

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Federico F. Martinez v. Palemon Chavez, Mora County Sheriff

574 F.2d 1043 (10th Cir. 1978) · No. No. 77-1469 · Decided April 26, 1978

SUMMARY

The Tenth Circuit affirmed dismissal of Federico F. Martinez's 42 U.S.C. § 1983 action arising from his incarceration in the Mora County, New Mexico, jail. The court held that the trial judge and prosecutors were entitled to judicial and prosecutorial immunity, and that the sheriff could not be held liable because he reported Martinez's ventilation complaints to the county authorities responsible for jail maintenance. The court also upheld the district court's use of affidavits and dismissal of the ventilation claim as frivolous under 28 U.S.C. § 1915(d).

CASE DETAILS

COURT	United States Court of Appeals for the Tenth Circuit
WRITING FOR THE COURT	Per Curiam; Seth, Circuit Judge; Pickett, Circuit Judge; McWilliams, Circuit Judge
JURISDICTION	Federal
DECIDED	April 26, 1978
DOCKET	No. 77-1469
DISPOSITION	affirmed
PROCEDURAL POSTURE	Martinez appealed the dismissal of his 42 U.S.C. § 1983 civil-rights action. The district court dismissed claims against a state trial judge and two prosecutors on immunity grounds, dismissed claims against the sheriff as frivolous under 28 U.S.C. § 1915(d), and denied or failed to grant the requested relief concerning amendment and vacatur.
STANDARD OF REVIEW	The court reviewed the district court's dismissal on the pleadings and affidavits and determined whether the action was properly found frivolous under 28 U.S.C. § 1915(d).
PRECEDENTIAL VALUE	Published federal appellate opinion
PARTIES	Federico F. Martinez v. Palemon Chavez, Mora County Sheriff

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QUESTIONS PRESENTED

1. Whether the district court properly dismissed the claims against the state trial judge and county prosecutors based on judicial and prosecutorial immunity.
2. Whether the district court properly dismissed the false-escape-charge claim against Sheriff Chavez.
3. Whether the district court properly used pleadings and affidavits to assess the ventilation claim under 28 U.S.C. § 1915(d).
4. Whether Sheriff Chavez could be held monetarily liable under § 1983 for the alleged unconstitutional jail conditions.
5. Whether the alleged jail ventilation conditions could constitute cruel and unusual punishment under the Eighth Amendment.

HOLDINGS

1. The district court properly dismissed the claims against the state trial judge and the two county prosecutors because the complaints alleged no facts showing that they acted outside the scope of their judicial or prosecutorial duties.
2. Dismissal of the false-escape-charge claim against Sheriff Chavez was proper because the allegations related to the state court rather than to conduct by Chavez.
3. The district court's procedure of considering the pleadings and affidavits to determine whether the action was frivolous under § 1915(d) was proper under the circumstances, provided it did not resolve bona fide factual disputes through a purported trial by affidavit.
4. The ventilation claim was properly dismissed as frivolous because, even accepting Martinez's factual allegations, he could not establish that Sheriff Chavez was deliberately indifferent or otherwise liable for the alleged conditions.
5. Suffocating jail conditions may constitute cruel and unusual punishment, but the court did not decide whether the Mora County jail conditions actually violated the Eighth Amendment because the claim failed against Sheriff Chavez on liability grounds.

KEY QUOTATIONS

“Without question suffocating jail conditions may indeed offend “the evolving standards of decency that mark the progress of a maturing society” and thus constitute cruel and unusual punishment.” (§ 10)

“Even accepting all Martinez' allegations of fact as true, including those contained in his affidavits, it is clear that Martinez could not establish through proof at trial that he is entitled to recover from Chavez.” (§ 11)

FACTUAL BACKGROUND

Martinez was incarcerated for approximately four months in the Mora County, New Mexico, jail and complained that inadequate ventilation caused suffocating conditions and respiratory problems. Sheriff Chavez reported Martinez's complaints to the County Planner and the County Board of Commissioners, which had ultimate responsibility for jail maintenance; an investigation found that the ventilation system was operating, although it may have been inadequate. Martinez also alleged that Chavez had direct responsibility for jail operation and maintenance and knew the system was out of order.

PROCEDURAL HISTORY

Martinez filed a pro se civil-rights action arising from his incarceration in the Mora County jail, seeking injunctive and monetary relief. The district court dismissed the claims against the judge and prosecutors because they were immune and later dismissed the ventilation-related claim against Sheriff Chavez as frivolous after considering pleadings and opposing affidavits. The Tenth Circuit reviewed the dismissal without oral argument and affirmed.

DISPOSITION

affirmed

CASES CITED

- Pierson v. Ray, 386 U.S. 547, 87 S. Ct. 1213, 18 L. Ed. 2d 288 (1967)
- Imbler v. Pachtman, 424 U.S. 409, 96 S. Ct. 984, 47 L. Ed. 2d 128 (1976)
- Atkins v. Lanning, 556 F.2d 485 (10th Cir. 1977)
- Martinez v. Aaron, 570 F.2d 317 (10th Cir. 1978)
- Gregg v. Georgia, 428 U.S. 153, 173, 96 S. Ct. 2909, 2925, 49 L. Ed. 2d 859 (1976)
- Battle v. Anderson, 564 F.2d 388 (10th Cir. 1977)
- Gregory v. Wyse, 512 F.2d 378 (10th Cir. 1975)
- Taylor v. Gibson, 529 F.2d 709, 717 (5th Cir. 1976)
- Bennett v. Passic, 545 F.2d 1260, 1261 (10th Cir. 1976)
- Haines v. Kerner, 404 U.S. 519, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1972)
- Bruce v. Wade, 537 F.2d 850, 853 n.5 (5th Cir. 1976)
- Watson v. Ault, 525 F.2d 886, 892 (5th Cir. 1976)
- Hardwick v. Ault, 517 F.2d 295, 298 (5th Cir. 1975)