

SUPREME COURT OF RHODE ISLAND

Cody-Allen Zab v. Rhode Island Department of Corrections; Jose R. Rivera v. State of Rhode Island Department of Corrections, by and through its Director, Patricia Coyne-Fague

Cody-Allen Zab v. Rhode Island Department of Corrections, No. 2019-459-Appeal (R.I. Mar. 2, 2022) · No. No. 2019-459-Appeal (PM 17-4195); No. 2019-462-Appeal (PC 17-433) · Decided March 2, 2022

SUMMARY

The Rhode Island Supreme Court consolidated appeals by two life-imprisoned plaintiffs whose negligence claims were dismissed under Rhode Island’s civil death statute, G.L. 1956 § 13-6-1. The Court held that the statute completely deprived life prisoners of access to state courts and was unconstitutional under article 1, section 5 of the Rhode Island Constitution. The Court reversed the dismissal of the negligence claims but affirmed dismissal of Cody-Allen Zab’s 42 U.S.C. § 1983 claim on the merits because the defendants were not persons subject to suit under that statute.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Justice Erin Lynch Prata; Suttell, C.J.; Goldberg, J.; Robinson, J.; Lynch Prata, J.; Long, J.
JURISDICTION	Rhode Island
DECIDED	March 2, 2022
DOCKET	No. 2019-459-Appeal (PM 17-4195); No. 2019-462-Appeal (PC 17-433)
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from Superior Court judgments granting summary judgment and judgment on the pleadings in favor of defendants on negligence claims barred by civil death statute
STANDARD OF REVIEW	De novo review of summary judgment decision
PRECEDENTIAL VALUE	published_opinion
PARTIES	Cody-Allen Zab, Jose R. Rivera v. Rhode Island Department of Corrections, Director Patricia Coyne-Fague, Global Tel*Link Corporation

TOPICS

constitutional law due process prisoners rights civil procedure torts

PRACTICE AREAS

constitutional law civil rights prisoners rights civil procedure

QUESTIONS PRESENTED

1. Whether the civil death statute (G.L. 1956 § 13-6-1) violates the Supremacy Clause by preventing Zab from asserting a § 1983 claim
2. Whether the civil death statute unconstitutionally deprives life prisoners of their right of access to the courts under article 1, section 5 of the Rhode Island Constitution

HOLDINGS

1. The § 1983 claim was properly dismissed on the merits because neither a state nor its officials acting in official capacity are 'persons' under § 1983.
2. The entirety of the civil death statute (G.L. 1956 § 13-6-1) is unconstitutional because it violates article 1, section 5 of the Rhode Island Constitution by completely depriving life prisoners of their fundamental right of access to the courts.

KEY QUOTATIONS

“the entirety of this statute is unconstitutional and in clear contravention of the provisions of article 1, section 5 of the Rhode Island Constitution because it completely deprives individuals of an expressly enumerated constitutional right.” (at 16)

“in completely eliminating access to the courts, the civil death statute plainly infringes on plaintiffs' rights under article 1, section 5.” (at 13)

“the burden is no longer on the challenger to prove that it is unconstitutional beyond a reasonable doubt.” (at 14)

FACTUAL BACKGROUND

Zab, serving life for first-degree murder, suffered severe burns from an exposed hot water pipe at the ACI. Rivera, serving life for sexual assault, broke his ankle slipping on an icy walkway at the ACI. Both filed negligence claims against the DOC. The civil death statute (§ 13-6-1) deems life prisoners 'dead' for civil rights purposes.

PROCEDURAL HISTORY

Plaintiffs, life prisoners, filed negligence claims in Superior Court. The hearing justice granted summary judgment for defendants, ruling that the civil death statute (G.L. 1956 § 13-6-1) barred the claims. Zab's § 1983 claim was also dismissed on the merits. The Supreme Court consolidated the appeals and reviewed de novo.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Papers returned to Superior Court with direction to enter new orders consistent with the opinion; Superior Court directed to enter new judgment in Zab matter consistent with opinion.

