

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

May v. Sheahan

226 F.3d 876 (7th Cir. 2000) · No. 99-3140 · Decided September 8, 2000

SUMMARY

The Seventh Circuit affirmed the denial of Cook County Sheriff Michael Sheahan’s motion to dismiss constitutional claims brought by pretrial detainee Gregory May concerning hospital detention policies. The court held that May adequately alleged equal protection, access to the courts, and substantive due process violations, and that the asserted rights were clearly established for qualified-immunity purposes. The court also held that a pending interlocutory qualified-immunity appeal deprived the district court of jurisdiction to accept amended complaints that would supersede the complaint under review.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	Williams, Circuit Judge; Flaum, Chief Judge; Evans, Circuit Judge
JURISDICTION	Federal
DECIDED	September 8, 2000
DOCKET	99-3140
DISPOSITION	affirmed
PROCEDURAL POSTURE	Interlocutory appeal from the denial of a motion to dismiss on qualified-immunity grounds.
STANDARD OF REVIEW	De novo review of the Rule 12(b)(6) ruling; the court accepted the complaint's factual allegations as true and drew reasonable inferences in May's favor. Qualified-immunity issues were reviewed under the questions whether the complaint alleged a constitutional violation and whether the asserted right was clearly established.
PRECEDENTIAL VALUE	Published, precedential federal appellate opinion
PARTIES	Michael F. Sheahan v. Gregory May

TOPICS

- qualified immunity
- interlocutory appeal
- motions to dismiss
- equal protection
- due process

PRACTICE AREAS

civil procedure

constitutional law

civil rights

qualified immunity

appellate procedure

ada / disability

QUESTIONS PRESENTED

1. Whether the interlocutory appeal remained justiciable after the district court accepted amended complaints while the qualified-immunity appeal was pending.
2. Whether a Forsyth qualified-immunity appeal divests the district court of jurisdiction to accept an amended complaint that would supersede the complaint under review.
3. Whether May's equal-protection allegations stated a constitutional claim and concerned a clearly established right sufficient to defeat qualified immunity at the motion-to-dismiss stage.
4. Whether May's access-to-the-courts allegations stated a constitutional claim and concerned a clearly established right sufficient to defeat qualified immunity.
5. Whether May's allegations that he was shackled to his hospital bed around the clock stated a substantive-due-process claim and concerned a clearly established right sufficient to defeat qualified immunity.

HOLDINGS

1. A proper interlocutory appeal from the denial of qualified immunity deprives the district court of jurisdiction to accept an amended complaint that would supersede the complaint involved in the appeal, unless the appeal is frivolous or the proceeding concerns an unrelated portion of the case.
2. May's allegations that hospital detainees were treated differently from jail detainees by being shackled, denied court appearances, and given reduced access to counsel and other resources adequately stated an equal-protection claim, and the asserted right was clearly established; Sheahan was not entitled to dismissal on qualified-immunity grounds.
3. May adequately stated an access-to-the-courts claim by alleging that Sheahan's policies prevented court appearances, impeded access to counsel, and caused him to remain detained longer than necessary; the right was clearly established and qualified immunity did not warrant dismissal.
4. May adequately stated a substantive-due-process claim by alleging that he was shackled to his hospital bed around the clock despite his weakened condition and the continuous presence of an armed guard; precedent clearly established that pretrial detainees may not be shackled without a good penological or medical reason.

KEY QUOTATIONS

"Therefore, a Forsyth appeal deprives a district court of jurisdiction to accept an amended complaint filed while the appeal is pending."

"Therefore, Sheriff Sheahan is not entitled to qualified immunity on the constitutional claims Sheahan asserts."

FACTUAL BACKGROUND

Gregory May was a pretrial detainee with AIDS who was held at Cook County Jail and later transported to Cook County Hospital. He alleged that Sheriff Michael Sheahan maintained policies requiring hospital detainees to be shackled to their beds around the clock despite the presence of armed guards, preventing them from attending court appearances, and restricting access to attorneys, visitors, legal materials, telephones, and other amenities. May alleged that these policies denied him equal protection and access to the courts and subjected him to unconstitutional bodily restraint.

PROCEDURAL HISTORY

Pretrial detainee Gregory May sued Cook County Sheriff Michael Sheahan and unnamed Sheriff's Department employees under the Constitution and the Americans with Disabilities Act based on alleged conditions and policies affecting detainees hospitalized at Cook County Hospital. The district court dismissed May's ADA claim against Sheahan in his individual capacity on qualified-immunity grounds but denied Sheahan's motion to dismiss the constitutional claims. Sheahan took an interlocutory appeal challenging the denial of qualified immunity as to the constitutional claims.

DISPOSITION

affirmed

CASES CITED

- Mitchell v. Forsyth, 472 U.S. 511 (1985)
- Chan v. Wodnicki, 67 F.3d 137 (7th Cir. 1995)
- Arizonans for Official English v. Arizona, 520 U.S. 43 (1997)
- Griggs v. Provident Consumer Discount Co., 459 U.S. 56 (1982)
- Kusay v. United States, 62 F.3d 192 (7th Cir. 1995)
- Apostol v. Gallion, 870 F.2d 1335 (7th Cir. 1989)
- Behrens v. Pelletier, 516 U.S. 299 (1996)
- Stewart v. Donges, 915 F.2d 572 (10th Cir. 1990)
- Goshtasby v. Board of Trustees, 123 F.3d 427 (7th Cir. 1997)
- Monfils v. Taylor, 165 F.3d 511 (7th Cir. 1998)
- Harlow v. Fitzgerald, 457 U.S. 800 (1982)
- Wilson v. Layne, 526 U.S. 603 (1999)
- Anderson v. Creighton, 483 U.S. 635 (1987)
- Levenstein v. Salafsky, 164 F.3d 345 (7th Cir. 1998)
- Erwin v. Daley, 92 F.3d 521 (7th Cir. 1996)
- Hudson v. Palmer, 468 U.S. 517 (1984)
- Lee v. Washington, 390 U.S. 333 (1968)
- Williams v. Lane, 851 F.2d 867 (7th Cir. 1988)
- Homeyer v. Stanley Tulchin Assocs., Inc., 91 F.3d 959 (7th Cir. 1996)

- Lewis v. Casey, 518 U.S. 343 (1996)
- Bounds v. Smith, 430 U.S. 817 (1977)
- Procunier v. Martinez, 416 U.S. 396 (1974)
- Thornburgh v. Abbott, 490 U.S. 401 (1989)
- Penny v. Shansky, 884 F.2d 329 (7th Cir. 1989)
- Johnson ex rel. Johnson v. Brelje, 701 F.2d 1201 (7th Cir. 1983)
- Harris v. Pate, 440 F.2d 315 (7th Cir. 1971)
- Youngberg v. Romeo, 457 U.S. 307 (1982)
- Bell v. Wolfish, 441 U.S. 520 (1979)
- Murphy v. Walker, 51 F.3d 714 (7th Cir. 1995)
- Burgess v. Lowery, 201 F.3d 942 (7th Cir. 2000)
- Rivera v. Sheahan, No. 97 C 2735, 1998 WL 531875 (N.D. Ill. Aug. 14, 1998)

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