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Fourth Circuit Court of Appeals

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

Court Holds That Procedural Due Process Rights of Prisoner Sentenced to Death Were Not Violated By State Policy Requiring His Confinement Before His Execution in a Single Cell With Minimal Visitation and Recreational Opportunities

[Prieto v. Clarke](#), ___ F.3d ___, 2015 WL 1020718 (March 10, 2015). Prieto was convicted in Virginia of two capital murders and received two death sentences. A written state policy mandates that all people sentenced to death be confined on death row while awaiting execution. Unlike other prisoners, these prisoners are not subject to security classification or assignment to any alternative confinement. Inmates on death row live in separate single cells, with visitation and recreation restrictions more onerous than those imposed on other inmates. After incarceration on Virginia's death row for nearly six years, Prieto brought a 42 U.S.C. § 1983 action alleging his confinement on death row violated procedural due process, with which the federal district court agreed and granted Prieto's motion for summary judgment on this issue. The fourth circuit reversed the district court. It held, based on the two-prong analysis for procedural due process set out in *Sandlin v. Conner*, 515 U.S. 472 (1995), and *Wilkinson v. Austin*, 545 U.S. 209 (2005), that Prieto's rights were not violated by his confinement awaiting execution.