney fees and costs against the plaintiff, and subsequently moved for summary judgment. The court held that neither the sheriff nor another alleged policymaker could be held liable on a theory of supervisory liability for failure to train or supervise, where the mother did not show that the training jail staff received was inadequate, and the policy in place to determine whether the detainee was a suicide risk was not the "moving force" behind a constitutional violation. The court held that the correct legal standard was not whether jail officers "knew or should have known," but whether they had gained actual knowledge of the substantial risk of suicide and responded with deliberate indifference. The court held that neither party was entitled to attorney fees as the "prevailing party." (Adams County Jail, Mississippi)

#### 5. ATTORNEY FEES

U.S. District Court  
PREVAILING PARTY

*Shaidnagle v. Adams County, Miss.*, 88 F.Supp.3d 705 (S.D.Miss. 2015). After a detainee committed suicide while being held in a county jail, his mother, individually, on behalf of the detainee's wrongful death beneficiaries, and as administratrix of the detainee's estate, brought an action against the county, sheriff, jail staff, and others, asserting claims for deprivation of civil rights, equitable relief, and declaratory judgment. The defendants brought a § 1988 cross-claim for attorney fees and costs against the plaintiff, and subsequently moved for summary judgment. The court held that neither the sheriff nor another alleged policymaker could be held liable on a theory of supervisory liability for failure to train or supervise, where the mother did not show that the training jail staff received was inadequate, and the policy in place to determine whether the detainee was a suicide risk was not the "moving force" behind a constitutional violation. The court held that the correct legal standard was not whether jail officers "knew or should have known," but whether they had gained actual knowledge of the substantial risk of suicide and responded with deliberate indifference. The court held that neither party was entitled to attorney fees as the "prevailing party." (Adams County Jail, Mississippi)

#### 6. BAIL

U.S. District Court  
ALIEN

*Mayorov v. United States*, 84 F.Supp.3d 678 (N.D.Ill. 2015). A former state prisoner sued the United States, pursuant to the Federal Tort Claims Act (FTCA), claiming negligence and false imprisonment based on Immigration and Customs Enforcement (ICE) issuing an immigration detainer against him, despite his United States citizenship, causing him to spend 325 days in prison that he otherwise would not have served due to the Illinois Department of Corrections (IDOC) rules prohibiting a detainee from participating in a boot camp as an alternative to a custodial prison sentence. The parties moved for summary judgment. The district court held that fact issues as to whether the government breached a duty to reasonably investigate the prisoner's citizenship status prior to issuing an Immigration and Customs Enforcement (ICE) detainer. (Illinois Impact Incarceration Program)

U.S. District Court  
ALIEN  
BOND

*Rodriguez v. Shanahan*, 84 F.Supp.3d 251 (S.D.N.Y. 2015). An alien who was subjected to mandatory detention pending removal proceedings, seven years after his criminal detention for narcotics possession, petitioned for a writ of habeas corpus, seeking an individualized bond hearing to challenge his ongoing detention by the Department of Homeland Security. The district court granted the petition, finding that the alien was entitled to a bond hearing pending removal proceedings and that his continued detention violated his Fifth Amendment due process rights. (Department of Homeland Security, New York)

#### 7. CIVIL RIGHTS

U.S. Appeals Court  
ADA- Americans With  
Disabilities Act  
RA- REHABILITATION  
ACT  
CONDITIONS

*Ball v. LeBlanc*, 792 F.3d 584 (5<sup>th</sup> Cir. 2015). Death row inmates brought a § 1983 action against a state department of corrections and state officials, seeking declaratory and injunctive relief based on allegations that heat in the prison violated the Eighth Amendment, the Americans with Disabilities Act (ADA), and the Rehabilitation Act (RA). Following a bench trial, the district court sustained the Eighth Amendment claims, rejected the disability claims, and issued a permanent injunction requiring the state to install air conditioning throughout death row. The department and officials appealed and the inmates cross-appealed. The appeals court affirmed in part, vacated and remanded in part. The court held that: (1) the district court did not abuse its discretion by admitting evidence of, or relying on heat index measurements of death-row facilities; (2) the district court did not clearly err in finding that

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