



Sammons v. Anaya

2016 | Cited 0 times | D. Delaware | March 2, 2016

IN UNITED STATES DISTRICT COURT

FOR DISTRICT OF SAMMONS,

Plaintiff,

14-260-SLR

Walter Smyrna, Delaware. Se Plaintiff.

Wilmington, Delaware. Counsel Ronald

J.. 2016 Wilmington, Delaware

MEMORANDUM OPINION THE

THE DELAWARE WALTER

v. RONALD ANAYA,

Defendant.

Civ. No.

Sammons, Pro Roopa Sabesan, Esquire, Department of Justice, for Defendant Anaya.

Dated: March ,

RJiN4,N,. I. BACKGROUND

Plaintiff Walter ("plaintiff") partial filing

filed lawsuit 2014. (D.I. Plaintiff currently

Correctional ("JTVCC") Delaware



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litigation ("incident"). (Id.) Ronald ("defendant") currently employed correctional employed

(Id.) Plaintiff alleges violated civil Presently

(D.I. U.S.C.

place April 2012 holding

Delaware. (D.I. Plaintiff plaintiff

(Id., D.I. Plaintiff claims along "physically while plaintiff

shackles, (D.I. Plaintiff alleges

"sit lap" could

On 2014, plaintiff's leave

(D.I. 2014, "the plaintiff

initial partial filing (D.I.

Sammons proceeds pro se and has paid a fee. 1

He this on February 25, 3 at 2) is incarcerated at the James T. Vaughn Center in Smyrna,

and was incarcerated at the JTVCC at the time of the incident giving rise to this Defendant Anaya is

as a officer at the JTVCC and was as such at the time of the incident. that defendant used excessive force against him and his rights during the incident. before the court is defendant's motion for summary judgment. 44) This court has jurisdiction pursuant to 28

§ 1331. The incident took on 16, in a transport van in an inmate area of the Kent County Courthouse in Dover, 3 at 2) and defendant agree that refused to obey an order from defendant regarding the seating of inmates in the van, which precipitated the incident. 45 at 3)

that, during the process of being transported from the courthouse to the JTVCC with other inmates, he was attacked" by defendant was seated in an inmate transport van and wearing handcuffs and other restraints.

3 at 2) that prior to the incident, defendant ordered another prison inmate to on the [p]laintiff's so



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that a fourth inmate sit in the back of the

1

March 6, the court granted motion for to proceed in forma pauperis 5) and on March 19, the court determined that is required to pay an fee of \$13.39." 8 3)

"both (Id.) Following refusal, plaintiff claims "climbed

held (Id.) result "choke "turned (Id.)

alleges

(D.I. filed detailing (D.I. Plaintiff himself

following (Id.) In plaintiff

(D.I. plaintiff "ordered

(D.I. 54at111)

plaintiff allow "went last directly

closed (D.I. claims "proceeded hold

allegations well

(D.I. follows would

collar. (D.I. 54at114) van, and that the [p]laintiff and [the other inmate] refused." this

that defendant in the van and on top of the [p]laintiff, put his knee in the middle of the [p]laintiff's chest, choked the [p]laintiff with his left hand and hit the [p]laintiff with the blunt end of a mace canister in his right hand." Plaintiff states that, as a of the incident, he experienced marks" on his neck, which then to bruises."

Although plaintiff that other inmates witnessed the incident, no witness reports are in the record. 48, ex. D) Plaintiff a grievance form his account of the incident. 2

52) also submitted a photograph of indicating red marks around plaintiff's neck the incident. addition,



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submitted a sworn statement regarding the veracity of the contents of his answering brief and the copied documents contained in the appendix to the answering brief. 51) Further, stated that defendant acted unreasonably because he

inmates to sit on other [inmates'] laps," and that defendant's actions made compliance impossible. 3

Defendant asserts that because refused to move and another inmate to sit in the van, he into the second to row of the van, in front of [p]laintiff, faced [p]laintiff, and [p]laintiff's legs that were spread wide open."

45 at 3) Defendant that he then to on to [p]laintiff's shirt

2 Plaintiff's handwritten statement on the grievance form appears to contain the same

that were made in plaintiff's complaint, as as a statement by plaintiff that another officer witnessed the attack and did not support the actions taken by defendant with respect to plaintiff. 52) 3 Plaintiff this assertion with a hand drawn diagram to illustrate what have occurred, had defendant moved plaintiff by his

2

collar [p]laintiff [p]laintiff's right." (Id.

