

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JEROME K. HAMILTON,)
)
 Plaintiff,)
)
 v.) Civil Action No. 98-410-GMS
)
 DEBORAH A. FINNEY, *et al.*,)
)
 Defendant.)

MEMORANDUM AND ORDER

On July 14, 1998, Jerome K. Hamilton (“Hamilton”) filed a *pro se* complaint with the court alleging that two Delaware Correctional Center (“DCC”) officers (“the defendants”) violated his First, Fifth, and Fourteenth Amendment rights pursuant to 42 U.S.C. §1983 when they confiscated his property. Presently before the court is defendants’ motion to dismiss. Upon consideration of the parties’ arguments, the court will grant the defendants’ motion. The following sections explain the reasons for the court’s decision more thoroughly.

I. Standard of Review

The defendants originally filed a motion to dismiss Hamilton’s complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. However, both parties have submitted affidavits and other matters outside of the pleadings in support of their arguments. Pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, if, on a motion to dismiss for failure to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for

summary judgment and disposed of as provided in Rule 56. *See* Fed. R. Civ. P. 12(b).¹ Thus, the court will treat the motion as one for summary judgment.

The court can grant summary judgment only if there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c). On summary judgment, the court cannot weigh the evidence or make credibility determinations. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986); *International Union, United Auto., Aerospace & Ag. Implement Workers of America, U.A.W. v. Skinner Engine Co.*, 188 F.3d 130, 137 (3d Cir.1999) (“At the summary judgment stage, a court may not weigh the evidence or make credibility determinations; these tasks are left to the fact finder.”). Instead, the court can only determine whether there is a genuine issue for trial. *See Abraham v. Raso*, 183 F.3d 279, 287 (3d Cir.1999). In doing so, the court must look at the evidence in the light most favorable to the non-moving party, drawing all reasonable inferences and resolving all reasonable doubts in favor of that party. *See Pacitti v. Macy’s*, 193 F.3d 766, 772 (3d Cir.1999).

II. Background

Hamilton is incarcerated at the DCC, which is located in Smyrna, Delaware. In his complaint, Hamilton alleges that Correctional Officer Finney confiscated his personal property, including numerous legal documents, while Captain Cunningham was the supervisor. The defendants acknowledge that Hamilton’s property was confiscated on May 2, 1996, because it exceeded the amount allowed by prison regulations. The defendants further allege that Hamilton violated DCC Property Rule 5. This rule provides

¹In light of the parties’ submission of matters outside of the pleadings, the court finds that both parties have had a reasonable opportunity to present all material which is pertinent to a motion for summary judgment. *See* Fed. R. Civ. P. 12(b).

that all personal and/or issued items must be stored in two cardboard boxes, and one additional box is allowed for legal material. The defendants, however, allege that they attempted to return his property only to have this offer refused by Hamilton.

After the alleged attempted return, Hamilton filed a replevin action in January of 1997, in Delaware's Justice of the Peace Court #9² ("JP Court") to recover his property. On March 20, and April 2, 1997, Judge Barrett of the JP Court held a hearing in the maximum security section at the DCC. Testimony was heard from Hamilton, his witnesses, and the defendants. The JP Court found Hamilton's actions contravened the property rules at DCC, and, as a result, some of his property was confiscated. *See Hamilton v. Pawlowski, et. al.*, JP(P DCC 97-C-0001, Barrett, J. (Apr. 4, 1997). *See* D.I. 30, Ex. B. The JP Court also ordered that Hamilton be given the opportunity to sort through his property and decide what he would keep and what would be discard. *See id.* As a result of the JP Court's decision, Hamilton's returned property was inventoried on a form entitled, "Inmate Acquired or Confiscated Personal Property." Hamilton signed a receipt acknowledging the returned property on April 2, 1997. *See id.* The remaining items, mostly paperwork, were torn up at Hamilton's request. On April 18, 1997, Hamilton filed a Notice of Appeal. Although it is not clear, it appears that this appeal was unsuccessful due to a procedural error.³ On June 2, 1997, Hamilton was advised by a Delaware Court of Common Pleas Judge that he needed to submit documents to the court in order for the court to adequately review his case.

On July 14, 1998, Hamilton filed a complaint in federal court to force the return of legal documents

²Although the defendants' state that Hamilton's case was decided in JP Court #8, the record establishes that the matter was decided in JP Court #9. *See* D.I. 30, Exhibit D.

³A letter from a Court of Common Pleas Judge to Hamilton states that Hamilton's appeal had been deemed untimely, and thus, all of the original documents filed with the court were returned to Hamilton.

which were confiscated during the May 2, 1996 seizure and to receive monetary relief.

III. Discussion

The defendants argue that all of Hamilton's claims are precluded by the doctrines of res judicata and collateral estoppel.⁴ Although Hamilton does not directly address whether this action should be precluded in his response to the defendants' motion, he does raise the following issues: 1) that the JP Court did not have jurisdiction because it is "in kent county instead of new castle county [sic]" 2) that he was wrongly denied the right to appeal the matter and 3) that Judge Barrett abused her discretion. In addition, Hamilton asks the court to remand this case to the Court of Common Pleas for the State of Delaware, or to have an evidentiary hearing. The court will first address whether Hamilton is precluded from litigating this case. It will then address Hamilton's motion to remand.

