

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Estate of Seth Michael Zakora v. Troy Chrisman

No. 21-1620, United States Court of Appeals for the Sixth Circuit (August 10, 2022)

SUMMARY

The Sixth Circuit held that a prisoner's estate stated an Eighth Amendment failure-to-protect claim against prison officials who allegedly knew of a drug-smuggling problem and two prior overdose deaths in the inmate's unit but failed to investigate, as the risk of unfettered drug access was objectively serious and the officials were subjectively aware of the risk to the class of inmates. The court also reinstated a supervisory liability claim against the warden and assistant deputy director for allegedly ignoring reports of drug smuggling and instructing subordinates not to investigate, but affirmed dismissal of claims against the state police and the prison director for lack of personal knowledge. The court affirmed summary judgment against corrections officers on a deliberate-indifference claim because they submitted un rebutted affidavits showing they lacked knowledge of the inmate's distress, and upheld denial of leave to amend to add new defendants under Rule 15(c) because the claims were time-barred and did not relate back, reaffirming that naming "John Doe" defendants does not constitute a mistake under the rule.

CASE DETAILS

COURT	United States Court of Appeals for the Sixth Circuit
WRITING FOR THE COURT	Ronald Lee Gilman; Jeffrey S. Sutton; Karen Nelson Moore
JURISDICTION	Federal
DECIDED	August 10, 2022
DOCKET	21-1620
DISPOSITION	affirmed in part, reversed in part, and remanded
PROCEDURAL POSTURE	Appeal from the United States District Court for the Western District of Michigan at Grand Rapids. No. 1:19-cv-01016—Janet T. Neff, District Judge.
STANDARD OF REVIEW	De novo for dismissal and summary judgment; abuse of discretion for denial of leave to amend and premature summary judgment.
PRECEDENTIAL VALUE	Published
PARTIES	Estate of Seth Michael Zakora; Brandy Zakora v. Troy Chrisman; Matthew Huntley; Chadwick Mobley; Steve Johnson; Bonita J. Hoffner; Steve Rivard; Heidi E. Washington; Brandon Oaks; Russell

TOPICS

civil rights section 1983 qualified immunity summary judgment motions to dismiss
cruel and unusual punishment prisoners rights appellate procedure standard of review

PRACTICE AREAS

Civil Rights Prison Litigation

QUESTIONS PRESENTED

1. Whether the district court erred in dismissing the failure-to-protect claim (Count I) against the MDOC defendants.
2. Whether the district court erred in dismissing the supervisory liability claim (Count III) against Washington, Hoffner, and Rivard.
3. Whether the district court erred in granting summary judgment on the deliberate indifference claim (Count IV) against Johnson and Mobley.
4. Whether the district court erred in denying leave to file a second amended complaint.

HOLDINGS

1. The Estate adequately alleged that MDOC defendants Chrisman, Huntley, Hoffner, Rivard, and Rurka were deliberately indifferent to a substantial risk of serious harm from drug overdoses, satisfying both the objective and subjective prongs.
2. The complaint adequately alleged that Hoffner and Rivard abdicated their job responsibilities by ignoring known threats and failing to order an investigation, which could constitute knowing acquiescence to the constitutional violation.
3. Summary judgment was proper because the un rebutted affidavits showed that Johnson and Mobley were not aware of Zakora's distress before it was too late, and they acted promptly once alerted.
4. The proposed amendment adding new parties did not relate back under Rule 15(c) because the Estate did not show a mistake in identity; the claims against Ivany and White were time-barred, and the substitution of Blair for Jane Doe did not satisfy the mistake requirement.

