

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Larry Wayne Cantrell v. West Virginia Division of Corrections and Rehabilitation

Cantrell · No. No. 20-0163 · Decided December 10, 2020

SUMMARY

The West Virginia Supreme Court of Appeals reviewed the dismissal of Larry Wayne Cantrell’s 42 U.S.C. § 1983 complaint concerning his conditions of incarceration. The court held that the circuit court’s order lacked sufficient findings of fact and conclusions of law for meaningful appellate review and remanded the case with directions to enter an adequate order.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Tim Armstead; Justice Margaret L. Workman; Justice Elizabeth D. Walker; Justice Evan H. Jenkins; Justice John A. Hutchison
JURISDICTION	West Virginia
DECIDED	December 10, 2020
DOCKET	No. 20-0163
DISPOSITION	remanded
PROCEDURAL POSTURE	Petitioner appealed the Circuit Court of Kanawha County's pre-service dismissal of his 42 U.S.C. § 1983 complaint as frivolous and/or malicious under the West Virginia Prisoner Litigation Reform Act.
STANDARD OF REVIEW	De novo review applies to a circuit court order granting a motion to dismiss a complaint.
PRECEDENTIAL VALUE	Unpublished memorandum decision; the opinion applies established West Virginia law and remands for an adequate dismissal order.
PARTIES	Larry Wayne Cantrell v. West Virginia Division of Corrections and Rehabilitation

TOPICS

- prisoners rights
- section 1983
- appellate procedure
- standard of review
- civil procedure

PRACTICE AREAS

civil rights

corrections and prisoners' rights

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court's terse dismissal of Cantrell's complaint as frivolous and/or malicious under the West Virginia Prisoner Litigation Reform Act was sufficient to permit meaningful appellate review.
2. Whether a court dismissing a prisoner civil action under West Virginia Code § 25-1A-4 must state specific factual findings and legal conclusions supporting the dismissal.

HOLDINGS

1. An order dismissing claims under West Virginia Code § 25-1A-4 must state the court's reasoning and set forth the specific factual and legal basis for the decision; the circuit court's boilerplate order was inadequate for meaningful appellate review.
2. Appellate review of a circuit court order granting a motion to dismiss a complaint is de novo.

KEY QUOTATIONS

"Orders dismissing claims pursuant to W.Va. Code, 25-1A-4 [2000] must state the court's reasoning and must set forth the specific factual and legal basis for the court's decision."

"a boilerplate reference to the statutory language."

FACTUAL BACKGROUND

Cantrell, a prisoner in the custody of the West Virginia Division of Corrections and Rehabilitation since 2010, alleged that he was repeatedly transferred to Mount Olive Correctional Complex after periods of punitive segregation and placed in the Quality of Life administrative-segregation program. He claimed that extended placements in the program exacerbated preexisting mental-health conditions, contributed to disciplinary violations, and caused post-traumatic stress disorder. He sued under 42 U.S.C. § 1983, alleging deliberate indifference to the substantial risk posed by long-term administrative segregation.

PROCEDURAL HISTORY

In December 2019, Cantrell filed a complaint seeking damages and injunctive relief concerning his long-term placement in administrative segregation and the Quality of Life program. Before issuing process, the Circuit Court of Kanawha County screened the complaint under the West Virginia Prisoner Litigation Reform Act and dismissed it on January 28, 2020, in a terse order stating only that the action was frivolous and/or malicious. The Supreme Court of Appeals of West Virginia remanded for entry of an order containing sufficient factual findings and legal conclusions to permit meaningful appellate review.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The circuit court must enter an order setting forth specific findings of fact and conclusions of law sufficient to permit meaningful appellate review of the dismissal under the West Virginia Prisoner Litigation Reform Act.

CASES CITED

- State v. Holstein, 235 W. Va. 56, 770 S.E.2d 556 (2015)
- Roth v. DeFeliceCare, Inc., 226 W. Va. 214, 700 S.E.2d 183 (2010)
- State ex rel. McGraw v. Scott Runyan Pontiac-Buick, Inc., 194 W. Va. 770, 461 S.E.2d 516 (1995)
- Ward v. Cliver, 212 W. Va. 653, 575 S.E.2d 263 (2002)

OPINION

PER CURIAM.

STATE OF WEST VIRGINIA SUPREME COURT OF APPEALS FILED Larry Wayne Cantrell, Plaintiff Below, Petitioner December 10, 2020 EDYTHE NASH GAISER, CLERK SUPREME COURT OF APPEALS vs.) No. 20-0163 (Kanawha County 19-C-1235) OF WEST VIRGINIA West Virginia Division of Corrections and Rehabilitation, Defendant Below, Respondent MEMORANDUM DECISION Self-represented petitioner Larry Wayne Cantrell appeals the January 28, 2020, order of the Circuit Court of Kanawha County dismissing his complaint pursuant to Title 42, Section 1983 of the United States Code regarding the terms and conditions of his incarceration.

Respondent West Virginia Division of Corrections and Rehabilitation (“DCR”), by counsel Briana J. Marino, filed a summary response in support of the circuit court’s order. Petitioner filed a reply. The Court has considered the parties’ briefs and the record on appeal.

