

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHARLES N. SCHOOLFIELD, :
 :
 Plaintiff, :
 :
 v. :
 :
MICHAEL DELOY, Deputy Warden, :
 :
 Defendant. :

Civil Action No. 99-340-JJF

Charles N. Schoolfield, Pro Se Plaintiff.

Stuart B. Drowos, Esquire of the DEPARTMENT OF JUSTICE OF THE
STATE OF DELAWARE, Wilmington, Delaware.
Attorney for the Defendant.

MEMORANDUM OPINION

March 26, 2002
Wilmington, Delaware

Farnan, District Judge.

Pending before the Court is Motion To Dismiss (D.I. 27) filed by Defendant, Michael Deloy pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff, Charles N. Schoolfield, an inmate at the Sussex Correctional Institute ("SCI"), filed the instant action pursuant to 42 U.S.C. § 1983. By his Complaint, Plaintiff alleges that Defendant violated his due process rights under the Fourteenth Amendment by terminating his employment in the prison law library. Plaintiff also raises an equal protection claim to the extent that he contends that his termination was based upon his race.

On May 12, 2000, Defendant filed a Motion To Dismiss (D.I. 15) Plaintiff's Complaint. The Court granted Defendant's Motion To Dismiss (D.I. 15) with respect to Plaintiff's due process claim. (D.I. 21). With respect to Plaintiff's equal protection claim, however, the Court directed Defendant to file a responsive pleading, as Defendant failed to address Plaintiff's equal protection claim in his Motion To Dismiss (D.I. 15). (D.I. 21).

Pursuant to the Court's direction, Defendant filed the instant Motion To Dismiss (D.I. 27). In support of his Motion (D.I. 27), Defendant has submitted materials outside of the pleadings. Because the Court will consider the outside materials, the Court will construe Defendant's Motion (D.I. 27) as a Motion For Summary Judgment in accordance with Federal Rule

of Civil Procedure 56. See Fed. R. Civ. P. 12(b). For the reasons set forth below, Defendant's Motion For Summary Judgment (D.I. 27) with respect to Plaintiff's remaining equal protection claim will be granted.

BACKGROUND

In early 1999, Plaintiff and two other inmates, David Andrews and Robert Saunders, were employed at SCI's law library. (D.I. 2 at 5). During their employment, inmate Andrews made inappropriate approaches toward the law librarian paralegal, Dianne Ranger. (D.I. 2 at 5). Ms. Ranger reported the incident to prison supervisors, and inmate Andrews was terminated from his job in the law library and referred to the disciplinary officer. After further investigation, Defendant decided to transfer the remaining workers, Plaintiff and Inmate Saunders to other jobs in the prison. (D.I. 27, Ex. A). Inmate Saunders accepted a new job in the kitchen, but Plaintiff initially refused to accept any other work. (D.I. 2 at 7; D.I. 27 at 2). Currently, Plaintiff is employed in SCI's kitchen.

Construing Plaintiff's Complaint liberally, Plaintiff alleges that Defendant violated his equal protection rights under the Fourteenth Amendment by selectively enforcing SCI's job reclassification policy on the basis of Plaintiff's race. Specifically, Plaintiff alleges:

Plaintiff was informed by investigating officer of this incident that, by order of Michael Deloy, all inmates would

be reclassified to a new job position after working two years at one job. The only two statistics of this non-written policy were said black inmates (Charles Schoolfield) and (Robert Saunders). Robert Saunders has only been employed at the law library for six (6) months which clearly proves discrimination is the motive of my termination.

In lieu of filing an Answer to Plaintiff's equal protection claim, Defendant filed the instant Motion (D.I. 27). Plaintiff failed to respond to Defendant's Motion (D.I. 27) within the applicable time period, and, by way of Order dated January 18, 2002, the Court informed Plaintiff that its decision on the instant Motion (D.I. 27) would be rendered on the papers submitted in the event that Plaintiff failed to file an answering brief within twenty (20) days. (D.I. 30). More than twenty days has expired since the date of the Court's last Order (D.I. 30) and, to date, no answering brief has been filed. Accordingly, the Court will proceed to the merits of Defendant's Motion (D.I. 27) on the papers before it.

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. Catreet, 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

In order to establish a claim under Section 1983, a plaintiff must show: (1) the conduct complained of was committed by a person acting under color of state law, and (2) the conduct deprived the plaintiff of a federally secured right. Davidson v. Dixon, 386 F. Supp. 482, 487 (D. Del. 1974), aff'd, 529 F.2d 511

(3d Cir. 1975). By his Complaint, Plaintiff contends that the loss of his prison employment in the law library violated his equal protection rights under the Fourteenth Amendment. (D.I. 2, passim). Specifically, Plaintiff contends that Defendant selectively enforced SCI's job reclassification policy on the basis of Plaintiff's race. (D.I. 2)

Under the equal protection clause of the Fourteenth Amendment, prisoners are protected against invidious discrimination. See e.g. Wolff v. McDonnell, 418 U.S. 539, 556 (1974). Consistent with his initial burden on summary judgment, Defendant has set forth the basis for his Motion and has identified evidence demonstrating the absence of a genuine issue of material fact. By his affidavit, Defendant asserts that his decision to transfer Plaintiff from the law library was based solely on legitimate penological interests. (D.I. 27 at 4; D.I. 27, Ex. A); See O'Lone v. Estate of Shabazz, 482 U.S. 342, 349 (holding that when reviewing decisions of prison officials in context of prisoner civil rights action, a court must do so with deference, keeping in mind the difficult task before such officials in fulfilling valid penological interests, including institutional security, deterrence of crime, and rehabilitation of prisoners). Specifically, Defendant asserts that the results of the investigation surrounding the incident involving inmate Andrews and Ms. Ranger revealed that Ms. Ranger had inadvertently compromised the security of the law library by discussing

personal issues within hearing range of the inmate workers. (D.I. 27 at 4; D.I. 27, Ex. A). According to Defendant, Plaintiff, as well as inmate Saunders, were transferred in order to avoid any further incidents, and not because of any alleged job reclassification policy or racial animus. (D.I. 27 at 4). Because Defendant has met his initial burden on summary judgment, the burden shifts to Plaintiff to establish sufficient evidence from which a jury could find in Plaintiff's 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 evidence, by means of affidavit or otherwise, to controvert Defendants' rendition of the facts.

After reviewing the facts set forth by Defendant, the Court concludes that Plaintiff did not suffer invidious discrimination. Accordingly, the Court will grant Defendant's Motion For Summary Judgment (D.I. 27) with respect to Plaintiff's remaining equal protection claim.

CONCLUSION

For the reasons discussed, Defendant's Motion For Summary Judgment (D.I. 27) with respect to Plaintiff's remaining equal protection claim will be granted.

An appropriate Order will be entered.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHARLES N. SCHOOLFIELD,	:	
	:	
Plaintiff,	:	
	:	Civil Action No. 99-340-JJF
v.	:	
	:	
MICHAEL DELOY, Deputy Warden,	:	
	:	
Defendant.	:	

ORDER

At Wilmington this 26th day of March, 2002, for the reasons set forth in the Memorandum Opinion issued this date;

IT IS HEREBY ORDERED that Defendant's Motion For Summary Judgment (D.I. 27) with respect to Plaintiff's remaining equal protection claim is **GRANTED**.

JOSEPH J. FARNAN, JR.
UNITED STATES DISTRICT JUDGE