

SUPREME COURT OF ARKANSAS

James Munson v. Arkansas Department of Correction

375 Ark. 549 (2009) (Ark. 2009) · No. No. 07-1037 · Decided February 12, 2009

SUMMARY

The Supreme Court of Arkansas affirmed dismissal of James Munson’s petition seeking judicial review of an Arkansas Department of Correction disciplinary action. The court held that the petition did not allege sanctions implicating a protected liberty interest or a constitutional question, and therefore the ADC’s disciplinary disposition was not an order subject to judicial review under Arkansas Code Annotated § 25-15-212. The court also concluded that an inmate has no liberty interest in the ADC’s adherence to its internal procedures or in the cited sanctions.

CASE DETAILS

COURT	Supreme Court of Arkansas
JURISDICTION	Arkansas
DECIDED	February 12, 2009
DOCKET	No. 07-1037
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Pulaski County Circuit Court's dismissal under Arkansas Rule of Civil Procedure 12(b)(6) of an inmate's petition for judicial review of an Arkansas Department of Correction disciplinary action.
STANDARD OF REVIEW	The court reviewed the dismissal de novo, treating the facts alleged in the petition as true, viewing them in the light most favorable to the plaintiff, resolving reasonable inferences in favor of the complaint, and liberally construing the pleadings.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	James Munson v. Arkansas Department of Correction

TOPICS

- judicial review of agency action
- administrative procedure act
- motions to dismiss
- procedural due process
- substantive due process

PRACTICE AREAS

administrative law

constitutional law

civil procedure

civil rights

appellate procedure

QUESTIONS PRESENTED

1. Whether Munson's petition stated a claim for judicial review under Arkansas Code Annotated section 25-15-212.
2. Whether the ADC disciplinary disposition constituted an administrative order subject to judicial review.
3. Whether the alleged failure to follow ADC procedures and the imposed sanctions implicated a protected liberty interest or violated due process.
4. Whether the Arkansas Supreme Court should overrule *Clinton v. Bonds*.

HOLDINGS

1. The petition failed to state facts supporting judicial review because it did not raise a constitutional question and did not show that the ADC imposed sanctions sufficient to implicate a liberty interest or due process.
2. An inmate does not have a liberty interest in the procedures that prison officials administer.
3. The alleged loss of class status and privileges and confinement in isolation for an unspecified period did not establish an atypical and substantive deprivation, dramatic departure from basic conditions of confinement, or protected liberty interest sufficient to trigger due process.
4. The court declined to decide whether *Clinton v. Bonds* remained valid because Munson's petition did not raise a constitutional question that would permit judicial review.

KEY QUOTATIONS

"This court does not lightly overrule cases and applies a strong presumption in favor of the validity of prior decisions." (410)

"But, appellant does not have a liberty interest in the actual procedures to be administered." (411)

"Appellant's petition did not set forth any conditions resulting from the proceedings that would show such an atypical and substantive deprivation." (411)

FACTUAL BACKGROUND

Munson, an inmate in ADC custody, challenged a disciplinary action arising from an ADC officer's alleged failure to act and asserted that ADC officials did not follow their own procedures. He alleged that the disciplinary action caused him to lose class status and certain privileges and subjected him to isolation for a period of time. He also alleged that another inmate involved in the incident was not disciplined.

PROCEDURAL HISTORY

Munson filed a petition in Pulaski County Circuit Court seeking judicial review under Arkansas Code Annotated section 25-15-212 of an ADC disciplinary action. The ADC moved to dismiss for failure to state a claim, and the

circuit court granted the motion. The Arkansas Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Rhuland v. Fahr, 356 Ark. 382, 155 S.W.3d 2 (2004)
- Fuqua v. Flowers, 341 Ark. 901, 20 S.W.3d 388 (2000)
- Clinton v. Bonds, 306 Ark. 554, 816 S.W.2d 169 (1991)
- Echols v. State, 354 Ark. 414, 125 S.W.3d 153 (2003)
- State v. Brown, 356 Ark. 460, 156 S.W.3d 722 (2004)
- Kennedy v. Blankenship, 100 F.3d 640 (8th Cir. 1996)
- Sandin v. Conner, 515 U.S. 472, 115 S. Ct. 2293, 132 L. Ed. 2d 418 (1995)
- Wolff v. McDonnell, 418 U.S. 539, 94 S. Ct. 2963, 41 L. Ed. 2d 935 (1974)
- McKinnon v. Norris, 366 Ark. 404, 231 S.W.3d 725 (2006) (per curiam)