

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Middlebrooks v. Bradt

No. 18-1561, United States Court of Appeals for the Second Circuit (December 19, 2019)

SUMMARY

Middlebrooks v. Bradt, 2d Cir. 2019 (unpublished). Inmate's § 1983 claims for Eighth Amendment denial of meals and First Amendment retaliation were time-barred. The three-year New York statute of limitations for § 1983 claims is tolled only during active exhaustion of administrative remedies under the PLRA; tolling ended when the inmate received notice that his final grievance was denied as untimely, and he filed suit over three years later. Summary judgment for defendants affirmed on statute-of-limitations grounds, even though the district court did not rely on that basis.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	Barrington D. Parker; Debra Ann Livingston; Joseph F. Bianco
JURISDICTION	Federal
DECIDED	December 19, 2019
DOCKET	18-1561
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from denial of reconsideration of summary judgment
STANDARD OF REVIEW	De novo for summary judgment; abuse of discretion for denial of reconsideration (implicitly)
PRECEDENTIAL VALUE	unpublished
PARTIES	Curtis Middlebrooks v. M. Bradt, Superintendent, Attica Correctional Facility; Szramka; Berry; Gregg; Page; Lowinski; Brown

TOPICS

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QUESTIONS PRESENTED

1. Whether Middlebrooks's Section 1983 claims were timely filed, considering the statute of limitations and tolling for exhaustion of administrative remedies.

HOLDINGS

1. The claims are untimely because the statute of limitations expired before the lawsuit was filed; tolling for exhaustion ended on April 9, 2012, when CORC informed Middlebrooks that his third grievance appeal was denied as untimely, and the lawsuit was filed more than three years later in November or December 2015.

KEY QUOTATIONS

“The statute of limitations, however, is only tolled during the period when a prisoner is ‘actively exhausting’ his administrative remedies.” (4)

“It is well-settled that we may affirm on any grounds for which there is a record sufficient to permit conclusions of law, including grounds not relied upon by the district court.” (4)

“Because, on the record before the Court, there is no genuine dispute that tolling of Middlebrooks's claim ended on April 9, 2012 and his lawsuit was filed more than three years later in either November or December 2015, summary judgment in favor of Defendants is warranted on the basis that his claims are untimely.” (5)

FACTUAL BACKGROUND

Middlebrooks, an inmate at Attica Correctional Facility, had a Therapeutic Diet Order granting feed-in-cell (FIC) status. In July 2011, he missed approximately ten FIC meals. The FIC order was rescinded on August 15, 2011, and thereafter his meals were available in the mess hall. He missed additional meals in August-September 2011 and January 2012. He filed three inmate grievances. The first was denied and not appealed. The second was denied and appealed to CORC, which denied it on January 18, 2012. The third grievance was denied by the Superintendent on February 16, 2012, and Middlebrooks appealed. CORC sent a letter on April 9, 2012, stating the appeal was untimely. Middlebrooks acknowledged receiving it. He filed suit in late 2015.

PROCEDURAL HISTORY

The district court granted summary judgment to defendants on March 22-23, 2018. Middlebrooks moved for reconsideration, which was denied on May 4, 2018. He appealed. The Second Circuit liberally construed the notice of appeal to challenge both the denial of reconsideration and the underlying summary judgment.

DISPOSITION

affirmed

CASES CITED

- Burns v. Martuscello, 890 F.3d 77, 83 (2d Cir. 2018)
- Holcomb v. Lykens, 337 F.3d 217, 223 (2d Cir. 2003)
- Ormiston v. Nelson, 117 F.3d 69, 71 (2d Cir. 1997)

- *Gonzalez v. Hasty*, 651 F.3d 318, 323-24 (2d Cir. 2011)
- *Melendez v. Greiner*, 477 F. App'x 801, 803 (2d Cir. 2012)
- *Marvin v. Goord*, 255 F.3d 40, 42 n.1 (2d Cir. 2001)