KEY QUOTATIONS

"Given these unique vulnerabilities, the risk of injury from unfettered access to deadly drugs inside a prison 'is not one that today's society chooses to tolerate.'" (at 17)

"we hold that unfettered access to drugs in a prison, as evidenced here by the officials' failure to promptly investigate the two prior overdoses in Zakora's C-Unit, is sufficiently serious to satisfy the objective prong of an Eighth Amendment claim." (at 19)

“the correct inquiry is whether [the defendant] had knowledge about the substantial risk of serious harm to a particular class of persons, not whether he knew who the particular victim turned out to be.” (at 19-20)

“When supervisors responsible for inmate health and safety ignore known threats to those inmates, they are more than simply failing to act.” (at 26)

FACTUAL BACKGROUND

Seth Zakora died from a fentanyl overdose in his prison cell at Lakeland Correctional Facility. Two other inmates in his small unit had overdosed in the two days prior to his death, but no investigation was undertaken until after Zakora died. The complaint alleged that prison officials knew of a drug-smuggling ring involving basketballs thrown over the fence and failed to act, and that two corrections officers ignored warnings from other inmates about Zakora's condition.

PROCEDURAL HISTORY

The district court granted defendants' motions to dismiss or, in the alternative, for summary judgment, adopting the magistrate judge's report and recommendation. The Estate appealed.

DISPOSITION

affirmed in part, reversed in part, and remanded

REMAND INSTRUCTIONS

The case is remanded to the district court for further proceedings consistent with this opinion regarding the remaining Count I and Count III claims against MDOC defendants Chrisman, Huntley, Hoffner, Rivard, and Rurka.

CASES CITED

- Farmer v. Brennan, 511 U.S. 825 (1994)
- Helling v. McKinney, 509 U.S. 25 (1993)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007)
- Taylor v. Mich. Dep't of Corr., 69 F.3d 76 (6th Cir. 1995)
- Moderwell v. Cuyahoga County, 997 F.3d 653 (6th Cir. 2021)
- Rhodes v. Michigan, 10 F.4th 665 (6th Cir. 2021)
- Bishop v. Hackel, 636 F.3d 757 (6th Cir. 2011)
- Winkler v. Madison County, 893 F.3d 877 (6th Cir. 2018)
- Hill v. Marshall, 962 F.2d 1209 (6th Cir. 1992)
- Cox v. Treadway, 75 F.3d 230 (6th Cir. 1996)
- Krupski v. Costa Crociere S.p.A., 560 U.S. 538 (2010)
- Berndt v. Tennessee, 796 F.2d 879 (6th Cir. 1986)

- *Weaver v. Shadoan*, 340 F.3d 398 (6th Cir. 2003)
- *Troutman v. Louisville Metro Dep't of Corr.*, 979 F.3d 472 (6th Cir. 2020)
- *DeShaney v. Winnebago Cnty. Dep't of Soc. Servs.*, 489 U.S. 189 (1989)
- *Estelle v. Gamble*, 429 U.S. 97 (1976)
- *Will v. Mich. Dep't of State Police*, 491 U.S. 58 (1989)
- *Peatross v. City of Memphis*, 818 F.3d 233 (6th Cir. 2016)
- *Gregory v. City of Louisville*, 444 F.3d 725 (6th Cir. 2006)
- *Howard v. Knox County*, 695 F. App'x 107 (6th Cir. 2017)
- *Davis v. Monroe Cnty. Bd. of Ed.*, 526 U.S. 629 (1999)
- *Amick v. Ohio Dep't of Rehab. & Corr.*, 521 F. App'x 354 (6th Cir. 2013)
- *Harrison v. Ash*, 539 F.3d 510 (6th Cir. 2008)
- *Brawner v. Scott County*, 14 F.4th 585 (6th Cir. 2021)
- *Short v. Oaks Corr. Facility*, 129 F. App'x 278 (6th Cir. 2005)
- *Ball v. Union Carbide Corp.*, 385 F.3d 713 (6th Cir. 2004)
- *Asher v. Unarco Material Handling, Inc.*, 596 F.3d 313 (6th Cir. 2010)
- *Smith v. City of Akron*, 476 F. App'x 67 (6th Cir. 2012)
- *Brown v. Cuyahoga County*, 517 F. App'x 431 (6th Cir. 2013)