

SUPREME COURT OF INDIANA

Smith v. Indiana Department of Correction

883 N.E.2d 802 (Ind. 2008) · No. 49S02-0804-CV-166 · Decided April 9, 2008

SUMMARY

The Supreme Court of Indiana held that the state's Three Strikes Law, which generally barred an inmate from filing a new complaint after three prior dismissals under the Frivolous Claim Law, violated the Open Courts Clause of the Indiana Constitution. The court concluded that access to courts may be subject to reasonable conditions, but claims cannot be categorically barred based solely on the litigant's prior filing history without an individualized assessment of the claim's merits. The case was remanded for consideration of whether Smith's complaint should be dismissed under the Frivolous Claim Law.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                   |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Indiana                                                                                                                                                                                                                          |
| WRITING FOR THE COURT | Justice Boehm; Chief Justice Shepard; Justice Sullivan; Justice Dickson; Justice Rucker                                                                                                                                                           |
| JURISDICTION          | Indiana                                                                                                                                                                                                                                           |
| DECIDED               | April 9, 2008                                                                                                                                                                                                                                     |
| DOCKET                | 49S02-0804-CV-166                                                                                                                                                                                                                                 |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | Appeal by an incarcerated plaintiff from dismissal of his civil complaint under Indiana's Three Strikes Law; the Indiana Supreme Court granted transfer from the Indiana Court of Appeals.                                                        |
| STANDARD OF REVIEW    | A statute is presumed constitutional and may be nullified on constitutional grounds only when doing so is clearly rational and necessary; the court reviewed the constitutionality of the Three Strikes Law under the Open Courts Clause de novo. |
| PRECEDENTIAL VALUE    | Published precedential opinion of the Supreme Court of Indiana                                                                                                                                                                                    |
| PARTIES               | Eric D. Smith v. Indiana Department of Correction, Maximum Control Facility, Various Department of Correction employees                                                                                                                           |

TOPICS

constitutional law

prisoners rights

civil procedure

appellate procedure

standard of review

## PRACTICE AREAS

constitutional law

civil rights

prisoner litigation

appellate procedure

civil procedure

## QUESTIONS PRESENTED

1. Whether Indiana's Three Strikes Law, which barred an offender who had accumulated three dismissals under the Frivolous Claim Law from filing another complaint absent immediate danger of serious bodily injury, violated article I, section 12 of the Indiana Constitution's Open Courts Clause.
2. Whether the complaint should instead be dismissed under Indiana's Frivolous Claim Law.

## HOLDINGS

1. Indiana's Three Strikes Law violates the Open Courts Clause because it arbitrarily and unreasonably denies an offender access to the courts based solely on the offender's prior litigation history, without an individualized assessment of the merits of the new claim.
2. The Supreme Court did not decide whether Smith's complaint was subject to dismissal under the Frivolous Claim Law and remanded that issue to the trial court.

## KEY QUOTATIONS

*"It does mean that an individualized assessment of each claim is required, and a claim cannot be dismissed on the basis of who presents it rather than whether it has merit."* (806)

*"In short, the Open Courts Clause does not prohibit all conditions on access to the courts, but it does prevent the legislature from arbitrarily or unreasonably denying access to the courts to assert a statutory or common law cause of action that is in itself unmodified and unrestricted."* (808)

*"The law bars claims purely on the basis of the plaintiff's prior activity without regard to the merits of the claims presented."* (810)

## FACTUAL BACKGROUND

In 2005, Eric D. Smith, an inmate at the Maximum Control Facility, tied a bed sheet to water pipes to make a hammock and refused to come down until correctional employees provided copies of a brief. Officers used chemical spray and pepper balls to force him down, allegedly causing injury and pain. Smith sued for \$300,000 in damages and sought injunctive and declaratory relief.

## PROCEDURAL HISTORY

Smith sued the Indiana Department of Correction, the Maximum Control Facility, and correctional employees in Marion Superior Court for injuries allegedly caused by officers' use of chemical spray and pepper balls to remove him from a makeshift hammock. The trial court dismissed the complaint for lack of subject matter jurisdiction under the Three Strikes Law. The Indiana Court of Appeals affirmed, but the Indiana Supreme Court granted transfer, reversed, and remanded for consideration of dismissal under the Frivolous Claim Law.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The trial court must address whether Smith's complaint should be dismissed under the Frivolous Claim Law, Indiana Code section 34-58-1-2.

## CASES CITED

- Sims v. U.S. Fid. & Guar. Co., 782 N.E.2d 345 (Ind. 2003)
- Boehm v. Town of St. John, 675 N.E.2d 318 (Ind. 1996)
- Bd. of Comm'rs v. Kokomo City Plan Comm'n, 263 Ind. 282, 330 N.E.2d 92 (1975)
- Smith v. Huckins, 850 N.E.2d 480 (Ind. Ct. App. 2006)
- Smith v. Indiana Department of Correction, 853 N.E.2d 127 (Ind. Ct. App. 2006)
- Higgason v. Indiana Department of Correction, 864 N.E.2d 1133 (Ind. Ct. App. 2007)
- Martin v. Richey, 711 N.E.2d 1273 (Ind. 1999)
- McIntosh v. Melroe Co., 729 N.E.2d 972 (Ind. 2000)
- Midtown Chiropractic v. Illinois Farmers Insurance Co., 847 N.E.2d 942 (Ind. 2006)
- Square D Co. v. O'Neal, 225 Ind. 49, 72 N.E.2d 654 (1947)
- State v. Laramore, 175 Ind. 478, 94 N.E. 761 (1911)
- Fuchs v. Martin, 845 N.E.2d 1038 (Ind. 2006)
- Blanck v. Indiana Department of Correction, 829 N.E.2d 505 (Ind. 2005)
- Bounds v. Smith, 430 U.S. 817 (1977)
- Hampton v. Hobbs, 106 F.3d 1281 (6th Cir. 1997)
- Ashley v. Dilworth, 147 F.3d 715 (8th Cir. 1998)
- Molski v. Evergreen Dynasty Corp., 500 F.3d 1047 (9th Cir. 2007)
- Day v. State, 903 So. 2d 886 (Fla. Dist. Ct. App. 2005)
- State ex rel. Lindell v. Litscher, 260 Wis. 2d 454, 659 N.W.2d 413 (Wis. Ct. App. 2003)
- Riccard v. Prudential Insurance Co., 307 F.3d 1277 (11th Cir. 2002)
- DeLong v. Hennessey, 912 F.2d 1144 (9th Cir. 1990)
- Abdullah v. Gatto, 773 F.2d 487 (2d Cir. 1985)
- In re Oliver, 682 F.2d 443 (3d Cir. 1982)
- In re Green, 669 F.2d 779 (D.C. Cir. 1981)
- In re Lawsuits of Carter, 235 Ga. App. 551, 510 S.E.2d 91 (1998)
- Jordan v. State ex rel. Department of Motor Vehicles & Public Safety, 121 Nev. 44, 110 P.3d 30 (2005)

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