

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EDWARD WILLIAMS, :
 :
 Plaintiff, : Civil Action No. 00-728-JJF
 :
 v. :
 :
 LT. BERNIE WILLIAMS, et al., :
 :
 Defendants. :

Edward G. Williams, Pro Se, Smyrna, Delaware.

Gregory E. Smith, Esquire, DELAWARE DEPARTMENT OF JUSTICE,
Wilmington, Delaware.
Attorney for State Defendants.

MEMORANDUM OPINION

March 22, 2002
Wilmington, Delaware.

FARNAN, District Judge.

Presently before the Court is a Motion For Summary Judgment filed by Defendants Staff Lieutenant Bernie H. Williams and Warden Robert Synder (collectively "State Defendants"). (D.I. 13). Plaintiff Edward G. Williams, an inmate at the Delaware Correctional Center ("D.C.C."), filed the instant action pursuant to 42 U.S.C. § 1983. In his Complaint (D.I. 1), Plaintiff alleges that Defendants violated his rights under the Eighth Amendment by subjecting him to excessive force and denying him medical treatment. For the reasons discussed, State Defendants' Motion For Summary Judgment will be granted.

BACKGROUND

The allegations in Plaintiff's Complaint arise on September 8, 1999. On the morning in question, with Plaintiff present, Defendant Lt. Bernie Williams ("Defendant Williams") conducted a disciplinary hearing regarding a disciplinary write-up Plaintiff had received. Plaintiff requested permission to confront his accuser, in response to which Defendant Williams ordered Plaintiff to leave. As Plaintiff was leaving, Plaintiff allegedly told Defendant Williams "I only want a fair hearing and to be able to confront my accuser and if [you] can't do that [you are] less than a man." In response to this statement, Defendant Williams allegedly attacked Plaintiff from behind, throwing Plaintiff into file cabinets and a desk. After Defendant

Williams allegedly twisted Plaintiff's arm up behind his neck, Defendant Williams forced Plaintiff to the floor where he and Lt. Reynold handcuffed him. Defendant Williams then dragged Plaintiff, by his handcuffs, to an office where Plaintiff was left for 3 hours, without access to a doctor to examine the physical injuries Plaintiff received on his wrists, arm, chest, and lip.

State Defendants filed a Motion To Dismiss / Motion For Summary Judgment. (D.I. 13). Because the Court will consider matters outside the pleadings, the Court will construe State Defendants' motion solely as a Motion For Summary Judgment. See Fed.R.Civ.P. 56. In response to State Defendants' motion, Plaintiff filed a brief styled "Motion To Dismiss / Motion For Summary Judgment." (D.I. 15). Based on the content and structure of Plaintiff's argument the Court will construe Plaintiff's brief as an Answering Brief.

STANDARD OF REVIEW

Federal Rule of Civil Procedure 56(c) provides that a party is entitled to summary judgment where "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law." A party seeking summary judgment always bears the initial responsibility of

informing the Court of the basis for its motion, and identifying those portions of the "pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any," which it believes demonstrate the absence of a genuine issue of material fact. Where, as here, the nonmoving party opposing summary judgment has the burden of proof at trial on the issue for which summary judgment is sought, he must then make a showing sufficient to establish the existence of an element essential to his case. If the nonmoving party fails to make a sufficient showing on an essential element of his case with respect to which he has the burden of proof, the moving party is entitled to judgment as a matter of law. Celotex Corp. v. Catreer, 477 U.S. 317, 322 (1986). Moreover, the mere existence of some evidence in support of the nonmoving party will not be sufficient to support a denial of a motion for summary judgment; there must be enough evidence to enable a jury to reasonably find for the nonmoving party on that issue. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249 (1986).