The facts and legal arguments are adequately presented, and the decisional process would not be significantly aided by oral argument. Upon consideration of the standard of review, the briefs, and the record presented, the Court finds that the circuit court failed to make findings of fact and conclusions of law sufficient to permit meaningful appellate review of the court’s ruling.

For this reason, this case is remanded to the circuit court for the entry of an order that includes sufficient findings. Petitioner is a prisoner who has been in the DCR’s custody since 2010. 1 According to petitioner, during his incarceration, the DCR has housed him either at the Northern Correctional Facility (“NCF”) or Mt. Olive Correctional Complex (“Mt.

Olive”). Petitioner states that he suffers from a number of preexisting mental health conditions that make him prone to commit disciplinary 1 Petitioner pled guilty to first-degree murder and attempted robbery for his part in a plan to steal drugs and money from an individual’s home. See State v. Holstein, 235 W. Va. 56, 60 & n.7, 770 S.E.2d 556, 560 & n.7 (2015).

Petitioner was sentenced to a life term of incarceration with the possibility of parole for his first-degree murder conviction and to a concurrent term of twenty years of incarceration for the attempted robbery conviction. Id. 1 violations for which he is often subjected to short periods of punitive segregation. Petitioner alleges that, following these periods of punitive segregation, the DCR transfers him from the NCF to Mt.

Olive where he is placed in administrative segregation in a program called Quality of Life (“QOL”). According to Mt. Olive Operational Procedure No. 324, the QOL program is “[a] behavior driven progressive incentive system consisting of four levels, which encourages appropriate behavior through behavior modification and programs participation and/or compliance.” Petitioner states that his first placement in the QOL program lasted over three years and that his second placement lasted for eighteen months.

Petitioner alleges that his placements in the QOL program exacerbate his mental health conditions, make him more prone to commit disciplinary violations, and have caused him to be diagnosed with a new mental health condition, post-traumatic stress disorder.

In December of 2019, petitioner filed a complaint in the Circuit Court of Kanawha County pursuant to Title 42, Section 1983 of the United States Code seeking monetary damages and injunctive relief against the DCR. 2 In petitioner’s complaint, he alleges that the DCR is deliberately indifferent to the substantial risk that long-term administrative segregation poses to him and to other similarly situated prisoners.

Prior to the issuance of process, the circuit court evaluated the complaint pursuant to the West Virginia Prisoner Litigation Reform Act (“PLRA”), West Virginia Code §§ 25-1A-1 through 25-1A-8. On January 28, 2020, the circuit court dismissed the complaint with a terse order categorically finding that petitioner’s complaint was “frivolous and/or malicious” as defined in West Virginia Code § 25-1A-4(b).

3 Petitioner now appeals the circuit court’s January 28, 2020, order. “Appellate review of a circuit court’s order granting a motion to dismiss a complaint is de novo.” Syl. Pt. 1, *Roth v. DeFeliceCare, Inc.*, 226 W.Va. 214, 700 S.E.2d 183 (2010) (quoting Syl. Pt. 2, *State ex rel. 2* The private contractor that provides mental health services to DCR prisoners and various agents and employees of both the DCR and the contractor are listed as additional defendants in petitioner’s complaint, but they do not appear in this appeal.

3 West Virginia Code § 25-1A-4(b) provides: (b) A civil action is frivolous or malicious if it: (1) Has no arguable basis in fact or law; or (2) Is substantially similar to a previous civil action in which the inmate did not substantially prevail, either in that it is brought against the same parties or in that the civil action arises from the same operative facts of a previous civil action; or (3) Has been brought with the intent to harass an opposing party.

2 McGraw v. Scott Runyan Pontiac-Buick, Inc., 194 W. Va. 770, 461 S.E.2d 516 (1995)). We addressed dismissals pursuant to the provisions of the PLRA in Ward v. Cliver, 212 W. Va. 653, 575 S.E.2d 263 (2002), and held that “[o]rders dismissing claims pursuant to W.Va. Code, 25-1A-4 [2000] must state the court’s reasoning and must set forth the specific factual and legal basis for the court’s decision.” Id. at 654, 575 S.E.2d at 264, syl. pt.

2. On appeal, petitioner argues that the circuit court’s dismissal of his complaint should be reversed. The DCR counters that this Court cannot yet meaningfully review the dismissal of the complaint. As noted by the DCR, in Ward, this Court found that a virtually identical order failed to meet the standard for an adequate order, explaining that there was nothing more than “a boilerplate reference to the statutory language.” Id. at 656, 575 S.E.2d at 266.

4 Accordingly, the DCR argues that the matter should be remanded to the circuit court with directions that it enter an order that complies with our holding in Syllabus Point 2 of Ward. We agree. Therefore, we remand this case to the circuit court for the purpose of setting forth specific findings of fact and conclusions of law sufficient to permit meaningful appellate review.

Remanded with Directions. ISSUED: December 10, 2020 CONCURRED IN BY: Chief Justice Tim Armstead Justice Margaret L. Workman Justice Elizabeth D. Walker Justice Evan H. Jenkins Justice John A. Hutchison 4 Based on our review of the order in the instant case and the order at issue in Ward v. Cliver, 212 W. Va. 653, 575 S.E.2d 263 (2002), we agree with the DCR that the two orders are strikingly similar.