

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM LEE DEFOE, :
 :
 Plaintiff, :
 :
 v. : Civil Action No.99-300-JJF
 :
 CORRECTION OFFICERS TUCKER, :
 NEW, and COLEMAN, STAN TAYLOR, :
 RAPHAEL WILLIAMS, ROBERT SNYDER, :
 CAPT. BELANGER, LT. PORTER, :
 SGT. MILLMAN, OFFICERS RUTKOWSKI :
 and BURGOYNE, LT. JOHN DOE and :
 CAPT. JOHN DOE, LARRY MCGUIGAN, :
 DEPUTY WARDEN CUNNINGHAM, :
 SECURITY SUPERINTENDANT, CAPTS. :
 PATTERSON and SCRANTON, LTS. :
 SECORD and LEPONE, OFFICERS :
 FUENTES, MCGILL, and SEYMORE, :
 PRISON HEALTH SERVICES, RICHARD :
 COVENT, DR. MILLER, NURSES PAM, :
 MARY ANN, SUSAN, AND PENDRY, :
 :
 Defendants. :

William Lee Defoe, Pro Se Plaintiff.

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DEPARTMENT OF JUSTICE, Wilmington, Delaware.
Attorney for Defendants.

MEMORANDUM OPINION

October 24, 2002
Wilmington, Delaware

FARNAN, District Judge

State Defendants' Renewed Motion to Dismiss (D.I. 141) was granted by an Order of the Court (D.I. 147) dated September 30, 2002, for the reasons discussed below.

BACKGROUND

I. Factual

This case involves claims by a former inmate against various administrators, correctional officers ("C/O"), law librarians, and medical personnel of the Delaware Correctional system. In May 1999, Plaintiff filed a Complaint under 42 U.S.C. § 1983 alleging violations of the First, Sixth, Eighth, and Fourteenth Amendment and naming Defendants C/O Tucker, C/O New and C/O Coleman. The Complaint sought to enjoin the C/O's from "creating unsafe and life threatening conditions of confinement." (D.I. 2). Plaintiff also sought compensatory and punitive damages based on the C/O's conduct. The alleged conduct caused mental and emotional anxiety and physical injury. (D.I. 2). In August 1999, Plaintiff filed an Amended Complaint adding the following State Defendants: Stan Taylor, Raphael Williams, Robert Snyder, C/O's Belanger, Porter, Millman, Rutkowski, Burgoyne, Francene Kobus, Mackinnon Young, and John Doe. (D.I. 142). Plaintiff filed a Supplemental Complaint in November 1999, in which he added Defendants, increased the number of claims and the time frame in which they allegedly occurred (from four days to two

years), and described two additional facilities run by the Delaware Department of Corrections at which violations allegedly occurred. (D.I. 142).

II. Procedural

In March 2001, the Court denied State Defendants' Motion to Dismiss with leave to renew. In May 2001, State Defendants' renewed Motion was granted and Plaintiff's Amended and Supplemental Complaints were dismissed without prejudice. (D.I. 116). In August 2001, Plaintiff's Motion for Reconsideration of the Order dismissing the case was granted. (D.I. 118). In October 2001, Plaintiff was released from the custody of the State of Delaware and was transferred to the State of Maryland on a detainer. (D.I. 142). In January 2002, Plaintiff notified the Court of his new address in Maryland, and State Defendants filed the instant Renewed Motion to Dismiss. Plaintiff failed to file an answer within the time allotted and subsequently failed to comply with a June 2002 Order of the Court demanding that Plaintiff file an answer within 20 days. (D.I. 144). In August 2002, Plaintiff responded to the Court Order with a letter stating he was "no longer incarcerated in Delaware" and asking "[w]hat good would monetary damages do at this late date?" (D.I. 146). Plaintiff did not include an Answering brief with his August letter.

State Defendants move for dismissal on the following

grounds: (1) Plaintiff's claims for injunctive relief are moot because he is no longer incarcerated in Delaware; (2) Plaintiff failed to state claims that rise to the level of constitutional violations enforceable under Section 1983; (3) Plaintiff failed to serve certain Defendants; and (4) Plaintiff failed to allege facts which would defeat State Defendants' Eleventh Amendment affirmative defenses.

DISCUSSION

I. Standard of Review

When a court analyzes a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), the factual allegations in the complaint must be accepted as true. Langford v. City of Atlantic City, 235 F.3d 845, 847 (3d Cir. 2000). The Court must draw all reasonable inferences in favor of the non-moving party. Id. In sum, a complaint must be dismissed under Rule 12(b)(6) if it is clear that "no relief could be granted under any set of facts that could be proved consistent with the allegations." Hishon v. King & Spalding, 467 U.S. 69, 73 (1984).

A. Claims for Injunctive Relief

Article III of the United States Constitution requires that Federal Courts limit the exercise of their judicial power to actual cases or controversies. U.S. Const. art. III, § 2. Federal Courts are thus unable to review the merits of cases that are moot. New Jersey Turnpike Authority v. Jersey Central Power

and Light, 772 F.2d 25, 31 (3d Cir. 1985). A case is moot when “the alleged violation has ceased and there is no reasonable expectation that it will recur” Id.

In Weinstein v. Bradford, the United States Supreme Court held that a former parolee’s constitutional challenges to the procedures determining his eligibility for parole became moot upon his complete release from supervision because the plaintiff no longer had a personal interest in the operation of the parole system. 423 U.S. 147 (1975). Here, based on similar reasoning, the Court concludes that Plaintiff’s claims regarding his conditions of confinement are moot because of his October 2001 release from incarceration.

B. Claims for Punitive and Compensatory Relief

The United States Supreme Court has held that conditions of confinement amount to cruel and unusual punishment only where the conditions “result[] in unquestioned and serious deprivation of basic human needs.” Rhodes v. Chapman, 452 U.S. 337, 347 (1981). Additionally, “[n]othing so amorphous as ‘overall conditions’ can rise to the level of a [constitutional violation] when no specific deprivation of a single human need exists.” Wilson v. Seiter, 501 U.S. 294, 305 (1991).

Here, the Court finds that the Plaintiff’s Complaint fails to allege the deprivation of a single basic human need. Instead, Plaintiff’s claims are a laundry list of general complaints

regarding the conditions at Delaware Department of Corrections facilities. For example, Plaintiff alleges that the cells are small, cold, dirty, smelly, and overcrowded; that the noise level is too high; and that he was incorrectly classified. Although such conditions, if they exist, are not ideal, this Court has previously held that similar complaints do not rise to the level of constitutional violations. See, e.g., Hoover v. Watson, 886 F. Supp. 410 (D. Del. 1995); Brown v. Cunningham, 730 F. Supp. 612, 615 (D. Del. 1990). Therefore, the Court concludes that Plaintiff's allegations fail to state a claim upon which relief can be granted and must be dismissed.

CONCLUSION

For the reasons discussed above, State Defendants' Motion (D.I. 141) was **GRANTED** by an Order (D.I. 147) dated September 30, 2002.