



LGIT'S COMMANDER'S LOG

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The importance of addressing each and every claim in a prisoner lawsuit

QUESTION: **Can corrections administrators, supervisors, and/or officers ignore allegations in an inmate's lawsuit if they believe the allegations are untrue or otherwise lack merit?**

ANSWER: **No. Corrections administrators, supervisors, and officers must respond to each and every claim made by an inmate in his/her lawsuit. The failure to do so will draw the attention of the court and may allow the lawsuit to proceed in circumstances where it easily could have been dismissed.**

CASE: ***Cleaven L. Williams, Jr. v. Assistant Warden Bartee, et al.*
(United States District Court for the District of Maryland)(Unpublished)
Decided March 28, 2011**

Plaintiff Cleaven Williams sued concerning the conditions of his pretrial detention in the Baltimore City Detention Center (BCDC). In one of his many claims, Williams alleged that he had a toothache that he first reported on January 5, 2010, but was not seen until March 10, 2010. Williams alleged that Sergeant Williams, Officer Laryea, and Officer Saunders interfered with his scheduled appointments to see the dentist and it was not until a mental health official intervened on his behalf that he was able to keep his appointment. Williams alleged that dental staff told him that he was scheduled to see the dentist on several occasions but security staff failed to bring him to his appointments. The court framed the issue raised in the complaint as follows: "the failure by correctional staff to escort plaintiff to scheduled dental appointments on seven different occasions." Williams alleged that the failure to take him to his appointments was a "deliberate attempt to inflict pain on him."

Since the claim was one for denial of medical care, the court stated that Williams was required to demonstrate that the actions of the officers or their failure to act amounted to "deliberate indifference to serious medical needs." Deliberate indifference to a serious medical need requires proof that, objectively, plaintiff was suffering from a serious medical need and that, subjectively, staff was aware of the need for medical attention but failed to either provide it or ensure the needed care was available. At issue here was the alleged deliberate disregard of Williams' medical needs by not escorting him to his appointments and the resulting infliction of pain. However, when the court searched the record for evidence from the officers countering Williams' allegations, there were none. The court said, "Defendants have not addressed that allegation and have provided no other explanation for the delay in providing plaintiff with the care required." Consequently, the court found that there was a genuine dispute of material fact concerning what the officers knew about Williams' dental pain and their motivations, if any, for failing to take him to his dental appointments. In light of their failure to respond,

the court directed the officers to supplement their filing with the court “with affidavits and other evidence concerning this claim.”

NOTE: The June 2010 *Commander’s Log* pointed out the need for prisoner’s to substantiate their claims with sufficient evidence. The failure to do so often results in dismissal of the suit. This case represents the flip side of the coin and demonstrates three things: (1) The importance of the evidence submitted by administrators, supervisors, and officers to rebut an inmate’s claims; (2) The importance of working with counsel to ensure that each and every claim made by an inmate is addressed in the response to the lawsuit; and (3) the willingness of the federal district court to allow defendants in prisoner suits to challenge claims at the very outset of the litigation. Keep in mind that the more thorough the response, the more likely the court will dismiss the lawsuit.

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