

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Hodge v. Williams

343 F. App'x 979 (5th Cir. 2009) · Decided September 14, 2009

SUMMARY

The Fifth Circuit affirmed the dismissal with prejudice of Marcus Hodge’s 42 U.S.C. § 1983 failure-to-protect claim against Officer Williams. The court held that Hodge’s allegations did not establish deliberate indifference and did not support an award of punitive damages.

CASE DETAILS

|                       |                                                                                                                                            |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States Court of Appeals for the Fifth Circuit                                                                                       |
| WRITING FOR THE COURT | Per curiam                                                                                                                                 |
| JURISDICTION          | Federal                                                                                                                                    |
| DECIDED               | September 14, 2009                                                                                                                         |
| DISPOSITION           | affirmed                                                                                                                                   |
| PROCEDURAL POSTURE    | Hodge appealed the dismissal with prejudice of his 42 U.S.C. § 1983 failure-to-protect action following screening under 28 U.S.C. § 1915A. |
| STANDARD OF REVIEW    | De novo review of the district court's dismissal for failure to state a claim following screening under 28 U.S.C. § 1915A.                 |
| PRECEDENTIAL VALUE    | Unpublished and nonprecedential under Fifth Circuit Rule 47.5, subject to limited citation circumstances under Rule 47.5.4.                |
| PARTIES               | Marcus Hodge v. Officer Williams                                                                                                           |

TOPICS

- prisoners rights
- section 1983
- civil rights
- motions to dismiss
- damages

PRACTICE AREAS

- Civil rights litigation
- Prisoner litigation
- Federal appellate procedure

QUESTIONS PRESENTED

1. Whether Hodge alleged facts sufficient to show that Officer Williams was deliberately indifferent to a substantial risk of harm from another prisoner.

2. Whether Hodge alleged facts sufficient to support an award of punitive damages against Officer Williams.

## HOLDINGS

1. Hodge failed to allege facts sufficient to support a finding that Officer Williams was deliberately indifferent to the risk posed by Ware; Williams's ineffectual handling of the situation did not amount to deliberate indifference.
2. Hodge failed to allege facts sufficient to support recovery of punitive damages against Williams.

## KEY QUOTATIONS

*“While Williams’s handling of the situation by talking to Ware ultimately was ineffectual, Hodge’s allegations do not support a finding that it was deliberately indifferent.” (981)*

*“The district court’s judgment is AFFIRMED.” (981)*

## FACTUAL BACKGROUND

Hodge told Officer Williams that another prisoner, Deryl Ware, had threatened to fight him if he continued praying. Williams allegedly responded that no one could prevent Hodge from praying and said he would look into the matter. After Hodge returned from visitation, Ware allegedly confronted and assaulted him, causing cuts to his hand and lip and a sore neck, although Hodge reported no continuing injuries. Hodge was later disciplined for fighting and reckless conduct and sued Williams for deliberate indifference and failure to protect.

## PROCEDURAL HISTORY

Hodge sued Officer Williams, alleging that Williams was deliberately indifferent to a threat by another prisoner, Deryl Ware. The district court requested a more definite statement, screened the amended allegations under 28 U.S.C. § 1915A, concluded that Hodge failed to state a claim, and dismissed the action with prejudice. The district court also alternatively concluded that Hodge alleged only de minimis injuries. The Fifth Circuit affirmed on the deliberate-indifference ground and did not reach the alternative injury ground.

## DISPOSITION

affirmed

## CASES CITED

- Davidson v. Cannon, 474 U.S. 344, 106 S. Ct. 668, 88 L. Ed. 2d 677 (1986)
- Smith v. Wade, 461 U.S. 30, 103 S. Ct. 1625, 75 L. Ed. 2d 632 (1983)

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