"ceased van," "[a]t

chest." (Id. "at Cap-Stun." 4

(Id.) Gilliss ("Officer Gilliss"), correctional filed declaration plaintiff follow

"behaved [p]laintiff follow van." (D.I. ,m Officer Gilliss' declaration "[a]t [p]laintiff

would it." (Id. In

Officer Gilliss

following plaintiff (Id., Multiple filed also

follow (D.I.

reflected (D.I. plaintiff plaintiff Specifically, plaintiff plaintiff told "you I seat" (D.I. near the and attempted to move to at 3-4) Defendant also states that, after plaintiff became uncooperative in



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moving over, he then

attempting to move [p]laintiff and exited the and that no time did [he] stand in the last row of the van and place his knee on [p]laintiff's at 4) Furthermore, defendant states that no time did [he] ever choke [p]laintiff or hit him with a can of

Andrew another officer present during the incident, a stating that refused to defendant's order regarding seating inside the van, and that defendant reasonably and in accordance with protocol in attempting to have an order and move over in the transportation 47 at 4, 8) Further, states that no time did [he] tell that [defendant's] behavior was inappropriate or that [he] be writing an incident report regarding 8) addition, the incident reports filed by both defendant and state that, at the time the inmates were unloaded from the van at JTVCC the incident, did not complain about any injuries. ex. A, C)

reports by employees of JTVCC describe the incident. These incident reports state that defendant confronted plaintiff after plaintiff made remarks indicating his intent not to defendant's order. 5

48, ex. C) Further, the

4 These assertions, made in defendant's opening brief accompanying defendant's motion for summary judgment, are in defendant's declaration. 46) 5 The incident reports indicate that did not cooperate with defendant's order to move inside the van, and that remained uncooperative. the reports state that when refused to make room for another inmate in the van, defendant, have to spray me am not [going] into the back 48, ex. B),

3

plaintiff additional plaintiff collar

plaintiff additional following medical evaluated plaintiff plaintiff "did

While "allege alleged assault," also "[n]o

medical plaintiff

plaintiff normal physical (D.I. abnormal

"no claims

claims II. OF REVIEW



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"The shall

material entitled law." P.

material U.S. 10 alternatively, is-genuinely "particular materials including

"[y]ou're me." (D.I. reports indicate that after refused to obey defendant's order and accommodate an inmate in the back of the van, defendant grabbed by his in an attempt to move to create seating room. (Id., ex. A, B) Further, the reports state that the incident, JTVCC staff and that appear to have red irritated marks on his right neck area and was photographed by [Officer Justin K. Weeks]." (Id., ex. D) one report indicates that other inmates that they were in the van and witnessed the it

states that statements were taken from the inmate witnesses." (Id.)

A report documenting a examination of upon his return to the JTVCC indicates that the examining nurse considered to be in condition. 48, ex. G) Further, in commenting on any findings, the examining nurse wrote, current bruising on neck," and "[patient] to have been choked out by an officer ... [patient] pain." (Id.)

STANDARD

court grant summary judgment if the movant shows that there is no genuine dispute as to any fact and the movant is to judgment as a matter of Fed. R. Civ. 56(a). The moving party bears the burden of demonstrating the absence of a genuine issue of fact. Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 415 475, 586 n. (1986). A party asserting that a fact cannot be-or, disputed must be supported either by citing to parts of in the record, depositions, documents,

and going to have to[] [s]pray meYou're going to have to[] [s]pray

48, ex. C)

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electronically declarations, stipulations (including

only), materials," materials establish

admissible P. If "come trial." U.S. (internal will "draw all reasonable credibility

530 U.S. 150 (2000).



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"do simply metaphysical material

U.S. U.S. Service, 409 2005) "must

conclusory allegations (internal Although "mere alleged factual will properly

factual "the reasonable could

U.S. "If merely colorable, significantly

(internal U.S.

fails stored information, affidavits or those made for the purposes of the motions admissions, interrogatory answers, or other

or by "showing that the cited do not the absence or presence of a genuine dispute, or that an adverse party cannot produce evidence to support the fact." Fed. R. Civ. 56(c)(1)(A) & (B). the moving party has carried its burden, the nonmovant must then forward with specific facts showing that there is a genuine issue for Matsushita, 415 at 587 quotation marks omitted). The Court inferences in favor of the nonmoving party, and it may not make determinations or weigh the evidence." Reeves v. Sanderson Plumbing Prods., Inc., 133,

