

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Shawn Manning v. C.J. Ryan

No. 20-3490, United States Court of Appeals for the Eighth Circuit (September 20, 2021)

SUMMARY

In a § 1983 action, the Eighth Circuit affirmed qualified immunity for jail officials who enforced a blanket policy barring pretrial detainees from visitation by minor children, because the right to family visitation was not clearly established at the time. However, the court prospectively held that prison officials who permanently or arbitrarily deny an inmate visits with family members violate the constitutional right to intimate association under *Turner v. Safley* and *Overton v. Bazzetta*. The decision clarifies that such blanket restrictions may be unconstitutional going forward, but qualified immunity protected the defendants from liability for past conduct.

CASE DETAILS

|                       |                                                                                                                                                                                                           |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States Court of Appeals for the Eighth Circuit                                                                                                                                                     |
| WRITING FOR THE COURT | LOKEN; KELLY; ERICKSON                                                                                                                                                                                    |
| JURISDICTION          | Federal                                                                                                                                                                                                   |
| DECIDED               | September 20, 2021                                                                                                                                                                                        |
| DOCKET                | 20-3490                                                                                                                                                                                                   |
| DISPOSITION           | affirmed                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Appeal from grant of summary judgment in favor of defendants based on qualified immunity.                                                                                                                 |
| STANDARD OF REVIEW    | de novo review of grant of summary judgment on qualified immunity                                                                                                                                         |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                 |
| PARTIES               | Shawn Manning v. C.J. Ryan, Sheriff, Dean Naylor, Captain, Matt McCleary, Lieutenant, Bailey, Sargent, Dahm, Sargent, Jeff Long, Jail Staff, Bishop, Jail Staff, Muscatine County, Unknown Officers, #1-3 |

TOPICS

- civil rights
- qualified immunity
- prisoners rights
- summary judgment
- constitutional law

PRACTICE AREAS

- Civil Rights
- Constitutional Law

## QUESTIONS PRESENTED

1. Whether the defendants were entitled to qualified immunity for enforcing a blanket policy barring minor child visitation, given that the right to such visitation was not clearly established at the time.

## HOLDINGS

1. The defendants were entitled to qualified immunity because the right to visitation with minor children was not clearly established at the time of the challenged conduct.
2. Prison officials who permanently or arbitrarily deny an inmate visits with family members, in disregard of the factors described in *Turner v. Safley* and *Overton v. Bazzetta*, violate the Constitution.

## KEY QUOTATIONS

*“While we affirm the decision of the district court for the reasons noted, we write to make clear that prisoners and pretrial detainees have a right to be free from arbitrary or permanent limitations on visits with family members.”* (at 3)

*“we join the Seventh Circuit in holding that prison officials who permanently or arbitrarily deny an inmate visits with family members in disregard of the factors described in *Turner* and *Overton* have acted in violation of the Constitution.”* (at 3-4)

## FACTUAL BACKGROUND

Between October 2017 and August 2018, Shawn Manning was a pretrial detainee at the Muscatine County Jail. He had two children aged 11 to 13. The jail had a blanket policy prohibiting pretrial detainees from visitation by minor children. As a result, Manning had no visitation with his children during his detention. He filed a pro se § 1983 complaint against the sheriff and jail officials.

## PROCEDURAL HISTORY

Manning, a pretrial detainee, filed a pro se § 1983 complaint alleging that the defendants violated his constitutional rights by enforcing a blanket policy prohibiting visitation with minor children. The district court granted summary judgment to defendants, finding that they were entitled to qualified immunity because the right was not clearly established. Manning appealed.

## DISPOSITION

affirmed

## CASES CITED

- *Ahlberg v. Chrysler Corp.*, 481 F.3d 630, 638 (8th Cir. 2007)
- *Michael v. Trevena*, 899 F.3d 528, 531 (8th Cir. 2018)
- *Ashcroft v. al-Kidd*, 563 U.S. 731, 741 (2011)
- *Turner v. Safley*, 482 U.S. 78, 89, 95-96 (1987)
- *Overton v. Bazzetta*, 539 U.S. 126, 137 (2003)

- Easterling v. Thurmer, 880 F.3d 319, 323 (7th Cir. 2018)

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