

# UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

## Ifill v. Goord

326 F. App'x 625 (2d Cir. 2009) · Decided June 19, 2009

### SUMMARY

The Second Circuit reviewed a summary judgment ruling in a prisoner civil-rights action involving an alleged Eighth Amendment violation arising from placement in a freezing cell without adequate clothing. The court held that the prior remand was limited to that cold-cell allegation, vacated the judgment as to that claim, and remanded for further proceedings while rejecting the appellant's remaining arguments.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                    |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States Court of Appeals for the Second Circuit                                                                                                                                                                                                              |
| WRITING FOR THE COURT | Calabresi; Eaton; Hon; Katzmnn                                                                                                                                                                                                                                     |
| JURISDICTION          | Federal                                                                                                                                                                                                                                                            |
| DECIDED               | June 19, 2009                                                                                                                                                                                                                                                      |
| DISPOSITION           | vacated                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Plaintiff appealed a district court order granting defendants summary judgment on his civil-rights claims. The Second Circuit previously dismissed the appeal as to all claims other than the Eighth Amendment cold-cell claim and considered the scope of remand. |
| STANDARD OF REVIEW    | The court reviewed the scope of its prior order and the record de novo or otherwise independently; the opinion does not expressly identify a formal standard of review.                                                                                            |
| PRECEDENTIAL VALUE    | Unpublished summary order; generally nonprecedential.                                                                                                                                                                                                              |
| PARTIES               | Richard Sunday Ifill v. Goord, Other defendants                                                                                                                                                                                                                    |

### TOPICS

[cruel and unusual punishment](#) [prisoners rights](#) [summary judgment](#) [appellate procedure](#) [civil rights](#)

### PRACTICE AREAS

[Civil rights](#) [Prisoners' rights](#) [Appellate procedure](#) [Summary judgment](#)

## QUESTIONS PRESENTED

1. Whether the Second Circuit's prior order authorizing review and remand encompassed Ifill's entire cruel-and-inhumane-treatment claim, including the wheelchair-related allegations.
2. Whether the district court's judgment could stand as to the Eighth Amendment claim that Ifill was forced to sleep in a freezing cold cell without adequate clothing when the district court had failed to address that claim.

## HOLDINGS

1. The scope of the Second Circuit's remand was limited to the allegation that Ifill was forced to sleep in a freezing cold cell without adequate clothing; it did not encompass the wheelchair-related allegations.
2. The district court's judgment could not stand as to the Eighth Amendment cold-cell claim because the district court had failed to address that claim; the judgment was vacated and the matter was remanded for further proceedings.

## KEY QUOTATIONS

*“Our review of the prior order and of the record indicates that the scope of remand is to the allegation that Ifill was forced to sleep in a freezing cold cell without adequate clothing.”* (626)

*“For the reasons stated above, the judgment of the district court is VACATED as to the above-noted claim, and we REMAND to the district court to conduct further proceedings in accordance with this decision.”* (626)

## FACTUAL BACKGROUND

Ifill alleged that defendants violated his Eighth Amendment rights by forcing him to sleep in a freezing cold cell without adequate clothing. He also alleged that he was not permitted to use his wheelchair inside his cell, impairing his ability to move and use the toilet and causing him to soil himself, but the court held that allegation was outside the scope of the remand.

## PROCEDURAL HISTORY

The United States District Court for the Western District of New York granted summary judgment to defendants. After the Second Circuit appointed counsel and limited the appeal to whether summary judgment was proper on the claim that Ifill was placed in a freezing cold cell without adequate clothing, the appellees conceded that remand was appropriate because the district court had not addressed that claim. The Second Circuit vacated the judgment as to that claim and remanded for further proceedings, rejecting Ifill's contention that the remand extended to his wheelchair-related allegations.

## DISPOSITION

vacated

## REMAND INSTRUCTIONS

The district court must conduct further proceedings concerning only the claim that Ifill was forced to sleep in a freezing cold cell without adequate clothing, in accordance with the Second Circuit's decision.

## OPINION

### PER CURIAM.

\*626 SUMMARY ORDER Plaintiff-Appellant Richard Sunday Ifill appeals from the judgment of the United States District Court for the Western District of New York (Skretny, J.), granting summary judgment to Defendants. We assume the parties' familiarity with the facts and procedural history.

In May 2008, we granted Appellant's motion for appointment of counsel, instructing the newly appointed attorney to brief "whether the district court properly granted summary judgment to the Defendants on Appellant's claim that his Eighth Amendment rights were violated by the Defendants when he was placed in a freezing cold cell without adequate clothing." The appeal was dismissed with respect to all other claims.

Thereafter, Appellees conceded that, in light of the order, remand is appropriate as to the cold cell claim, which the district court had failed to address. Appellant, however, contends that the language of the May 2008 order was intended to include the entire claim of cruel and inhumane treatment, including the allegation that Appellant was not allowed to use his wheelchair inside his cell, leading to his inability to move around and use the toilet, which resulted in him soiling himself.

Our review of the prior order and of the record indicates that the scope of remand is to the allegation that Ifill was forced to sleep in a freezing cold cell without adequate clothing. Accordingly, we reverse the judgment of the district court with respect to that claim and remand for further proceedings.

We have reviewed Appellant's remaining arguments and find them to be without merit. For the reasons stated above, the judgment of the district court is VACATED as to the above-noted claim, and we REMAND to the district court to conduct further proceedings in accordance with this decision.