

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Walker v. Fischer

523 F. App'x 43 (2d Cir. 2013) · No. 11-4092-pr · Decided June 25, 2013

SUMMARY

The Second Circuit affirmed summary judgment for prison officials in Tyrone Walker's 42 U.S.C. § 1983 action. The court rejected his due process challenge to physical restraints in restrictive housing, declined to consider his equal protection argument because it was raised for the first time on appeal, and held that restricting supportive medical boots did not constitute deliberate indifference to medical needs.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	Reena Raggi; Peter W. Hall; Debra Ann Livingston
JURISDICTION	Federal
DECIDED	June 25, 2013
DOCKET	11-4092-pr
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from the Northern District of New York's grant of summary judgment to defendants on claims alleging due process, equal protection, and Eighth Amendment violations under 42 U.S.C. § 1983.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. The court views the record in the light most favorable to the nonmoving party and affirms if there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Nonprecedential summary order
PARTIES	Tyrone Walker v. Brian Fischer, Commissioner, DOCS, Lester N. Wright, M.D., MPH, Deputy Commissioner and Chief Medical Officer, DOCS, Dale Artus, Superintendent, Clinton Correctional Facility, Thomas LaValley, First Deputy Superintendent, Clinton Correctional Facility, B. Lecuyer, Nurse Administrator, Clinton Correctional Facility, V. Johnson, Facility Health Services Director, Clinton Correctional Facility, Amber Lashway, Physician Assistant,

Clinton Correctional Facility, Sergeant Bezio, Supervisor, Special Housing Unit, Clinton Correctional Facility, S. Racette, Deputy Superintendent of Security, Clinton Correctional Facility

TOPICS

prisoners rights section 1983 procedural due process equal protection cruel and unusual punishment

PRACTICE AREAS

Civil rights Prisoners' rights Constitutional law Appellate procedure

QUESTIONS PRESENTED

1. Whether the use of physical restraints on Walker in the Special Housing Unit violated due process.
2. Whether Walker's equal protection claim based on the use of restraints against him but not against an allegedly similarly situated inmate could be considered when the comparator argument was raised for the first time on appeal.
3. Whether denying Walker supportive medical boots inside his cell, based on prison-security concerns, constituted deliberate indifference to serious medical needs in violation of the Eighth Amendment.

HOLDINGS

1. The restraint procedures afforded Walker due process because he received written reasons for each restraint order and an opportunity to object, and the procedures were adequate in light of the prison-safety concerns presented.
2. The court would not consider Walker's equal protection argument concerning an allegedly similarly situated inmate because Walker had not presented that comparator argument to the district court.
3. Denying Walker supportive medical boots inside his cell did not violate the Eighth Amendment where medical and security personnel reasonably balanced his medical needs against the risk that the boots could be used as a weapon.

KEY QUOTATIONS

"We review an award of summary judgment de novo and will affirm only if the record, viewed in the light most favorable to the non-moving party, reveals no genuine dispute of material fact and the moving party's entitlement to judgment as a matter of law." (at 44)

"Where, as here, Walker had previously stabbed a corrections officer with a makeshift weapon and where the reasons for the restraint related to his written homicidal threats against other inmates, such informal procedures afford due process." (at 44)

"In such circumstances, denying Walker supportive boots inside his cell does not give rise to an Eighth Amendment violation." (at 45)

FACTUAL BACKGROUND

Walker, a New York State prisoner incarcerated for multiple murders and related crimes, was placed in physical restraints while housed in the Special Housing Unit at Clinton Correctional Facility. Each restraint order provided written reasons and an opportunity to object, which Walker used on four occasions; the restraints were related to his prior stabbing of a corrections officer and written homicidal threats against inmates. Medical personnel determined that Walker's plantar fasciitis required supportive boots only outside his cell, while security personnel concluded that the boots' metal or hard-plastic components posed a weapon risk inside the cell.

PROCEDURAL HISTORY

The district court entered judgment for defendants on September 19, 2011, after granting summary judgment against Walker. Walker, proceeding pro se, appealed. The Second Circuit independently reviewed the record and affirmed.

DISPOSITION

affirmed

CASES CITED

- Johnson v. Killian, 680 F.3d 234, 236 (2d Cir. 2012)
- Giano v. Selsky, 238 F.3d 223, 225 (2d Cir. 2001)
- Wilkinson v. Austin, 545 U.S. 209, 228-29 (2005)
- Benjamin v. Fraser, 264 F.3d 175, 188-89 (2d Cir. 2001)
- Universal Church v. Geltzer, 463 F.3d 218, 228 (2d Cir. 2006)
- Salahuddin v. Goord, 467 F.3d 263, 279-80 (2d Cir. 2006)
- Trammell v. Keane, 338 F.3d 155, 163 (2d Cir. 2003)
- Chance v. Armstrong, 143 F.3d 698, 703 (2d Cir. 1998)