A. Preclusive Effect of the JP Court Decision

At the outset, the court notes that a federal court applying preclusion principles is bound by the Full Faith and Credit statute, 28 U.S.C. § 1738, and must give a prior state judgment the same effect as would the adjudicating state. *Gregory v. Chehi*, 843 F.2d 111, 116 (3d Cir.1988) (citations omitted).

Under the doctrine of res judicata, a final judgment on the merits rendered by a court of competent jurisdiction is, in the absence of fraud or collusion, an absolute bar to the maintenance of a second suit based on the same subject matter. *See Hostetter v. Hartford Ins. Co.*, C.A. No. 85C-06-28, 1992 WL

⁴The defendants also argue that they are entitled to judgment as a matter of law because 1) Hamilton has failed to establish that either defendant was personally involved in the seizure of his property; 2) his claims against the defendants in their official capacities are barred by the Eleventh Amendment, and 3) the defendants are entitled to qualified immunity. The court will not address these arguments, however, because it has determined that Hamilton is precluded from pursuing his suit by the doctrines of res judicata and collateral estoppel.

179423, at *6 (Del. Super. Ct. July 13, 1992). Under Delaware law, a party claiming that the doctrine of res judicata bars a subsequent action must demonstrate the presence of five elements: (1) the court making the prior adjudication had jurisdiction, (2) the parties in the present action are either the same parties or in privity with the parties from the prior adjudication, (3) the cause of action must be the same in both cases or the issues decided in the prior action must be the same as those raised in the present case, (4) the issues in the prior action must be decided adversely to the plaintiff's contentions in the instant case, and (5) the prior adjudication must be final. *See Bailey v. City of Wilmington*, 766 A.2d 477, 481 (Del. 2001).

In this case, Hamilton does not dispute that the JP Court issued a final judgment on the merits on the same claims at issue here and against the same defendants at the March 20, and April 2, 1997 hearings. Although Hamilton alleges that the JP Court lacked jurisdiction, one of his own exhibits demonstrates that the J.P. Court sits in Smyrna, Delaware where the DCC is located. In light of the record, the court concludes that Hamilton's claim is precluded as a matter of law because he has already litigated this claim and received a final judgment on the merits.

Hamilton's claims are also barred under the doctrine of collateral estoppel. Under the doctrine of collateral estoppel, if a court has decided an issue of fact necessary to its judgment, that decision precludes relitigation of the same issue in a subsequent suit *See Messick v. Star Enterprise*, 655 A.2d 1209, 1211 (Del.1995) (citing *Allen v. McCurry*, 449 U.S. 90, 94, 101 S.Ct. 411, 66 L.Ed.2d 308 (1980)). The test for applying collateral estoppel requires that (1) a question of fact essential to the judgment, (2) be litigated and (3) determined (4) by a valid and final judgment. *Messick*, 655 A.2d at 1211. In this case, an essential question of fact – whether the defendants acted improperly in confiscating Hamilton's property,

was fully litigated by Hamilton and determined by a valid, final judgment of the JP Court.

Upon consideration of the parties' arguments and the record before it, the court concludes that Hamilton's claims are precluded pursuant to the doctrines of res judicata and collateral estoppel because he has already litigated these issues in state court. Therefore, the court will grant the defendants' motion.

B. Hamilton's Motion to Remand

To the extent that Hamilton seeks to have this matter remanded to the Court of Common Pleas, the court lacks the authority to grant this request, and must deny his motion. A federal district court's authority to remand a case only results when the case originates and is removed from a state court. *Breed Technologies Inc. v. Allied Signal Inc.*, 128 F. Supp. 2d 743, 746 (D. Del. 2001). Moreover, the court can only remand a case to the original court from which it was removed. *Id.* To the extent the Hamilton asks the court to sit as an appellate tribunal and judge the propriety of either Judge Barrett's decision or the denial of his appeal, the court is prevented from providing this type of relief by the *Rooker-Feldman* doctrine. Under the *Rooker-Feldman* doctrine, the court cannot consider a challenge to a state court decision if the relief requested would effectively reverse a state court's decision or void its ruling. *See Whiteford v. Reed*, 155 F.3d 671, 674 (3d Cir. 1998).

IV. Conclusion

Because Hamilton litigated and received a final judgment on the present action in a prior suit before the JP Court, the court will grant the defendants' motion for summary judgment.

For these reasons IT IS HEREBY ORDERED that:

1. The Defendants' Motion for Summary Judgment (D.I. 23) is GRANTED.
2. Summary Judgment be and hereby is ENTERED in favor of DEFENDANTS and against

the plaintiff on all claims in the complaint.

3. Hamilton's Motion to Remand (D.I. 30) is DENIED.

Dated: August 1, 2001

Gregory M. Sleet
UNITED STATES DISTRICT JUDGE