

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

Newman v. Graddick

740 F.2d 1513 (11th Cir. 1984) · No. Nos. 83-7077, 83-7422, 83-7617, 83-7680, and 84-7000 · Decided September 10, 1984

SUMMARY

The Eleventh Circuit addresses five appeals arising from longstanding litigation concerning unconstitutional conditions in Alabama’s prison system. The court upheld a 1983 consent decree and related attorney-fee award, reversed Attorney General Graddick’s contempt order, and held that the district court could consider modification of prior decrees without requiring total compliance. The court also vacated prisoner-release orders requiring reconsideration of current prison conditions and reversed the contempt order against Commissioner Smith.

CASE DETAILS

COURT	United States Court of Appeals for the Eleventh Circuit
WRITING FOR THE COURT	Roney; Clark; Fay
JURISDICTION	Federal
DECIDED	September 10, 1984
DOCKET	Nos. 83-7077, 83-7422, 83-7617, 83-7680, and 84-7000
DISPOSITION	other
PROCEDURAL POSTURE	Consolidated appeals from a series of district court orders in long-running 42 U.S.C. § 1983 litigation concerning unconstitutional conditions in the Alabama prison system, including a consent decree, attorney-fee award, prisoner-release orders, and contempt orders against the Alabama Attorney General and Commissioner of Corrections.
STANDARD OF REVIEW	The court reviewed the validity of the consent decree, standing, attorney-fee award, modification of the decree, and contempt orders for legal error and applied the established clear-and-convincing-proof standard for civil contempt.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Charles A. Graddick, Freddie V. Smith, James C. Cook, Larry Spears, J.L. Davis v. Newman plaintiffs

TOPICS

prisoners rights civil rights remedies contempt appellate procedure

PRACTICE AREAS

civil rights prisoners rights constitutional law remedies civil procedure appellate procedure

QUESTIONS PRESENTED

1. Whether outgoing state officials had authority to enter a consent decree binding successor officials.
2. Whether the district court could approve the consent decree over the objection of the Attorney General.
3. Whether the implementation committee created by the consent decree impermissibly intruded into state prison administration.
4. Whether plaintiffs were prevailing parties entitled to attorney fees after entry of the consent decree.
5. Whether total compliance with an earlier consent decree was required before the district court could consider a motion to modify it.
6. Whether the district court could order removal or release of prisoners without first allowing defendants to present evidence concerning current prison conditions and constitutional compliance.
7. Whether the Commissioner of Corrections could be held in civil contempt without further notice and an opportunity to be heard.
8. Whether inability to comply and lack of control over prison operations defeated the contempt order against the Attorney General.

HOLDINGS

1. State officials who were current parties to the litigation had authority to enter a consent decree binding incoming state officials, who became parties through automatic substitution and stood in the shoes of their predecessors.
2. A district court may approve a consent agreement without the consent of every party, provided the decree does not bind or adversely affect the nonconsenting party's legally protected interest.
3. The four-member implementation committee did not impermissibly intrude into prison administration because its composition and specific monitoring and implementation functions fell within the permissible limits identified in prior precedent.
4. Plaintiffs who obtained and benefited from the consent decree were prevailing parties entitled to attorney fees under 42 U.S.C. § 1988.
5. Total compliance with a prior consent decree is not a prerequisite to entertaining a motion to modify it.
6. The district court erred by ordering the removal or release of prisoners without first allowing defendants to present evidence concerning current prison conditions and whether those conditions remained unconstitutional.

7. The district court erred in holding Commissioner Smith in civil contempt without further notice and an opportunity to be heard, particularly in light of its findings that he acted in good faith and had made substantial efforts to improve prison conditions.
8. The Attorney General could not be held in civil contempt based on conduct that did not clearly violate a specific court order or based solely on his lack of control over prison administration.