CASES CITED

- Will v. Michigan Department of State Police, 491 U.S. 58 (1989)
- Pontbriand v. Sundlun, 699 A.2d 856 (R.I. 1997)
- Mills v. State Department of Mental Health Board of Medical Licensure and Discipline, 863 A.2d 202 (R.I. 2004)
- Gallop v. Adult Correctional Institutions, 182 A.3d 1137 (R.I. 2018)
- Gallop v. Adult Correctional Institutions, 218 A.3d 543 (R.I. 2019)
- Kennedy v. Cumberland Engineering Company, Inc., 471 A.2d 195 (R.I. 1984)
- Moreau v. Flanders, 15 A.3d 565 (R.I. 2011)
- Cherenzia v. Lynch, 847 A.2d 818 (R.I. 2004)
- Federal Hill Capital, LLC v. City of Providence, 227 A.3d 980 (R.I. 2020)
- Brown v. Entertainment Merchants Association, 564 U.S. 786 (2011)
- Palazzo v. Alves, 944 A.2d 144 (R.I. 2008)
- Bandoni v. State, 715 A.2d 580 (R.I. 1998)
- Bartlett v. Danti, 503 A.2d 515 (R.I. 1986)
- Lemoine v. Martineau, 115 R.I. 233, 342 A.2d 616 (1975)
- Cok v. Read, 770 A.2d 441 (R.I. 2001)
- Souza v. Travisono, 368 F. Supp. 959 (D.R.I. 1973)
- United States v. Butler, 297 U.S. 1 (1936)
- Haywood v. Drown, 556 U.S. 729 (2009)
- Verizon New England Inc. v. Rhode Island Public Utilities Commission, 822 A.2d 187 (R.I. 2003)
- In re Advisory Opinion to the Governor, 732 A.2d 55 (R.I. 1999)
- Middle Creek Farm, LLC v. Portsmouth Water & Fire District, 252 A.3d 745 (R.I. 2021)
- Ingram v. Mortgage Electronic Registration Systems, Inc., 94 A.3d 523 (R.I. 2014)
- Smiler v. Napolitano, 911 A.2d 1035 (R.I. 2006)
- Doe v. Brown University, 253 A.3d 389 (R.I. 2021)
- Henry v. Cherry & Webb, 30 R.I. 13, 73 A. 97 (1909)
- Carillo v. Moran, 463 A.2d 178 (R.I. 1983)
- Palmigiano v. Garrahy, 443 F. Supp. 956 (D.R.I. 1977)

- Dowd v. Rayner, 655 A.2d 679 (R.I. 1995)
- State v. Russell, 890 A.2d 453 (R.I. 2006)
- Shaw v. Murphy, 532 U.S. 223 (2001)
- Lewis v. Casey, 518 U.S. 343 (1996)
- Turner v. Safley, 482 U.S. 78 (1987)
- State by and through Kilmartin v. Rhode Island Troopers Association, 187 A.3d 1090 (R.I. 2018)
- Lacey v. Reitsma, 899 A.2d 455 (R.I. 2006)
- Barrett v. Barrett, 894 A.2d 891 (R.I. 2006)
- Digby v. Digby, 120 R.I. 299, 388 A.2d 1 (1978)
- Becker v. Beaudoin, 106 R.I. 562, 261 A.2d 896 (1970)
- Zab v. Zab, 203 A.3d 1175 (R.I. 2019)
- State v. Rivera, 987 A.2d 887 (R.I. 2010)
- State v. Rivera, 64 A.3d 742 (R.I. 2013)
- State v. Sifuentes, 996 A.2d 1130 (R.I. 2010)
- Clark v. Moran, 942 F.2d 24 (1st Cir. 1991)
- Bounds v. Smith, 430 U.S. 817 (1977)
- Mackie v. State, 936 A.2d 588 (R.I. 2007)
- Walsh v. Gowing, 494 A.2d 543 (R.I. 1985)
- Fournier v. Miriam Hospital, 93 R.I. 299, 175 A.2d 298 (1961)
- City of Pawtucket v. Sundlun, 662 A.2d 40 (R.I. 1995)
- Tafflin v. Levitt, 493 U.S. 455 (1990)
- Newport Court Club Associates v. Town Council of Middletown, 800 A.2d 405 (R.I. 2002)
- Mackie v. State, 936 A.2d 588 (R.I. 2007)

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