

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Miltier v. Beorn

Miltier v. Beorn, 896 F.2d 848 (4th Cir. 1990) · Decided February 20, 1990

SUMMARY

In this § 1983 action alleging Eighth Amendment deliberate indifference to an inmate's serious medical needs, the Fourth Circuit held that expert testimony need not expressly use the phrase "deliberate indifference" to survive summary judgment; it is sufficient if the expert's testimony and record evidence support an inference of deliberate indifference. The court reversed summary judgment for defendant doctors and nurses, finding triable issues on whether their failure to provide cardiac care constituted deliberate indifference. However, the court affirmed summary judgment for supervisory prison officials, holding that they were entitled to rely on the medical expertise of their subordinates and that no evidence showed they tacitly authorized constitutional violations. The case also addressed Rule 11 sanctions, remanding for findings on the wardens' motion.

CASE DETAILS

COURT	United States Court of Appeals for the Fourth Circuit
WRITING FOR THE COURT	Phillips
JURISDICTION	Federal
DECIDED	February 20, 1990
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from grant of summary judgment and denial of Rule 11 sanctions
STANDARD OF REVIEW	Summary judgment reviewed de novo, facts in light most favorable to non-movant; Rule 11 reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published
PARTIES	Miltier v. Beorn, et al.

TOPICS

- civil procedure
- constitutional law
- criminal procedure
- appellate procedure
- evidence

PRACTICE AREAS

- Civil Rights
- Prison Litigation

QUESTIONS PRESENTED

1. Whether the district court erred in granting summary judgment for the defendant health care providers on the Eighth Amendment deliberate indifference claim.
2. Whether the district court erred in granting summary judgment for the supervisory defendants on the same claim.
3. Whether the district court erred in denying the wardens' motion for Rule 11 sanctions.

HOLDINGS

1. The district court erred because the evidence, including expert testimony, created a genuine issue of material fact as to whether the providers were deliberately indifferent to Gwendolyn's serious medical need.
2. The district court properly granted summary judgment because there was no evidence that the supervisory defendants were deliberately indifferent or tacitly authorized any constitutional violation.
3. The district court's denial without explanation was an abuse of discretion because the reasons were not apparent from the record; therefore, the case is remanded for the district court to provide findings or reconsider.

KEY QUOTATIONS

“Deliberate indifference by prison personnel to an inmate's serious illness or injury is actionable under 42 U.S.C. § 1983 as constituting cruel and unusual punishment contravening the eighth amendment.” (851)

“To establish that a health care provider's actions constitute deliberate indifference to a serious medical need, the treatment must be so grossly incompetent, inadequate, or excessive as to shock the conscience or to be intolerable to fundamental fairness.” (851)

“We simply cannot agree that Rogers requires expert incantation of 'gross indifference' or 'deliberate indifference' before a § 1983 claim against a physician can survive summary judgment.” (852)

FACTUAL BACKGROUND

Gwendolyn Miltier, an inmate at VCCW, suffered from chest pain, blackouts, and shortness of breath. Despite being diagnosed with angina and having a family history of heart disease, she was never given a cardiac evaluation. She died of an acute heart attack on June 16, 1986, after being found dead next to her bed in the clinic. The treating physicians failed to follow up on a referral to a cardiology unit and did not conduct necessary diagnostic testing.

PROCEDURAL HISTORY

The district court granted summary judgment for all defendants on the § 1983 claim, declined pendent jurisdiction, and denied Rule 11 sanctions. Plaintiff appealed.

DISPOSITION

REMAND INSTRUCTIONS

We remand for consideration (or reconsideration) the motions of Downes and Burton for Rule 11 sanctions. The reasons for the district court's action on the motion should be at least briefly set forth.

CASES CITED

- Sosebee v. Murphy, 797 F.2d 179 (4th Cir. 1986)
- Estelle v. Gamble, 429 U.S. 97 (1976)
- Rogers v. Evans, 792 F.2d 1052 (11th Cir. 1986)
- Benson v. Cady, 761 F.2d 335 (7th Cir. 1985)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)
- Celotex v. Catrett, 477 U.S. 317 (1986)
- Ancata v. Prison Health Serv., Inc., 769 F.2d 700 (11th Cir. 1985)
- Slakan v. Porter, 737 F.2d 368 (4th Cir. 1984)
- Boyce v. Alizaduh, 595 F.2d 948 (4th Cir. 1979)
- Davidson v. Cannon, 474 U.S. 344 (1985)
- Carswell v. Bay County, 854 F.2d 454 (11th Cir. 1988)
- Catrett v. Johns-Manville Sales Corp., 826 F.2d 33 (D.C. Cir. 1987)
- Ditzko v. Owens-Illinois, 114 F.R.D. 104 (E.D. Mich. 1987)
- Foval v. First Nat'l Bank of Commerce in New Orleans, 841 F.2d 126 (5th Cir. 1988)
- Lavay Corp. v. Dominion Fed. Sav. & Loan Ass'n, 830 F.2d 522 (4th Cir. 1987)
- Szabo Food Serv., Inc. v. Canteen Corp., 823 F.2d 1073 (7th Cir. 1987)
- Straitwell v. National Steel Corp., 869 F.2d 248 (4th Cir. 1989)

CITED IN

- Miltier v. Beorn, Miltier v. Beorn, 896 F.2d 848, 851-53 (4th Cir. 1990)
- Miltier v. Beorn, Miltier v. Beorn, 896 F.2d 848, 854 (4th Cir. 1990)
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