

SUPREME COURT OF NORTH DAKOTA

Larson v. Schuetzle

712 N.W.2d 617 (N.D. 2006) · No. No. 20050418 · Decided April 19, 2006

SUMMARY

The Supreme Court of North Dakota affirmed the denial of Reuben Larson's application for a writ of certiorari challenging prison disciplinary actions involving confiscated religious magazines and an altered American flag. The court held that the warden acted within his statutory authority and that the penitentiary's no-passing and publisher-only rules were reasonably related to legitimate penological interests under the Turner standard.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Gerald W. Vande Walle, Chief Justice; Dale V. Sandstrom, Justice; Daniel J. Crothers, Justice; Mary Muehlen Maring, Justice; Carol Ronning Kapsner, Justice
JURISDICTION	North Dakota
DECIDED	April 19, 2006
DOCKET	No. 20050418
DISPOSITION	affirmed
PROCEDURAL POSTURE	Larson sought a writ of certiorari in district court, claiming that the penitentiary warden exceeded his jurisdiction and violated Larson's constitutional rights by enforcing prisoner disciplinary rules. The district court denied the application, and Larson appealed.
STANDARD OF REVIEW	Review on certiorari is limited to determining whether the inferior officer or tribunal pursued its authority regularly, which is synonymous with determining whether it acted within its jurisdiction.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Reuben Larson v. Timothy Schuetzle, Warden, North Dakota State Penitentiary

TOPICS

- prisoners rights
- constitutional law
- administrative law
- post-conviction relief
- remedies

PRACTICE AREAS

prisoners rights

constitutional law

administrative law

post-conviction relief

remedies

QUESTIONS PRESENTED

1. Whether the penitentiary's no-passing rule, prohibiting inmates from possessing another inmate's property, was reasonably related to legitimate penological interests.
2. Whether the penitentiary's publisher-only rule, limiting inmate receipt of books, magazines, and periodicals to items received directly from the publisher, was reasonably related to legitimate penological interests.
3. Whether the warden exceeded his statutory jurisdiction by adopting and enforcing the challenged prisoner disciplinary rules.

HOLDINGS

1. The rules were reasonable and reasonably related to legitimate penological interests in prison safety, security, and institutional order; therefore, they did not violate Larson's constitutional rights.
2. The warden did not exceed his statutory authority because North Dakota law authorized the warden to control the penitentiary and its inmates and to make rules governing inmate conduct and discipline.

KEY QUOTATIONS

"[W]hen a prison regulation impinges on inmates' constitutional rights, the regulation is valid if it is reasonably related to legitimate penological interests." (623)

"We hold the rules adopted by the penitentiary are reasonable and are reasonably related to legitimate penological interests." (624)

FACTUAL BACKGROUND

Reuben Larson, an inmate at the North Dakota State Penitentiary, possessed religious magazines given to him by other inmates and displayed a picture of an American flag cut from a newspaper. Prison guards confiscated the magazines, ordered him to remove the flag picture, and initiated disciplinary proceedings under rules in the Inmate Handbook. The prison asserted that the magazines violated a publisher-only or no-passing rule and that the altered flag picture was contraband.

PROCEDURAL HISTORY

After prison officials confiscated religious magazines, ordered Larson to remove an altered newspaper picture of an American flag, and initiated disciplinary proceedings, Larson applied for a writ of certiorari. The district court denied relief. The North Dakota Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Manikowske v. N.D. Workmen's Comp. Bureau, 373 N.W.2d 884 (N.D. 1985)
- Bell v. Wolfish, 441 U.S. 520 (1979)
- Ford v. Schmidt, 577 F.2d 408 (7th Cir. 1978)
- Turner v. Safley, 482 U.S. 78 (1987)
- Cotton v. Lockhart, 620 F.2d 670 (8th Cir. 1980)
- Ward v. Washtenaw Cty. Sheriff's Dep't, 881 F.2d 325 (6th Cir. 1989)
- Kines v. Day, 754 F.2d 28 (1st Cir. 1985)
- Avery v. Powell, 806 F. Supp. 7 (D.N.H. 1992)
- Prison Legal News v. Lehman, 272 F. Supp. 2d 1151 (W.D. Wash. 2003)
- Montgomery v. Coughlin, 194 A.D.2d 264, 605 N.Y.S.2d 569 (N.Y. App. Div. 1993)

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