

SUPREME COURT OF OREGON

Barrett v. Belleque, 344 Or. 91

176 P.3d 1272 (2008) · No. S054622 · Decided February 7, 2008

SUMMARY

The Supreme Court of Oregon considered whether a prisoner's challenge to placement in an intensive management unit could proceed through habeas corpus despite the availability of a federal civil-rights action under 42 U.S.C. § 1983. The court held that the transfer of the prisoner to Oklahoma did not moot the dispute and that the alternative § 1983 remedy did not foreclose habeas relief for an alleged unlawful restraint. However, the court affirmed the dismissal on the ground that the petition failed to establish a due-process violation, assuming without deciding that the IMU placement implicated a protected liberty interest.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Balmer, J.; De Muniz, Chief Justice; Gillette, Justice; Durham, Justice; Balmer, Justice; Kistler, Justice; Walters, Justice
JURISDICTION	Oregon
DECIDED	February 7, 2008
DOCKET	S054622
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner sought review of the Oregon Court of Appeals' affirmance of the dismissal of his state habeas petition challenging his placement in the prison's intensive management unit without a preplacement hearing. The Supreme Court denied the state's renewed motion to dismiss as moot and affirmed the Court of Appeals on different grounds.
STANDARD OF REVIEW	The court reviewed dismissal of the habeas petition for failure to state a claim, considering the petition's allegations and the written prison procedures. A petition is meritless when, even liberally construed, it fails to state a claim upon which habeas relief may be granted.
PRECEDENTIAL VALUE	Published Oregon Supreme Court opinion; precedential

PARTIES

Jacob Barrett v. Brian Belleque, Superintendent, Oregon State Penitentiary

TOPICS

state post-conviction relief procedural due process section 1983 mootness appellate procedure

PRACTICE AREAS

constitutional law civil rights habeas corpus prisoner litigation appellate procedure

QUESTIONS PRESENTED

1. Whether Barrett's transfer to an Oklahoma prison under the Interstate Corrections Compact rendered his habeas challenge moot.
2. Whether the availability of a civil-rights action under 42 U.S.C. § 1983 foreclosed state habeas relief challenging an allegedly unconstitutional further imprisonment or restraint.
3. Whether Barrett stated a procedural due process claim by alleging that he was placed in Oregon's intensive management unit without a formal preplacement hearing.

HOLDINGS

1. The case was not moot because the Interstate Corrections Compact preserved Barrett's Oregon legal rights and the record indicated that Oklahoma officials would seek Oregon's agreement concerning his security classification and housing.
2. The existence of a possible federal civil-rights remedy under 42 U.S.C. § 1983 does not foreclose state habeas relief when the petition alleges an unconstitutional further imprisonment or restraint of the petitioner's person.
3. Barrett's petition failed to state a procedural due process claim because, even assuming that IMU placement implicated a protected liberty interest, the notice, administrative review, opportunity to submit evidence, and related procedures provided by Oregon were constitutionally sufficient.

KEY QUOTATIONS

"We conclude that the Court of Appeals erred in holding that a civil rights lawsuit for tort damages and injunctive relief is an adequate alternative remedy for a habeas petitioner who alleges an unconstitutional "imprisonment or restraint" of his person." (344 Or. at 102)

"For the reasons set forth above, on the facts set forth in the petition and the due process challenges this petitioner makes, we conclude that the petition failed to state a claim for relief and that the trial court properly dismissed the petition as meritless under ORS 34.370(6) and (7)." (344 Or. at 109)

FACTUAL BACKGROUND

Oregon prison officials placed Barrett in the intensive management unit after allegations of gang involvement, fighting, and other serious misconduct. IMU placement separated him from the general prison population and restricted privileges, although the placement was described as a security measure subject to behavioral programming and periodic review. Barrett alleged that the placement was punishment and that he was entitled to a hearing before being placed there. He received notice of the reasons for his placement, an opportunity for administrative review and submission of evidence, and hearings concerning the underlying incidents that formed the principal basis for the placement.

PROCEDURAL HISTORY

The Marion County Circuit Court dismissed Barrett's habeas petition as meritless under ORS 34.370(6) and (7), concluding that he had no constitutional right to placement outside the intensive management unit and that his allegations did not support habeas relief. The Oregon Court of Appeals affirmed, holding that the availability of a federal action under 42 U.S.C. § 1983 foreclosed habeas relief. The Oregon Supreme Court allowed review, rejected the state's mootness argument after Barrett's transfer to Oklahoma under the Interstate Corrections Compact, and affirmed on the ground that the petition failed to state a due process claim.

DISPOSITION

affirmed

CASES CITED

- Barrett v. Belleque, 209 Or. App. 295, 150 P.3d 1064 (2006)
- Penrod/Brown v. Cupp, 283 Or. 21, 581 P.2d 934 (1978)
- Bekins v. Cupp, 274 Or. 115, 545 P.2d 861 (1976)
- Salstrom v. State, 148 Ariz. 382, 714 P.2d 875 (Ariz. Ct. App. 1986)
- White v. Gladden, 209 Or. 53, 303 P.2d 226 (1956)
- Bedell v. Schiedler, 307 Or. 562, 770 P.2d 909 (1989)
- Sandin v. Conner, 515 U.S. 472, 115 S. Ct. 2293, 132 L. Ed. 2d 418 (1995)
- Wilkinson v. Austin, 545 U.S. 209, 125 S. Ct. 2384, 162 L. Ed. 2d 174 (2005)
- Mathews v. Eldridge, 424 U.S. 319, 335, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976)
- Hewitt v. Helms, 459 U.S. 460, 103 S. Ct. 864, 74 L. Ed. 2d 675 (1983)
- Tarver v. Cupp, 300 Or. 154, 707 P.2d 572 (1985)