

WYOMING SUPREME COURT

Bird v. Lampert

441 P.3d 850 (Wyo. 2019) · Decided May 23, 2019

SUMMARY

The Wyoming Supreme Court affirmed dismissal of Chester Bird's declaratory judgment complaint against the Wyoming Department of Corrections director. The court held that Bird lacked standing to seek a general declaration requiring the Department to follow its policies and that collateral estoppel and res judicata barred claims concerning alleged procedural violations in his prison disciplinary proceedings.

CASE DETAILS

COURT	Wyoming Supreme Court
WRITING FOR THE COURT	Fox, Justice; Boomgaarden; Davis; Fox; Gray; Kautz
JURISDICTION	Wyoming
DECIDED	May 23, 2019
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bird appealed the Wyoming district court's dismissal of his pro se declaratory-judgment complaint against the director of the Wyoming Department of Corrections.
STANDARD OF REVIEW	Standing, the grant of a motion to dismiss, and the application of res judicata and collateral estoppel are reviewed de novo. On a motion to dismiss, facts stated in the complaint are accepted as true and viewed in the light most favorable to the plaintiff.
PRECEDENTIAL VALUE	published opinion
PARTIES	Chester L. Bird v. Robert Lampert, Director of the Wyoming Department of Corrections

TOPICS

- standing
- res judicata
- civil procedure
- due process
- state post-conviction relief

PRACTICE AREAS

- civil procedure
- declaratory judgments
- preclusion
- standing
- prison disciplinary proceedings

QUESTIONS PRESENTED

1. Whether the district court properly considered and dismissed for lack of standing Bird's request for a general declaration that the Wyoming Department of Corrections must follow its own policies and procedures, even though standing was raised for the first time in the defendant's reply brief.
2. Whether collateral estoppel and res judicata barred Bird's claims alleging procedural violations during his disciplinary proceedings.

HOLDINGS

1. The district court properly considered standing because lack of standing may be raised at any time, including sua sponte.
2. Bird lacked standing to seek a general declaration that the Wyoming Department of Corrections must follow its own procedures because the requested declaration presented no justiciable controversy and would constitute an advisory opinion concerning future, speculative matters.
3. Collateral estoppel barred Bird's claims to the extent they raised issues identical to those litigated and resolved on the merits in his prior federal habeas proceeding.
4. Res judicata barred Bird's remaining claims because the state action and prior federal action involved the same parties or their agents, the same subject matter, related issues, and identical capacities, and the claims either had been or should have been litigated in the earlier action.

KEY QUOTATIONS

"Such a declaration "adjudicates nothing and binds no one."" (§8)

"Mr. Bird did not have standing to seek a general declaration that the WDOC must abide by its own rules and regulations. Collateral estoppel and res judicata bar the remainder of the issues Mr. Bird raised in his complaint." (§12)

FACTUAL BACKGROUND

Bird, who has been in Wyoming Department of Corrections custody since 1994, received disciplinary convictions and sanctions in 2016 for participating in a pornographic video distribution scheme. He previously challenged the disciplinary proceedings in federal habeas corpus litigation, alleging due-process violations including denial of staff witnesses, false testimony, lack of evidentiary support, and improper punishment; the federal court granted summary judgment against him. Bird then filed a state declaratory-judgment action alleging that the Department violated its own procedures, including requirements concerning the conduct-violation report, confidential investigative materials, and witnesses.

PROCEDURAL HISTORY

Bird previously challenged disciplinary proceedings in a federal habeas corpus action, in which the federal district court granted summary judgment for the respondents and the Tenth Circuit denied a certificate of appealability. He then filed a state declaratory-judgment action alleging that the Wyoming Department of Corrections had violated its own policies and procedures. The state district court dismissed the complaint based on standing, collateral estoppel, and res judicata, and the Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- In re L-MHB, 2018 WY 140, ¶ 24, 431 P.3d 560, 568
- Ultra Res., Inc. v. Hartman, 2010 WY 36, ¶ 50, 226 P.3d 889, 911
- Allred v. Bebout, 2018 WY 8, ¶ 37, 409 P.3d 260, 270
- Brimmer v. Thomson, 521 P.2d 574, 578-79 (Wyo. 1974)
- Catamount Const. v. Timmis Enters., 2008 WY 122, ¶ 19, 193 P.3d 1153, 1159
- Voss v. Goodman, 2009 WY 40, ¶¶ 5-7, 203 P.3d 415, 418
- Elworthy v. First Tenn. Bank, 2017 WY 33, ¶ 20, 391 P.3d 1113, 1119
- Doles v. State, 2007 WY 119, ¶ 4, 163 P.3d 819, 820
- In re Big Horn River, 2004 WY 21, ¶ 19, 85 P.3d 981, 987
- Texas W. Oil & Gas Corp. v. First Interstate Bank, 743 P.2d 857, 858, 865 (Wyo. 1987)
- Hansuld v. Lariat Diesel Corp., 2010 WY 160, ¶¶ 18-20, 245 P.3d 293, 300
- Slavens v. Bd. of Cty. Comm'rs, 854 P.2d 683, 686 (Wyo. 1993)

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