

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Smith v. Erickson

684 F. App'x 576 (7th Cir. 2017) · Decided May 5, 2017

SUMMARY

The Seventh Circuit affirmed the dismissal at screening of Cornell Smith’s claims concerning restrictions on structured recreation, interference with a prison grievance, and alleged constitutional violations arising from mistaken absences during Jumu’ah services. The court held that Smith had no constitutional right to an effective grievance procedure, had not alleged an inadequate opportunity for exercise, and had at most alleged negligence by prison staff. The court affirmed the judgment.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	Hamilton; Kanne; Sykes
JURISDICTION	Federal
DECIDED	May 5, 2017
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the district court's screening dismissal of Smith's amended civil-rights complaint for failure to state a claim.
STANDARD OF REVIEW	De novo review of a dismissal at screening for failure to state a claim.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Cornell Smith v. Erickson

TOPICS

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

PRACTICE AREAS

- constitutional law
- prisoner civil rights
- appellate procedure

QUESTIONS PRESENTED

- Whether prison officials violated the First Amendment by failing to provide an effective grievance process or by not formally resolving Smith's final grievance.
- Whether the restrictions on Smith's structured recreation violated the Eighth Amendment.

3. Whether, assuming all structured recreation was eliminated for six months, negligent prison staff conduct stated a constitutional claim under 42 U.S.C. § 1983.

HOLDINGS

1. Prisoners have a First Amendment right to petition the government for redress of grievances, but they do not have a substantive due process right to a grievance procedure, much less an effective one. Because Smith obtained the desired results through the grievance process, the delay and lack of formal resolution did not state a constitutional claim.
2. The alleged restriction did not state an Eighth Amendment claim because Smith remained able to attend structured recreation on two other days each week and did not allege that he was denied adequate exercise. Prisoners have no constitutional liberty interest in recreational, social, or rehabilitative activities apart from the constitutional requirement of adequate exercise.
3. Negligent conduct by prison officials does not violate the Constitution and cannot be redressed through an action under 42 U.S.C. § 1983.

KEY QUOTATIONS

“Prisoners have a First Amendment right to “petition the government for redress of grievances,”” (578)

“but they do not have a substantive due process right to a grievance procedure, let alone an effective one,” (578)

“Negligent conduct does not violate the Constitution and cannot be redressed through an action under § 1983.” (579)

FACTUAL BACKGROUND

Prison staff twice removed Smith from structured recreation after incorrectly treating his absence from Friday sessions as unexcused, although he was attending Jumu’ah, a weekly Islamic service scheduled at the same time. Each mistake was eventually corrected, and Smith was reinstated, although the first correction took four months and the second took two months. Smith also alleged that prison staff failed to formally resolve one grievance because he refused to remove abusive language. He did not allege that he was denied all out-of-cell exercise or that the mistakes prevented adequate exercise.

PROCEDURAL HISTORY

Smith sued administrators at Waupun Correctional Institution, alleging constitutional violations arising from restrictions on his participation in structured recreation and interference with his grievance. The district court dismissed the complaint under 28 U.S.C. § 1915A, concluding that the First, Eighth, and Fourteenth Amendment theories failed to state claims. The Seventh Circuit reviewed de novo and affirmed.

DISPOSITION

affirmed

CASES CITED

- Ortiz v. Downey, 561 F.3d 664, 669 (7th Cir. 2009)
- Bridges v. Gilbert, 557 F.3d 541, 553 (7th Cir. 2009)
- Grieveson v. Anderson, 538 F.3d 763, 772 (7th Cir. 2008)
- Hernandez v. Dart, 814 F.3d 836, 842 (7th Cir. 2016)
- Delaney v. De-Tella, 256 F.3d 679, 683, 687 (7th Cir. 2001)
- Anderson v. Romero, 72 F.3d 518, 528 (7th Cir. 1995)
- Thomas v. Ramos, 130 F.3d 754, 763-64 (7th Cir. 1997)
- Harris v. Fleming, 839 F.2d 1232, 1236 (7th Cir. 1988)
- Murdock v. Washington, 193 F.3d 510, 513 (7th Cir. 1999)
- Higgason v. Farley, 83 F.3d 807, 809 (7th Cir. 1996)
- Daniels v. Williams, 474 U.S. 327, 333 (1986)
- Harrell v. Cook, 169 F.3d 428, 432 (7th Cir. 1999)
- Sellers v. Henman, 41 F.3d 1100, 1102 (7th Cir. 1994)