

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Sosebee v. Murphy

797 F.2d 179 (4th Cir. 1986) · Decided August 5, 1986

SUMMARY

The Fourth Circuit held that the evidence did not support a deliberate-indifference claim against the prison medical personnel or correctional officers who attended to the inmate before 8:30 a.m. on May 10, 1981. It reversed summary judgment for the guards on duty after that time, concluding that prisoner affidavits created material factual disputes about whether the guards knowingly delayed obtaining medical assistance despite the inmate’s deteriorating condition. The case was remanded for trial as to those guards.

CASE DETAILS

COURT	United States Court of Appeals for the Fourth Circuit
WRITING FOR THE COURT	Ervin, Circuit Judge; Ervin; Hilton
JURISDICTION	Federal
DECIDED	August 5, 1986
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The estate administrator brought claims under 42 U.S.C. §§ 1982 and 1983 and a state medical-malpractice claim arising from the decedent's death while incarcerated. The district court granted summary judgment to all defendants.
STANDARD OF REVIEW	De novo review of summary judgment; the court determines whether a genuine issue of material fact exists, views the facts and reasonable inferences in the light most favorable to the nonmoving party, assumes the credibility of the nonmoving party's forecast evidence, and may not resolve credibility disputes.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Betty Joan Land Sosebee, Administratrix of the Estate of Gary McArthur Land v. Murphy

TOPICS

- section 1983
- prisoners rights
- summary judgment
- civil rights
- constitutional law

PRACTICE AREAS

civil rights

constitutional law

prison litigation

civil procedure

QUESTIONS PRESENTED

1. Whether the evidence raised a genuine issue of material fact that prison medical personnel were deliberately indifferent to Land's serious medical needs in violation of 42 U.S.C. § 1983.
2. Whether the evidence raised a genuine issue of material fact that correctional officers acted with deliberate indifference by failing to obtain medical assistance after Land's condition substantially worsened.
3. Whether summary judgment was proper when resolution of the guards' knowledge and conduct required credibility determinations concerning inmate affidavits.

HOLDINGS

1. Summary judgment was proper for the medical personnel and correctional officers on duty from May 6, 1981, through Land's 8:30 a.m. infirmary visit on May 10 because the record showed repeated medical attention and did not establish deliberate indifference.
2. The evidence created a genuine issue of material fact as to whether the guards on duty after 8:30 a.m. on May 10 and before Land's death deliberately ignored his obvious, life-threatening medical condition by refusing to obtain medical assistance.
3. The district court could not discredit the inmate affidavits or resolve their credibility at summary judgment; those credibility issues had to be left to the trier of fact.

KEY QUOTATIONS

“Medical malpractice does not become a constitutional violation merely because the victim is a prisoner.”
(180)

“If an eleven hour delay in caring for a broken arm is abnormal, a ten hour (or more) delay in attending to a deadly illness is likewise abnormal.” (182)

“Only the trier of fact can assess the truthfulness of an affidavit.” (182)

“Such facts provide a reasonable basis for finding a deliberate indifference to Land’s medical needs.” (183)

FACTUAL BACKGROUND

Gary McArthur Land, who was incarcerated at the Maximum Security Center in Columbia, South Carolina, developed neck and chest pain after eating a steak. Although he was examined and treated by prison medical personnel on several occasions, a pathological report indicated that a steak bone had pierced his esophagus and caused an infection, and he died in his cell. Evidence from inmate affidavits indicated that, after Land's condition worsened following an 8:30 a.m. infirmary visit on Sunday, guards knew of his serious condition, refused to obtain further medical assistance until Monday, and threatened inmates who continued seeking help.

PROCEDURAL HISTORY

The district court concluded that no genuine issue of fact existed regarding violations of §§ 1982 or 1983 and declined to exercise pendent jurisdiction over the malpractice claim. The Fourth Circuit affirmed summary judgment for the medical personnel and correctional officers on duty through the decedent's 8:30 a.m. infirmary visit on May 10, 1981, but reversed as to the guards allegedly responsible during the period thereafter and remanded for trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand the portion of the case concerning the guards on duty after 8:30 a.m. on Sunday, May 10, until Land's death on Monday morning for trial. The judgment remains affirmed as to the medical personnel and correctional officers on duty through the 8:30 a.m. infirmary visit.

CASES CITED

- Estelle v. Gamble, 429 U.S. 97, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976)
- Russell v. Sheffer, 528 F.2d 318 (4th Cir. 1975)
- Loe v. Armistead, 582 F.2d 1291, 1296 (4th Cir. 1978), cert. denied, 446 U.S. 928, 100 S.Ct. 1865, 64 L.Ed.2d 281 (1980)
- Ross v. Communications Satellite Corp., 759 F.2d 355, 364 (4th Cir. 1985)
- Charbonnages De France v. Smith, 597 F.2d 406, 414 (4th Cir. 1979)
- Davis v. Zahradnick, 600 F.2d 458 (4th Cir. 1979)