To defeat a motion for summary judgment, the non-moving party must more than show that there is some doubt as to the facts." Matsushita, 475 at 586-87; see also Podohnik v. Postal F.3d 584, 594 (3d Cir. (stating party opposing summary judgment present more than just bare assertions, or suspicions to show the existence of a genuine issue") quotation marks omitted). the existence of some dispute between the parties not defeat an otherwise supported motion for summary judgment," a dispute is genuine where evidence is such that a jury return a verdict for the nonmoving party." Anderson v. Liberty Lobby, Inc., 477 242, 247-48 (1986). the evidence is

or is not probative, summary judgment may be granted." Id. at 249-50 citations omitted); see also Celotex Corp. v. Catrett, 477 317, 322 (1986) (stating entry of summary judgment is mandated "against a party who to

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establish element essential

will trial"). Ill. DISCUSSION

plaintiff pretrial plaintiff's allegations Clause,



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State

cruel unusual U.S. 520, United States Supreme held apply

pretrial claim U.S., 2015 2015). concluded "pretrial

only purposely knowingly objectively unreasonable." reasonableness "turns

particular case." 490 U.S.

several relevant nonexclusive list includes:

relationship

plaintiff's

limit problem reasonably plaintiff actively

In

"an inordinately difficult undertaking" "that

correctional officials, substantial make a showing sufficient to the existence of an to that party's case, and on which that party bear the burden of proof at

Because was a detainee at the time of the incident,

are considered under the Fourteenth Amendment's Due Process which prohibits the from imposing punishment on those who have not yet been convicted of a crime, rather than the Eighth Amendment's prohibition against and

punishment. See Bell v. Wolfish, 441 535-39 (1979). The

Court has that courts must an objective standard when considering a detainee's of excessive force. Kingsley v. Hendrickson, _

WL 2473447, *5 (June 22, The Court that a detainee must show that the force or used against him was

Id. Objective on the facts and circumstances of each Id. (citing Graham v. Connor, 386, 396 (1989)). The Court identified factors in determining whether the force used was excessive. This



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Id. at *6.

[T]he between the need for the use of force and the amount of force used; the extent of the injury; any effort made by the officer to temper or to the amount of force; the severity of the security at issue; the threat perceived by the officer; and whether the was resisting.

announcing the objective standard, the Court recognized that operating a prison is and the safety and order at these institutions requires the expertise of who must have

6

reasonable solutions problems

U.S. S. explained "an qualified liable unless violated 'clearly established' would clear reasonable unlawful confronted.'" U.S. 202 (2001

In plaintiff's simply

plaintiff merely factual allegations

objectively reasonable light articulated reflects plaintiff

Although established altercation plaintiff while

medical resulted minimal plaintiff. (including plaintiff

complain medical plaintiff declaration Officer Gilliss) all

objectively reasonable. concludes underlying all reasonable discretion to devise to the they face." Id. at *7 (quoting *Florence v. Board of Chosen Freeholders of County of Burlington*, 566 __, 132 Ct. 1510, 1514 (2012)). The Court further that officer enjoys immunity and is not for excessive force he has a

right, such that 'it [have been] to a officer that his conduct was in the situation he Id. (quoting *Saucier v. Katz*, 533

194,)).

the instant case, the majority of assertions deny the statements made by defendant in support of defendant's motion for summary judgment in that reiterates his that conflict with those presented by defendant. The record demonstrates that defendant's conduct was



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in of the standard above. The record that was seated inside the van. the parties' accounts of the incident differ, it is

that an occurred between the parties on the van, and that refused to cooperate with defendant's order to move within the van defendant was arranging for the transport of other inmates. The report demonstrates that whatever force was used by defendant in injury to

The evidence of record incident reports suggesting that did not of injuries at the time of the incident; the report showing that

had no bruises or other serious injuries; and the of indicate that defendant's conduct was The court that, even considering the facts surrounding the incident and

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light favorable plaintiff, objectively reasonable. 6 IV. CONCLUSION

concludes objectively reasonable. Accordingly, (D.I.

shall

conclusion,

entitled qualified (D.I. inferences therefrom in the most to defendant's use of force was

For the above reasons, the court that defendant's use of force was

defendant's motion for summary judgment 44) is granted. An appropriate order issue.

6 Given this the court does not address the second argument made in support of defendant's motion for summary judgment, that defendant is to

immunity. 45 at 2)

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