

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.

CONTENTS

| | | | |
|---|-----------|---------------------------------------|-----------|
| PART 1: Complete Case Summaries..... | 1 | 26. Juveniles..... | 50 |
| PART 2: Summaries by Major Topics... | 26 | 27. Liability..... | 51 |
| 1. Access to Courts..... | 26 | 28. Mail..... | 54 |
| 2. Administration..... | 28 | 29. Medical Care..... | 54 |
| 3. Administrative Segregation..... | 29 | 30. Mental Problems (Prisoner)..... | 59 |
| 4. Assessment of Costs..... | 29 | 31. Personnel..... | 59 |
| 5. Attorney Fees..... | 30 | 32. Pretrial Detention..... | 60 |
| 6. Bail..... | 30 | 33. Privacy..... | 66 |
| 7. Civil Rights..... | 30 | 34. Programs-Prisoner..... | 64 |
| 8. Classification & Separation..... | 32 | 35. Property-Prisoner Personal..... | 64 |
| 9. Conditions of Confinement..... | 34 | 36. Release..... | 64 |
| 10. Cruel and Unusual Punishment..... | 35 | 37. Religion..... | 65 |
| 11. Discipline..... | 36 | 38. Rules & Regulations-Prisoner..... | 66 |
| 12. Exercise and Recreation..... | 37 | 39. Safety and Security..... | 67 |
| 13. Ex-Offenders..... | 37 | 40. Sanitation..... | 69 |
| 14. Failure to Protect..... | 37 | 41. Searches..... | 70 |
| 15. Facilities..... | 41 | 42. Services-Prisoner..... | 70 |
| 16. False Imprisonment/Arrest..... | 43 | 43. Sentence..... | 70 |
| 17. Female Prisoners..... | 43 | 44. Standards..... | 70 |
| 18. Food..... | 44 | 45. Supervision..... | 71 |
| 19. Free Speech, Expression, Assoc..... | 44 | 46. Training..... | 72 |
| 20. Good Time..... | 45 | 47. Transfers..... | 72 |
| 21. Grievance Procedures, Prisoner..... | 46 | 48. Use of Force..... | 73 |
| 22. Habeas Corpus..... | 48 | 49. Visiting..... | 75 |
| 23. Hygiene-Prisoner Personal..... | 48 | 50. Work-Prisoner..... | 76 |
| 24. Immunity..... | 48 | TABLE OF CASES..... | 76 |
| 25. Intake and Admissions..... | 49 | Glossary..... | 78 |

CRS, Inc. A Non-Profit Organization Serving Corrections Since 1972

925 Johnson Drive Gettysburg, PA 17325 (717) 338-9100 Fax (717) 718-6178 www.shopcrs.org

Published with cooperation from the American Jail Association

All Rights Reserved

experience severe psychological pain, and that the treating and examining psychologists agreed the inmate met the eligibility criteria for SRS under the standards of care for treating transsexual patients.

The court held that: (1) the inmate was likely to succeed on the merits of the Eighth Amendment claim; (2) the inmate was suffering irreparable harm that would likely continue absent a preliminary injunction; (3) the balance of equities weighed in favor of granting an injunction; (4) it was in the public interest to grant an injunction; and (5) an injunction would meet the requirements of the Prison Litigation Reform Act (PLRA). (Mule Creek State Prison, California)

U.S. Appeals Court
TRANSSEXUAL
GID- Gender Identity
Disorder
MEDICAL CARE

Rosati v. Igbinoso, 791 F.3d 1037 (9th Cir. 2015). A transgender inmate brought a pro se § 1983 action alleging that prison officials violated the Eighth Amendment by their deliberate indifference to her serious medical needs. The district court dismissed the action without leave to amend. The inmate appealed. The appeals court reversed and remanded, finding that the inmate's complaint, alleging that she suffered from severe gender dysphoria for which male-to-female sexual reassignment surgery (SRS) was the medically necessary treatment, but that prison officials refused to provide the surgery, stated a cause of action under Eighth Amendment. (Pleasant Valley State Prison, California)

U.S. Appeals Court
PREGNANCY
MEDICAL CARE
TRANSFER

White v. Bukowski, 800 F.3d 392 (7th Cir. 2015). A pregnant county prisoner brought a civil rights action under § 1983 against a county sheriff's office, alleging violation of her Eighth Amendment rights, alleging deliberate indifference to her need for proper prenatal care and prompt transport to a hospital for delivery of her baby while she was in their temporary custody. The county moved to dismiss. The district court granted the motion and the prisoner appealed. The appeals court reversed and remanded, finding that no administrative remedies were available, and thus the prisoner did not fail to exhaust administrative remedies under the requirements of the Prison Litigation Reform Act. The prisoner alleged that the delay in her transport to the hospital contributed to her baby's birth defects. According to the court, the prisoner had no opportunity to grieve the delay in transport until after the harm was done, the prisoner was uninformed about any deadline for filing a grievance, the prisoner would not have known that she would be transferred to another jail four days after returning from the hospital, and the prisoner could not have filed a grievance after she was transferred. (Kankakee County Jail, Illinois)

