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Fourth Circuit Court of Appeals

(Note: You may access the court's opinions by clicking on the case name)

Court Rules That State Prisoner Sufficiently Alleged a Violation of His First Amendment Rights when Placed in Segregation in Retaliation for Filing a Grievance against a Prison Official

[Martin v. Duffy](#), ___ F.3d ___, 2017 WL 2366997 (4th Cir. June 1, 2017). The plaintiff (Martin), a state prisoner in the South Carolina Department of Corrections, sued a prison official (Duffy) in a South Carolina federal district court for violating his First Amendment rights. The district court dismissed the lawsuit for failing to state a claim upon which relief may be granted. The fourth circuit reversed. It ruled: (1) construing Martin's complaint liberally, as it must, Martin pleaded sufficient facts to state a claim that Duffy violated Martin's First Amendment rights by placing him in segregation as retaliation for filing a grievance against a prison sergeant for inappropriately touching him during a shakedown; and (2) Duffy was not entitled to qualified immunity from Martin's retaliation claim because, under fourth circuit case law (see *Booker v. S.C. Dep't of Corr.*, 855 F.3d 533 (4th Cir. 2017)), it was clearly established when Duffy placed Martin in segregation that retaliating against an inmate for filing a grievance violated an inmate's rights under the First Amendment.