

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Dylan Sinn v. Bruce Lemmon

No. No. 18-1724, United States Court of Appeals for the Seventh Circuit (December 14, 2018)

SUMMARY

****Eighth Amendment – Deliberate Indifference – Failure to Protect – Qualified Immunity – Supervisory Liability – Prison Gang Violence**** The Seventh Circuit held that a prison unit manager (Brush) was not entitled to summary judgment on an inmate's failure-to-protect claim where the inmate reported a gang-related attack and expressed fear of retaliation, and the manager knew of pervasive gang violence but took no action; the court reversed summary judgment, finding a genuine dispute as to subjective knowledge and rejecting qualified immunity. However, the court affirmed judgment on the pleadings for two officers (Rodgers and Hoskins) because the inmate failed to respond to their qualified immunity defense at the pleading stage. The court also affirmed summary judgment for supervisory officials (Knight and Lemmon) because the inmate presented insufficient evidence of a widespread pattern of violence to establish deliberate indifference based on overcrowding, understaffing, and gang activity.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	Flaum; Rovner; Scudder
JURISDICTION	Federal
DECIDED	December 14, 2018
DOCKET	No. 18-1724
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from the United States District Court for the Southern District of Indiana, Indianapolis Division. The district court granted judgment on the pleadings in favor of defendants Rodgers and Hoskins, and granted summary judgment in favor of defendants Brush, Knight, and Lemmon. Plaintiff appeals.
STANDARD OF REVIEW	De novo for both judgment on the pleadings (Gill v. City of Milwaukee, 850 F.3d 335, 339 (7th Cir. 2017)) and summary judgment (Daugherty v. Page, 906 F.3d 606, 609 (7th Cir. 2018)).
PRECEDENTIAL VALUE	published

PARTIES

Dylan Sinn v. Bruce Lemmon, Commissioner, et al.

TOPICS

civil procedure

summary judgment

motions to dismiss

standard of review

civil rights

section 1983

qualified immunity

prisoners rights

appellate procedure

PRACTICE AREAS

Civil Rights

Prisoner Litigation

QUESTIONS PRESENTED

1. Whether the district court erred in granting judgment on the pleadings to defendants Rodgers and Hoskins based on qualified immunity.
2. Whether the district court erred in granting summary judgment to defendant John Brush on the Eighth Amendment deliberate indifference claim.
3. Whether the district court erred in granting summary judgment to defendants Stanley Knight and Bruce Lemmon on the Eighth Amendment deliberate indifference claim.

HOLDINGS

1. The district court did not err because Sinn failed to respond to the qualified immunity argument in the district court, and thus did not meet his burden to defeat the defense.
2. The district court erred because there is a genuine issue of material fact as to whether Brush had subjective knowledge of a substantial risk of harm to Sinn and failed to respond, and Brush is not entitled to qualified immunity at this stage.
3. The district court did not err because Sinn did not present evidence of a history or pattern of violence sufficient to impute knowledge to these supervisory officials, and there was evidence that reasonable steps were being taken to address prison conditions.

KEY QUOTATIONS

“Sinn either placed this letter in Brush's box or slipped it under the counselor's door. The record does not establish exactly when Brush read Sinn's letter. Brush does not remember receiving or reading the letter, but he conceded at his deposition that the letter 'probably came to [him].’” (7)

“Sinn's April 26 letter provides even more detail. Sinn notified Brush that the two other inmates attacked on April 24 were assaulted again after the IDOC relocated them and suggested that such attacks 'show that the incident followed them to the new dorms.’” (13-14)

“It is thus reasonable to infer that Brush knew about a specific risk Sinn faced of the Vice Lords attacking him again. This is so even though Brush may not have known who the individual attackers would be.” (15)

“It is well-settled, clearly established law that such a failure constitutes deliberate indifference.” (17)

FACTUAL BACKGROUND

Dylan Sinn was incarcerated at Putnamville Correctional Facility from 2014 to 2015. He witnessed daily fights and saw that guards were rarely present. On April 24, 2014, he was attacked by several inmates who stole his property; he suffered minor injuries. After the attack, officers Rodgers and Hoskins moved him to a different dorm. Sinn complained to them that he feared retaliation, but they told him to talk to his counselor. The next day, he spoke to Unit Manager John Brush about his concerns, and followed up with a letter on April 26. In the letter, Sinn described his fear of being attacked again, noting that other inmates attacked in the same incident had already been assaulted again after relocation. On April 30, 2014, two inmates attacked Sinn in the bathroom, causing a broken nose, jaw, and leg. The assailants were identified as gang members.

PROCEDURAL HISTORY

Sinn filed a § 1983 lawsuit in state court; defendants removed to federal court. The district court granted judgment on the pleadings to Rodgers and Hoskins based on qualified immunity, and granted summary judgment to Brush, Knight, and Lemmon. Sinn appeals these decisions.

DISPOSITION

other

REMAND INSTRUCTIONS

The case is reversed and remanded for further proceedings consistent with the opinion as to defendant John Brush. The judgments as to the other defendants are affirmed.

CASES CITED

- Farmer v. Brennan, 511 U.S. 825 (1994)
- Pearson v. Callahan, 555 U.S. 223 (2009)
- Harlow v. Fitzgerald, 457 U.S. 800 (1982)
- Archer v. Chisholm, 870 F.3d 603 (7th Cir. 2017)
- Gill v. City of Milwaukee, 850 F.3d 335 (7th Cir. 2017)
- Reed v. Palmer, 906 F.3d 540 (7th Cir. 2018)
- Abbott v. Sangamon County, 705 F.3d 706 (7th Cir. 2013)
- Ennin v. CNH Indus. Am., LLC, 878 F.3d 590 (7th Cir. 2017)
- Daugherty v. Page, 906 F.3d 606 (7th Cir. 2018)
- Gevas v. McLaughlin, 798 F.3d 475 (7th Cir. 2015)
- Brown v. Budz, 398 F.3d 904 (7th Cir. 2005)
- Weiss v. Cooley, 230 F.3d 1027 (7th Cir. 2000)
- Langston v. Peters, 100 F.3d 1235 (7th Cir. 1996)
- Swofford v. Mandrell, 969 F.2d 547 (7th Cir. 1992)
- Walsh v. Mellas, 837 F.2d 789 (7th Cir. 1988)

- Pope v. Shafer, 86 F.3d 90 (7th Cir. 1996)
- Dale v. Poston, 548 F.3d 563 (7th Cir. 2008)
- Klebanowski v. Sheahan, 540 F.3d 633 (7th Cir. 2008)
- Grieveson v. Anderson, 538 F.3d 763 (7th Cir. 2008)
- Lewis v. Richards, 107 F.3d 549 (7th Cir. 1997)
- Steidl v. Gramley, 151 F.3d 739 (7th Cir. 1998)
- Goka v. Bobbitt, 862 F.2d 646 (7th Cir. 1988)
- Palmer v. Marion County, 327 F.3d 588 (7th Cir. 2003)
- Smith v. Sangamon Cty. Sheriff's Dep't, 715 F.3d 188 (7th Cir. 2013)
- Estate of Novack ex rel. Turbin v. County of Wood, 226 F.3d 525 (7th Cir. 2000)
- Walsh v. Brewer, 733 F.2d 473 (7th Cir. 1984)
- Hudson v. Palmer, 468 U.S. 517 (1984)

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