18. FOOD

U.S. Appeals Court
FOOD HANDLERS
RELIGION

Jones v. Williams, 791 F.3d 1023 (9th Cir. 2015). A Muslim former inmate brought civil rights claims against prison officials under § 1983 and the Religious Land Use and Institutionalized Persons Act (RLUIPA), seeking monetary and injunctive relief. The district court entered summary judgment in favor of the officials and the former inmate appealed. The appeals court affirmed in part, vacated, and remanded in part. The court held that the inmate's claims for injunctive relief, arising from an alleged requirement that he handle pork while working in a kitchen, were moot because he had been released from custody. The court found that unsworn statements of an inmate cook who told the Muslim inmate that the food service coordinator had directed the inmate cook to mix pork in with meat used in a tamale pie were hearsay, and thus could not properly be considered in opposition to the prison officials' motion for summary judgment as to the Muslim inmate's claim that his free exercise rights were violated when he was served and ate the pie without notice that it contained pork. But the court held that prison officials were not entitled to qualified immunity from the Muslim inmate's § 1983 claim that he was ordered in 2007 to cook pork loins as part of his job duties in a kitchen, in violation of his religious beliefs. The court noted that the penitentiary implemented a policy prior to the incident in question, providing that an inmate could opt out of handling pork on religious grounds, the inmate alleged that he told the officers in charge that he had the right to not handle pork, and the fact that some officers claimed they were not personally aware of the policy change was not sufficient to show that the inmate's right to avoid handling pork was not clearly established. (Oregon State Penitentiary)

19. FREE SPEECH, EXPRESSION, AND ASSOCIATION

U.S. Appeals Court
MAIL

American Civil Liberties Union Fund of Michigan v. Livingston County, 796 F.3d 636 (6th Cir. 2015). A civil rights organization brought a § 1983 action against a county and county officials alleging that the jail's mail policy, pursuant to which all incoming and outgoing mail except "bona-fide legal mail" had to be on standard four-by-six-inch postcards, violated the First and Fourteenth Amendments. Following the grant of a temporary restraining order (TRO), the organization moved for a preliminary injunction. The district court granted the motion and the county appealed. The appeals court affirmed. The court held that the organization had a likelihood of success on the merits of its claim that the policy violated the Fourteenth Amendment's due process protections. The court noted that the organization alleged that the jail blocked delivery of letters sent by the organization's attorney without providing the organization or the intended inmate recipients notice and opportunity to contest the decision. (Livingston County Jail, Michigan)

ORDER FORM: Detention and Corrections Caselaw Catalog and Quarterly

(revised July 2015)

Return To: CRS, INC. 925 JOHNSON DRIVE GETTYSBURG, PA 17325 www.correction.org
 (717) 338-9100 FAX (717) 718-6178 Fed. I.D. #38-1988770 rod@correction.org

SHIP TO: _____

PURCHASE
 ORDER # _____
 Cust. # _____
 (from mailing label)

BILL TO: (if different than Ship To) _____

| Number Ordered | <i>You may also ORDER ON-LINE at www.shopscrs.org</i> | Unit Price | Total Cost |
|--|--|------------------------|------------|
| CASELAW CATALOG | | | |
| | Detention and Corrections Caselaw Catalog, 25th Edition 2014-2015 * Library Edition (6 binders w/ tab dividers) \$249.00 * Unbound Edition (no tabs, no binders) \$199.00 | \$249.00 \$199.00 | |
| SUPPLEMENTS for the CASELAW CATALOG | | | |
| | If you have... Order a.... 24th Edition 2013 → 1 Year Supplement 23rd Edition 2011-12 → 2 Year Supplement 22nd Edition 2010 → 3 Year Supplement 21st Edition 2009 → 4 Year Supplement 20th Edition 2008 → 5 Year Supplement 19th Edition 2007 or Earlier Special Supplement | | |
| | 1-Year SUPPLEMENT for the 25 th Edition Caselaw Catalog Brings a 24th Edition Catalog up to a 25 th Edition. | \$129.00 | |
| | 2-Year SUPPLEMENT for the 25 th Edition Caselaw Catalog Brings a 23rd Edition Catalog up to a 25 th Edition. | \$139.00 | |
| | 3-Year SUPPLEMENT for the 25 th Edition Caselaw Catalog Brings a 22nd Edition Catalog up to a 25 th Edition. | \$149.00 | |
| | 4-Year SUPPLEMENT for the 25 th Edition Caselaw Catalog Brings a 21st Edition Catalog up to a 25 th Edition. | \$159.00 | |
| | 5-Year SUPPLEMENT for the 25 th Edition Caselaw Catalog Brings an 20 th Edition Catalog up to a 25 th Edition. | \$169.00 | |
| | SPECIAL SUPPLEMENT for the 25 th Edition Caselaw Catalog Brings a 19 th Edition Catalog-- <u>or earlier edition</u> - up to a 25 th Edition. <i>Order only if you have an 19th (2007) or earlier edition.</i> | \$189.00 | |
| BINDERS | | \$12/one | |
| | <i>Extra binders for the Caselaw Catalog. 2-inch binder</i> | \$20/two \$26/three | |
| CASELAW QUARTERLY | | | |
| | DETENTION AND CORRECTIONS CASELAW QUARTERLY. Receive new court case summaries every 3 months. Presents newly-published cases in the same format as they will appear in the <u>Catalog</u> . Serves as an "interim supplement" or as a stand-alone resource. Over 300 cases summarized every year. One year (four issues).....\$ 99.00 Two years (eight issues)..... \$179.00 | \$ 99.00 \$179.00 | |
| | TOTAL ----- | | |

Major credit cards (VISA, MasterCard) accepted, please use our web store (www.shopscrs.org)
Shipping Policy: All prices include shipping (UPS ground or USPS media mail) and handling.