

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Brown v. Wood

86 F. App'x 463 (2d Cir. 2004) · Decided February 3, 2004

SUMMARY

Richard Brown, a state prisoner, brought a 42 U.S.C. § 1983 action alleging that prison officials were deliberately indifferent to a substantial risk of assault when they released him from protective custody into the general population. The court held that the undisputed facts showed, at most, an error in judgment rather than deliberate indifference under the Eighth Amendment, and affirmed summary judgment for the defendants.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
JURISDICTION	Federal
DECIDED	February 3, 2004
DISPOSITION	affirmed
PROCEDURAL POSTURE	The plaintiff, a state prison inmate, appealed from the grant of summary judgment in favor of prison officials in his 42 U.S.C. § 1983 action alleging deliberate indifference under the Eighth Amendment.
STANDARD OF REVIEW	De novo review of summary judgment; ambiguities are resolved and factual inferences are drawn in favor of the nonmoving party.
PRECEDENTIAL VALUE	Nonprecedential summary order
PARTIES	Richard Brown v. Prison officials and other defendants

TOPICS

- prisoners rights
- cruel and unusual punishment
- section 1983
- standard of review
- appellate procedure

PRACTICE AREAS

- civil rights
- prisoner litigation
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the defendants were deliberately indifferent to a known substantial risk of serious harm in returning Brown from protective custody to the general prison population.

2. Whether summary judgment was proper on Brown's Eighth Amendment failure-to-protect claim.

HOLDINGS

1. The undisputed facts could support a finding that the defendants erred in returning Brown to the general population, but they did not constitute evidence of deliberate indifference to a known substantial risk of harm.
2. Summary judgment was reviewed de novo, with ambiguities resolved and factual inferences drawn in favor of the nonmoving party, and the judgment for defendants was affirmed.

KEY QUOTATIONS

“But the undisputed facts, while they could support a finding that the defendants erred in returning Brown to the general population, constitute no evidence of deliberate indifference in doing so.” (464)

FACTUAL BACKGROUND

While incarcerated at Clinton Correctional Facility, Brown was the subject of an anonymous threat indicating that another inmate would stab him. Prison officials placed him in involuntary protective custody for eighteen months, investigated the threat without substantiating it or finding evidence of a continuing threat, and unsuccessfully sought to transfer him elsewhere. At Brown's request, officials returned him to the general population, and he suffered a serious assault several days later.

PROCEDURAL HISTORY

Brown filed the § 1983 action in March 1999 after suffering a serious assault following his release from involuntary protective custody into the prison's general population. The district court granted summary judgment for the defendants. The Second Circuit reviewed the judgment de novo and affirmed by summary order.

DISPOSITION

affirmed

CASES CITED

- Brown v. Henderson, 257 F.3d 246, 251 (2d Cir. 2001)
- Farmer v. Brennan, 511 U.S. 825, 834, 114 S. Ct. 1970, 128 L. Ed. 2d 811 (1994)

OPINION

PER CURIAM.

*464SUMMARY ORDER In March 1999, Richard Brown, an inmate incarcerated in the Clinton Correctional Facility, filed this 42 U.S.C. § 1983 claim, charging various prison officials with failing to fulfill their duties under the Eighth Amendment of the U.S. Constitution. Summary judgment was granted in favor of the defendants, and Brown now appeals.

We review a grant of summary judgment de novo and resolve all ambiguities and draw all factual inferences in favor of the non-moving party. See *Brown v. Henderson*, 257 F.3d 246, 251 (2d Cir.2001). The following facts are undisputed.

In 1997, prison officials received an anonymous note indicating that Brown was going to be stabbed by a fellow inmate. As a result of the threat, and against his wishes, Brown was placed in Involuntary Protective Custody for eighteen months. During that period, defendants sought to transfer him to other locations, but their requests were denied by individuals in the central office who have not been sued.

Defendants also investigated the note and failed to substantiate it or to find any evidence of continuing threat. After eighteen months had passed, Brown requested that he be allowed back into the general population, and the defendants complied. A few days later Brown suffered a very serious assault at the hands of a fellow prisoner. Brown alleges that the defendants evinced deliberate indifference to a known substantial risk to his person when they released him into the general population.

But the undisputed facts, while they could support a finding that the defendants erred in returning Brown to the general population, constitute no evidence of deliberate indifference in doing so. See *Farmer v. Brennan*, 511 U.S. 825, 834, 114 S.Ct. 1970, 128 L.Ed.2d 811 (1994).

We have considered all of petitioner's claims and find them meritless. We therefore AFFIRM for substantially the reasons stated by the district court.