KEY QUOTATIONS

“A continuing decree of injunction directed to events to come is subject always to adaptation as events may shape the need.” (1520)

“Thus, inability to comply is a complete defense to a contempt citation.” (1525)

“This so-called “hostage” theory of contempt, as discussed in the portion of this opinion dealing with Commissioner Smith’s contempt citation, has no legal support.” (1529)

FACTUAL BACKGROUND

Alabama's prison system had been subject to more than a decade of federal litigation and remedial orders addressing unconstitutional conditions, including overcrowding, confinement in county jails, and inadequate living space. State officials entered consent agreements requiring removal of inmates from county jails, provision of at least sixty square feet per inmate in multiple-occupancy areas, and compliance with constitutional standards. Although substantial improvements had occurred, the state had not fully met the decree requirements, and the district court responded by ordering prisoner releases and imposing continuing contempt fines on the Attorney General and Commissioner of Corrections.

PROCEDURAL HISTORY

The litigation began in 1971 with inmate civil-rights actions challenging conditions in Alabama prisons. The district court entered extensive remedial orders and consent decrees, including a January 18, 1983 consent decree, and later entered orders awarding attorney fees, requiring prisoner releases, and holding state officials in contempt. The Eleventh Circuit affirmed the consent decree and attorney-fee award but reversed or vacated the challenged contempt and prisoner-release relief and remanded for further proceedings concerning current prison conditions and possible modification of the decrees.

DISPOSITION

other

REMAND INSTRUCTIONS

On remand, the district court was directed to hold a hearing concerning present conditions in Alabama prisons, determine the extent to which the prisons had been brought into constitutional alignment, and consider modification of the consent decrees under applicable Eighth Amendment standards before ordering prisoner release.

CASES CITED

- *Cornelius v. Hogan*, 663 F.2d 330, 332-35 (1st Cir. 1981)
- *Barnett v. Rodgers*, 410 F.2d 995 (D.C. Cir. 1969)
- *McKnight v. Craig Adm'r*, 10 U.S. (6 Cranch) 183, 187 (1810)
- *Ranson v. Brennan*, 437 F.2d 513, 516 (5th Cir. 1971), cert. denied, 403 U.S. 904 (1971)
- *Wright v. County School Board of Greenville County*, 309 F. Supp. 671, 677 (E.D. Va. 1970)
- *United States v. Swift & Co.*, 286 U.S. 106 (1932)
- *United States v. City of Miami*, 664 F.2d 435, 440, 442 (5th Cir. 1981)
- *Newman v. Alabama*, 559 F.2d 283 (5th Cir. 1977)
- *Miller v. Carson*, 628 F.2d 346, 348 (5th Cir. 1980)
- *United States v. United Shoe Machinery Corp.*, 391 U.S. 244 (1968)
- *Milk Wagon Drivers Union v. Meadowmoor Dairies*, 312 U.S. 287, 298 (1941)
- *New York State Association for Retarded Children, Inc. v. Carey*, 706 F.2d 956, 967-69 (2d Cir. 1983)
- *King-Seeley Thermos Co. v. Aladdin Industries, Inc.*, 418 F.2d 31 (2d Cir. 1969)
- *System Federation No. 91 v. Wright*, 364 U.S. 642 (1961)
- *Nelson v. Collins*, 659 F.2d 420, 423-24 (4th Cir. 1981) (en banc)
- *Rhodes v. Chapman*, 452 U.S. 337 (1981)
- *Jones v. Diamond*, 636 F.2d 1364, 1368 (5th Cir. 1981) (en banc)
- *Newman v. Alabama*, 683 F.2d 1312 (11th Cir. 1982)
- *Lance v. Plummer*, 353 F.2d 585, 592 (5th Cir. 1965)
- *United States v. Rylander*, 460 U.S. 752, 757 (1983)
- *United States v. Hayes*, 722 F.2d 723, 725 (11th Cir. 1984)
- *Powell v. Ward*, 643 F.2d 924, 931 (2d Cir. 1981)
- *Backo v. Local 281, United Brotherhood of Carpenters*, 438 F.2d 176, 181 (2d Cir. 1971)
- *Newman v. Alabama*, 349 F. Supp. 278 (M.D. Ala. 1972)
- *Pugh v. Locke*, 406 F. Supp. 318 (M.D. Ala. 1976)
- *Alabama v. Pugh*, 438 U.S. 781 (1978)