

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Wargo v. Schuylkill County

348 F. App'x 756 (3d Cir. 2009) · Decided October 9, 2009

SUMMARY

The United States Court of Appeals for the Third Circuit affirmed summary judgment for Schuylkill County and related prison officials in a § 1983 action arising from an inmate's suicide. The court held that the Estate did not show that the inmate had a particular vulnerability to suicide known to, or reasonably knowable by, prison officials, and it found no causal link between the death and a deficient municipal policy or practice. The court also upheld dismissal of the related Pennsylvania state-law claims for lack of jurisdiction.

CASE DETAILS

COURT	United States Court of Appeals for the Third Circuit
WRITING FOR THE COURT	Fisher, Circuit Judge; Barry, Circuit Judge; Jordan, Circuit Judge
JURISDICTION	Federal
DECIDED	October 9, 2009
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the United States District Court for the Middle District of Pennsylvania granting defendants summary judgment on the Estate's 42 U.S.C. § 1983 claims and dismissing the related state-law claims for lack of jurisdiction.
STANDARD OF REVIEW	Plenary review of summary judgment, applying the same standard as the District Court: summary judgment is proper when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jean Wargo, as Administratrix of the Estate of Tristan Wargo v. Schuylkill County, Gene Berdanier, Frank Cori, William Baldwin, Michael Kryjakp, Lt. M. Flannery, Lt. Scott Rizzardi

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QUESTIONS PRESENTED

1. Whether summary judgment was proper on the Estate's deliberate-indifference claim where the evidence allegedly showed that Wargo had a particular vulnerability to suicide.
2. Whether the Estate presented sufficient evidence that a deficient municipal policy or custom caused Wargo's death under 42 U.S.C. § 1983.
3. Whether the factual dispute concerning the location of a staple near Wargo's eye required denial of summary judgment.

HOLDINGS

1. The Estate failed to present evidence from which a reasonable jury could find that Wargo had a particular vulnerability to suicide, meaning a strong likelihood rather than a mere possibility that self-inflicted harm would occur. Evidence that Wargo was young, committed a serious offense, experienced drug withdrawal, ingested drugs, cut open his mattress, or placed a staple in or near his eye showed, at most, generalized risk factors and did not establish the required individualized vulnerability.
2. The Estate failed to produce evidence that a policy or custom of Schuylkill County caused Wargo's death. The alleged failures to collect additional information, use more highly trained personnel, place inmates in particular housing, or improve the written suicide policy did not establish the required causal link between an official municipal policy or custom and the constitutional injury.
3. The factual dispute over whether the staple was in Wargo's eye or merely above it did not preclude summary judgment because resolving that dispute could not allow a reasonable jury to return a verdict for the Estate on the dispositive elements of its claims.

KEY QUOTATIONS

“if [custodial] officials know or should know of the particular vulnerability to suicide of an inmate, then the Fourteenth Amendment imposes on them an obligation not to act with reckless indifference to that vulnerability.” (759)

“In order to show a detainee had a particular vulnerability to suicide, the plaintiff must show that there was “a strong likelihood, rather than a mere possibility, that self-inflicted harm [would] occur.” (759)

“We therefore hold that the Estate has not put forth any evidence of a causal link between Wargo’s death and a policy or practice of the prison.” (762)

FACTUAL BACKGROUND

Tristan Wargo, who had become addicted to Oxycontin, was arrested and taken to Schuylkill County Prison after stealing Oxycontin from a pharmacy. Prison officials observed withdrawal symptoms, placed him under varying levels of observation, restricted items that could be used for self-harm, and later restored his privileges. Wargo was moved to E-block after being removed from enhanced observation and was found dead the next day,

hanging from an air vent by a bed sheet. His estate alleged that prison officials were deliberately indifferent and that deficient policies or practices caused his death.

PROCEDURAL HISTORY

Jean Wargo, as administratrix of Tristan Wargo's estate, sued under 42 U.S.C. § 1983 and the Fourth, Eighth, and Fourteenth Amendments, alleging deliberate indifference to Wargo's medical and suicide risk needs and deficient prison suicide-prevention policies or practices. The District Court granted summary judgment to the defendants on the federal claims and dismissed the Pennsylvania wrongful-death and survival claims for lack of jurisdiction. The Estate appealed, and the Third Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- Wargo v. Schuylkill County, No. 3:06cv2156, 2008 WL 4922471 (M.D. Pa. Nov. 14, 2008)
- Colburn v. Upper Darby Township, 838 F.2d 663 (3d Cir. 1988)
- Colburn v. Upper Darby Township, 946 F.2d 1017 (3d Cir. 1991)
- Freedman v. City of Allentown, 853 F.2d 1111 (3d Cir. 1988)
- Woloszyn v. County of Lawrence, 396 F.3d 314 (3d Cir. 2005)
- Monell v. Department of Social Services, 436 U.S. 658 (1978)
- Beck v. City of Pittsburgh, 89 F.3d 966 (3d Cir. 1996)
- Brown v. Muhlenberg Township, 269 F.3d 205 (3d Cir. 2001)
- City of Canton v. Harris, 489 U.S. 378 (1989)
- Gottlieb ex rel. Calabria v. Laurel Highlands School District, 272 F.3d 168 (3d Cir. 2001)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)

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