

SUPREME COURT OF ARKANSAS

Swanigan v. Ark. Dep't of Correction

2014 Ark. 196 (2014) · No. CV-12-606 · Decided May 1, 2014

SUMMARY

The Arkansas Supreme Court affirmed dismissal of Steven LeRoy Swanigan’s petition for declaratory and injunctive relief and writ of certiorari concerning prison disciplinary proceedings. The court held that sovereign immunity barred claims seeking to control the actions of the Arkansas Department of Correction and that the petition did not allege sufficient facts to establish an exception to immunity, a due-process violation, or personal liability of the individual defendants.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Arkansas
DECIDED	May 1, 2014
DOCKET	CV-12-606
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Hot Spring County Circuit Court dismissing Swanigan's petition for writ of certiorari, declaratory judgment, and injunctive relief.
STANDARD OF REVIEW	On review of an order of dismissal, the court treats facts alleged in the complaint as true, views them in the light most favorable to the plaintiff, resolves reasonable inferences in favor of the complaint, and liberally construes pleadings; the issue is whether the circuit court abused its discretion.
PRECEDENTIAL VALUE	published
PARTIES	Steven LeRoy Swanigan v. Arkansas Department of Correction, Ray Hobbs, Keith L. Waddle, Gregg E. Moore

TOPICS

- motions to dismiss
- due process
- declaratory judgment
- injunctions
- writ of certiorari

PRACTICE AREAS

civil procedure

constitutional law

civil rights

administrative law

remedies

QUESTIONS PRESENTED

1. Whether the petition alleged facts sufficient to avoid dismissal for failure to state a claim.
2. Whether sovereign immunity barred Swanigan's claims seeking to control the actions of the Arkansas Department of Correction and impose liability on the State.
3. Whether conclusory allegations of malice, arbitrariness, or insufficient evidence established an exception to sovereign immunity or a claim for individual liability.
4. Whether the disciplinary sanctions alleged compromised a liberty interest sufficient to support a due-process claim and declaratory judgment.

HOLDINGS

1. The petition failed to allege facts, rather than mere conclusions, sufficient to state a claim for declaratory or injunctive relief or a writ of certiorari.
2. Sovereign immunity barred Swanigan's claims against the ADC and the officials in their official capacities because the requested relief would control the actions of a State agency and subject the State to liability.
3. Swanigan failed to establish the exception permitting an agency to be enjoined for ultra vires conduct or for conduct that is bad faith, arbitrary, capricious, and wantonly injurious.
4. The alleged reduction in good-time classification, punitive isolation, and restrictions on privileges did not establish a deprivation of a liberty interest sufficient to invoke procedural or substantive due process or support declaratory relief.

KEY QUOTATIONS

“Even where the State is not named as a defendant, if a judgment for the plaintiff will operate to control the action of the state or subject it to liability, we treat the suit as one against the state.” (at 3)

FACTUAL BACKGROUND

Steven LeRoy Swanigan, an inmate in the Arkansas Department of Correction, was disciplined after Captain Gregg E. Moore wrote a disciplinary report, Keith L. Waddle conducted a hearing, and Director Ray Hobbs affirmed the decision. Swanigan alleged malice and due-process violations, asserting that the discipline reduced his good-time classification and resulted in punitive isolation and restrictions on commissary, telephone, and visitation access. He sought declaratory and injunctive relief and a writ of certiorari against the ADC and its employees.

PROCEDURAL HISTORY

Swanigan, an inmate, challenged disciplinary proceedings conducted by Arkansas Department of Correction officials. The respondents moved to dismiss, asserting sovereign immunity, and the circuit court dismissed the

petition for failure to allege facts supporting a claim for relief. The Supreme Court of Arkansas affirmed.

DISPOSITION

affirmed

CASES CITED

- Smith v. May, 2013 Ark. 248 (per curiam)
- Holloway v. Beebe, 2013 Ark. 12 (per curiam)
- Hanks v. Sneed, 366 Ark. 371, 235 S.W.3d 883 (2006)
- Hardin v. Bishop, 2013 Ark. 395
- Ark. Lottery Comm'n v. Alpha Marketing, 2013 Ark. 232
- Fegans v. Norris, 351 Ark. 200, 89 S.W.3d 919 (2002) (per curiam)
- Bd. of Trs. of the Univ. of Ark. v. Burcham, 2014 Ark. 61
- Ark. Tech Univ. v. Link, 341 Ark. 495, 17 S.W.3d 809 (2000)
- Crawford v. Cashion, 2010 Ark. 124, 361 S.W.3d 268 (per curiam)
- McKinnon v. Norris, 366 Ark. 404, 231 S.W.3d 725 (2006) (per curiam)
- Renfro v. Smith, 2013 Ark. 40 (per curiam)
- Gardner v. Hobbs, 2013 Ark. 439
- Dockery v. Morgan, 2011 Ark. 94, 380 S.W.3d 377
- Simons v. Marshall, 369 Ark. 447, 255 S.W.3d 838 (2007)
- Munson v. Ark. Dep't of Corr., 375 Ark. 549, 294 S.W.3d 409 (2009) (per curiam)