DISCUSSION

I. Excessive Force Claim

In his Complaint, Plaintiff alleges that Defendant Williams used excessive force in violation of his Eighth Amendment right to be free from cruel and unusual punishment when he slammed Plaintiff into the filing cabinet, desk, and onto the floor. Where prison guards use force to restrain a noncompliant inmate, the standard for determining whether the guards' conduct violated the Eighth Amendment is "'whether force was applied in a good faith effort to maintain or restore discipline or maliciously and sadistically for the very purpose of causing harm.'" Whitley v. Albers, 475 U.S. 312, 320-21 (1986) (citations omitted). Among the factors to consider in applying this standard are the need for the application of force, the relationship between the need and the amount of force that was used, the extent of the injury inflicted, the threat reasonably perceived by the responsible officials and the efforts made to temper the severity of a forceful response. Hudson v. McMillian, 503 U.S. 1, 6 (1992) (citing Whitley, 475 U.S. at 321).

Consistent with their initial burden on summary judgment, State Defendants have set forth the basis for their motion and have identified evidence demonstrating the absence of a genuine issue of material fact. Defendant Williams' affidavit and the findings of the Hearing Officer at a subsequent disciplinary hearing, along with the affirmation of these findings on appeal, indicate that, without provocation from Defendant Williams,

Plaintiff was disorderly and resistant, using vulgar and abusive language, necessitating Defendant Williams' use of force to subdue him. Because Defendants have met their initial burden on summary judgment, the burden shifts to Plaintiff to establish sufficient evidence from which a jury could find in his favor.

In order to meet his burden, Plaintiff may not rest upon the mere allegations of his Complaint, but must set forth specific facts, by means of affidavits or other evidence, to illustrate that there is a genuine issue for trial. Fed. R. Civ. P. 56(e), Celotex, 477 U.S. at 322. In this case, Plaintiff has not offered any facts, by means of affidavit or other evidence, to controvert Defendants' rendition of the facts. In fact, the witness Plaintiff called at his disciplinary hearing regarding his conduct on the morning in question, Lt. Reynolds, corroborated Defendant Williams testimony that Plaintiff was disorderly and resistant requiring the use of force to subdue him. (D.I. 13, 4/25/00 Record Disciplinary Hearing). Lt. Reynolds further corroborated that Defendant Williams did not use excessive force. (D.I. 13, 4/25/00 Record Disciplinary Hearing).

In reviewing the facts set forth by State Defendants, the Court concludes that Defendant Williams' use of force was not cruel, unusual or grossly excessive. In response to threatening, vulgar, and abusive language and otherwise disorderly conduct, Defendant Williams used force to restrain Plaintiff. The Court

concludes that Defendant Williams' use of force was not excessive and was applied in good faith to subdue Plaintiff's aggressive outbursts and restore discipline. See Whitley, 475 U.S. at 321. Accordingly, the Court will grant summary judgment in favor of Defendants on Plaintiff's excessive force claim.

II. Medical Treatment Claim

Plaintiff next contends that he was denied medical treatment and denied a full medical diagnosis of his condition following his encounter with Defendant Williams. In order to establish an Eighth Amendment Claim for the denial of medical treatment "a prisoner must allege acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs." Estelle v. Gamble, 429 U.S. 97, 104 (1976).

Plaintiff contends that he was denied medical treatment; however, Plaintiff makes no allegations that he requested medical treatment and was denied such treatment. (D.I. 2). Further, Plaintiff has offered no evidence, by affidavit or otherwise, of medical injuries, or to contradict Defendants' assertion that Plaintiff was not injured and did not require medical treatment. Plaintiff cannot rest on the mere allegations of his Complaint to withstand summary judgment. Fed. R. Civ. P. 56(e). Based on Plaintiff's failure to offer facts to support his claim that he was denied treatment, the Court concludes that State Defendants were not deliberately indifferent to Plaintiff's medical needs.

Accordingly, with respect to Plaintiff's claim that he was denied medical treatment, the Court will grant summary judgment in Defendants' favor.

CONCLUSION

For the reasons discussed, the Court will grant State Defendants' Motion For Summary Judgment (D.I. 13).

An appropriate Order will be entered.

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O R D E R

NOW THEREFORE, for the reasons set forth in the Memorandum Opinion issued this date, IT IS HEREBY ORDERED this 22nd day of March 2002 that State Defendants' Motion To Dismiss / Motion For Summary Judgment (D.I. 13) is **GRANTED**.

JOSEPH J. FARNAN, JR.
UNITED STATES DISTRICT JUDGE