

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA

Danny Garrison v. Lieutenant Joseph Salad

Garrison v. Salad, No. 5:23-cv-00348-TES-CHW (M.D. Ga. Dec. 4, 2025) · No. 5:23-cv-00348-TES-CHW ·
Decided December 4, 2025

SUMMARY

The United States District Court for the Middle District of Georgia denied Danny Garrison’s motion for a new trial following a jury verdict in favor of Lieutenant Joseph Salad on an Eighth Amendment claim under 42 U.S.C. § 1983. The court held that Garrison had no constitutional right to appointed counsel in the civil action and that his last-minute retention of counsel did not warrant a continuance or new trial. The court also discussed counsel’s filing difficulties and failure to timely enter an appearance or attend trial.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia
WRITING FOR THE COURT	Tilman E. Self, III
JURISDICTION	United States District Court for the Middle District of Georgia
DECIDED	December 4, 2025
DOCKET	5:23-cv-00348-TES-CHW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a new trial under Federal Rule of Civil Procedure 59 after a jury returned a verdict for Defendant on Plaintiff's remaining Eighth Amendment claim. Plaintiff argued that the court should have continued the trial so recently retained counsel could appear and that proceeding without counsel violated the Sixth and Fourteenth Amendments.
STANDARD OF REVIEW	A Rule 59 motion for a new trial may be granted for a reason recognized as warranting a new trial in an action at law in federal court. The court also evaluated the denial of a trial continuance and the asserted constitutional right to counsel.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Danny Garrison v. Lieutenant Joseph Salad

TOPICS

motion for new trial

civil procedure

civil rights

due process

prisoners rights

PRACTICE AREAS

civil procedure

civil rights

constitutional law

prisoner rights

remedies

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to a new trial because the court denied his request to continue the jury trial so recently retained counsel could appear.
2. Whether the Sixth Amendment or Fourteenth Amendment Due Process Clause gave Plaintiff a constitutional right to appointed or retained counsel in this civil § 1983 prisoner action.
3. Whether Plaintiff established a basis under Federal Rule of Civil Procedure 59 for setting aside the jury verdict and ordering a new trial.

HOLDINGS

1. The Sixth Amendment does not govern civil cases and therefore did not give Plaintiff a constitutional right to counsel or require a continuance so that recently retained counsel could participate at trial.
2. Plaintiff had no constitutional right to counsel under the Fourteenth Amendment because he pursued a straightforward § 1983 civil action that did not threaten the loss of his physical liberty.
3. Plaintiff was not entitled to a new trial because he had extensive notice of the trial date, retained counsel at the last minute, failed to ensure that counsel filed an appearance or continuance motion, and offered no sufficient reason to delay a trial for which jurors were present and ready.

KEY QUOTATIONS

“The Sixth Amendment does not govern civil cases.”

“Since Plaintiff’s case is a civil matter, there is no constitutional right to counsel.”

“Simply needing help is not enough.”

“At bottom, Mr. Palazzola agreed to take Plaintiff’s case, and Mr. Palazzola knew—from his client—that trial began on October 6, 2025.”

FACTUAL BACKGROUND

Garrison, an incarcerated plaintiff proceeding pro se, asserted First, Eighth, and Fourteenth Amendment claims arising from events at Hancock State Prison. After the case was reopened following his acquittal in related state criminal proceedings, the court set trial for October 6, 2025, giving him substantial notice. Garrison retained Christopher Palazzola approximately six days before trial, but counsel did not enter an appearance or file a continuance motion before trial and did not appear when trial began. Garrison proceeded pro se, presented evidence and cross-examined witnesses, and the jury returned a verdict for Salad.

PROCEDURAL HISTORY

Garrison brought a 42 U.S.C. § 1983 action against Warden George Ivey and Lieutenant Joseph Salad based on events at Hancock State Prison. Ivey's claims were resolved at summary judgment, while Salad's unsuccessful summary-judgment motion left one Eighth Amendment claim for trial. After related state criminal proceedings concluded, the federal case was reopened and tried on October 6, 2025; the jury returned a verdict for Salad, and judgment was entered on October 8, 2025. Garrison then retained Christopher Palazzola, who entered an appearance and filed the Rule 59 motion on November 5, 2025.

DISPOSITION

other

CASES CITED

- *Gideon v. Wainwright*, *Gideon v. Wainwright*, 372 U.S. 335 (1963)
- *Turner v. Rogers*, 465 U.S. 431 (2011)
- *Spriggs v. United States*, No. 19-13238, 2022 WL 2345758, at *6 (11th Cir. June 29, 2022)
- *Strickland v. Washington*, 466 U.S. 668, 686 (1984)
- *Cuff v. Fla. A&M Univ. Bd. of Trs.*, No. 23-12474, 2024 WL 4558807, at *2 (11th Cir. Oct. 23, 2024)
- *Bass v. Perrin*, 170 F.3d 1312, 1320 (11th Cir. 1999)
- *Lassiter v. Dep't of Soc. Servs.*, 452 U.S. 18, 26-27 (1981)