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#### **Fourth Circuit Court of Appeals**

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

#### **Court Denies State Prisoner's Application to the Court to Authorize Filing of Second or Successive Petition for Habeas Corpus Relief**

[In re Wright](#), \_\_\_ F.3d \_\_\_, 2016 WL 3409851 (4th Cir. June 21, 2016). A North Carolina prisoner serving a state sentence for murder and other offenses applied to the fourth circuit for authorization to file a second or successive petition for habeas corpus relief in which he challenged the administration of his sentence (that is, he should have been sentenced under the Fair Sentencing Act instead of the Structured Sentencing Act), commonly known as the "execution" of a sentence. The court ruled that the habeas corpus petition that he sought to file was governed by 28 U.S.C. § 2254, not 28 U.S.C. § 2241, and then the court denied authorization to file the petition under the standards set out in 28 U.S.C. § 2244.

#### **Court Rules That West Virginia State Correctional Officers Were Not Entitled to Summary Judgment in State Prisoner's 42 U.S.C. § 1983 Lawsuit Alleging Their Deliberate Indifference to a Substantial Risk to His Safety under Eighth Amendment**

[Cox v. Quinn](#), \_\_\_ F.3d \_\_\_, 2016 WL 3620189 (4th Cir. July 6, 2016). The plaintiff, a West Virginia state prisoner, filed a 42 U.S.C. § 1983 lawsuit alleging that several West Virginia state correctional officers were deliberately indifferent to a substantial risk to his safety under the Eighth Amendment. He alleged that he had repeatedly complained to the officers that he was being threatened, harassed, and robbed by a group of inmates who ultimately orchestrated a beating (and his information was corroborated by other inmates). The district court concluded that there was a genuine issue of disputed material facts concerning whether the officers had acted with deliberate indifference to a substantial threat to the plaintiff's safety, and the court denied the officers' motion for summary judgment based on qualified immunity. The fourth circuit affirmed that ruling. It stated that a reasonable jury could conclude that: (1) the officers had been exposed to information concerning the risk to the plaintiff's safety and therefore must have known about it; and (2) the officers knew that the plaintiff faced a serious danger to his safety and could have averted the danger easily but failed to do so. And objectively reasonable correctional officers would have known that their actions were unreasonable, ran afoul of clearly established law, and violated the plaintiff's Eighth Amendment rights.