

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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9. CONDITIONS OF CONFINEMENT

U.S. District Court
VENTILATION
SANITATION
LIGHTING

Barnes v. County of Monroe, 85 F.Supp.3d 696 (W.D.N.Y. 2015). A state inmate brought a § 1983 action against a county, county officials, and correctional officers, alleging that the officers used excessive force against him and that he was subjected to unconstitutional conditions of confinement during his pretrial detention. The defendants moved for judgment on the pleadings. The district court granted the motion in part and denied in part. The court held that the former pretrial detainee's allegation that a county correctional officer used excessive force when he responded to a fight between the detainee and fellow inmates, and jumped on the detainee's back, striking him in face and knocking out a tooth, and that the officer was not merely using force to maintain or restore discipline but that the entire incident was "premeditated," stated a § 1983 excessive force claim against officer under the Due Process Clause. According to the court, the former detainee's allegations that county correctional officers used excessive force when they pushed him face-first into a glass window, pushed him to the floor, kicked, stomped on and punched him, and used handcuffs to inflict pain, that as a result of the altercation, the inmate urinated and defecated on himself and experienced dizziness and a concussion, and that the force used on him was in response to his reaching for legal papers and attempting to steady himself, stated a § 1983 excessive force claim against the officers under the Due Process Clause. The court found that the former detainee's allegations that, after he was released from a special housing unit (SHU), county correctional officers placed him in a poorly ventilated cell where he was exposed to human excrement and bodily fluids over the course of multiple days, and that he was subjected to extreme conditions in the SHU by way of 24-hour lighting by the officers, stated a § 1983 conditions-of-confinement claim against the officers under the Due Process Clause. (Upstate Correctional Facility and Monroe County Jail, New York)

U.S. Appeals Court
EXERCISE
CLOTHING
TEMPERATURE

Diaz v. Davidson, 799 F.3d 722 (7th Cir. 2015). A former state inmate filed an action alleging that prison officials' denial of adequate exercise violated the Eighth Amendment's prohibition against cruel and unusual punishment. The district court entered judgment in the officials' favor and the inmate appealed. The appeals court affirmed. The court held that the officials' failure to provide the inmate with a hat and gloves to wear when he exercised in his outdoor cell did not violate the Eighth Amendment. The court held that state prison officials' failure to provide the inmate with a hat and gloves to wear when he exercised in his outdoor cell in a prison yard in very cold winter weather did not constitute cruel and unusual punishment, in violation of the Eighth Amendment, even though the inmate was unable to do the chin-ups he needed to prevent the muscles in his back from atrophying because of arthritis, and the indoor cell was not large enough. The court noted that guards gave him what they were required to give him according to the prison's policy without realizing, or being irresponsible in failing to realize, that he needed gloves and a hat to do specific exercises. According to the court, the warden received only one pertinent grievance, which complained that on one occasion the inmate had been left outdoors without a hat and gloves for two hours. (Pontiac State Prison, Illinois)

U.S. Appeals Court
SEGREGATION
OUT OF CELL TIME
CELLS
IDLENESS

Incumaa v. Stirling, 791 F.3d 517 (4th 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 year 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)

U.S. District Court
JUVENILES
CELLS
ISOLATION
OUT OF CELL TIME

Turner v. Palmer, 84 F.Supp.3d 880 (S.D.Iowa 2015). A 16-year-old who had been adjudicated delinquent and who had prior psychiatric hospitalizations, brought an action against the operators of a state-run juvenile home under § 1983 for violations of her due process rights under the Fifth, Eighth, and Fourteenth Amendments, based on the alleged systematic and excessive use of cement-walled isolation cells. The defendants moved to dismiss. The district court denied the motion, finding that the juvenile stated a claim for due process violations and alleged a continuing violation. The facility had several small cement isolation cells, labeled Quiet Rooms, Safety Rooms, Comfort Rooms, and the Special Unit. The prisoner alleged that she spent numerous consecutive weeks locked in isolation cells, spending 289 out of the 528 days she was at the facility in isolation. She claimed she was only given one thin mat to sleep on, was only permitted to exit the cell to use the restroom; and during many of these stays,

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