

HUDSON v. PALMER

No. 82-1630

SUPREME COURT OF THE UNITED STATES

468 U.S. 517; 104 S. Ct. 3194; 1984 U.S. LEXIS 143; 82 L.
Ed. 2d 393; 52 U.S.L.W. 5052

December 7, 1983, Argued

July 3, 1984, Decided *

* Together with No. 82-6695, Palmer v. Hudson, also on
certiorari to the same court.

PRIOR HISTORY:

[***1]

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE
FOURTH CIRCUIT.

DISPOSITION:

697 F.2d 1220, affirmed in part and reversed in part.

REF-LINKS:

[View References Turn Off Lawyers' Edition Display](#)

DECISION:

Prison inmates held not entitled to Fourth Amendment protection against unreasonable searches and seizures in their individual cells.

SUMMARY:

A prison inmate brought an action under 42 USCS 1983 against a prison officer, alleging that the officer had conducted a shakedown search of his prison cell and had brought a false charge against him solely to harass him. The prisoner also alleged that the officer intentionally destroyed some of his personal property during the search in violation of the Fourteenth Amendment. The United States District Court for the Western District of Virginia granted summary judgment in favor of the officer. The United States Court of Appeals for the Fourth Circuit affirmed in part, reversed in part, and remanded, holding that the prisoner was not deprived of his property without due process but that the prisoner had a limited privacy right in his cell entitling him to protection against searches conducted solely to harass or to humiliate (697 F2d 1220).

On certiorari, the United States Supreme Court affirmed in part and reversed in part. In an opinion by Burger, Ch. J., joined by White, Powell, Rehnquist, and O'Connor, JJ., it was held that a prison inmate does not have a reasonable expectation of privacy in his

prison cell entitling him to the protection of the Fourth Amendment against unreasonable searches and seizures. The court also held that an unauthorized intentional deprivation of property by a state employee does not constitute a violation of the procedural requirements of the due process clause of the Fourteenth Amendment if, as in the present case, a meaningful postdeprivation remedy for the loss is available.

O'Connor, J., concurred, expressing the view that the prisoner's complaint did not state a ripe constitutional claim since the prisoner had not availed himself of state remedies or proved that the remedies were inadequate.

Stevens, J., joined by Brennan, Marshall, and Blackmun, JJ., concurring in part and dissenting in part, expressed the view that the destruction of the prisoner's property was a seizure for purposes of the Fourth Amendment and that the seizure was unreasonable.

LEXIS HEADNOTES - Classified to U.S. Digest Lawyers' Edition:

PRISONS AND CONVICTS @1

SEARCH AND SEIZURE @6

Fourth Amendment -- expectation of privacy --

Headnote: [1A] [1B] [1C] [1D]

A prison inmate does not have a reasonable expectation of privacy in his prison cell entitling him to the protection of the Fourth Amendment against unreasonable searches and seizures. (Stevens, Brennan, Marshall, and Blackmun, JJ., dissented from this holding.)

CONSTITUTIONAL LAW @564

deprivation of property -- postdeprivation remedy --

Headnote: [2A] [2B]

An unauthorized intentional deprivation of property by a state employee does not constitute a violation of the procedural requirements of the due process clause of the Fourteenth Amendment if a meaningful postdeprivation remedy for the loss is available.

CONSTITUTIONAL LAW @942

PRISONS AND CONVICTS @1

prisoners' right to petition government --

Headnote: [3]

Prisoners have the constitutional right to petition the government for redress of their grievances, which includes a reasonable right of access to the courts.

CONSTITUTIONAL LAW @969

PRISONS AND CONVICTS @1

First Amendment -- religious freedom --

Headnote: [4]

Prisoners must be provided reasonable opportunities to exercise their religious freedom guaranteed under the First Amendment.

CONSTITUTIONAL LAW @942

PRISONS AND CONVICTS @1

First Amendment -- rights of speech --

Headnote: [5]

Prisoners retain those First Amendment rights of speech not inconsistent with their status as prisoners or with the legitimate penological objectives of the corrections system.

CONSTITUTIONAL LAW @521

PRISONS AND CONVICTS @1

due process protection --

Headnote: [6]

Prisoners enjoy the protection of due process.

CRIMINAL LAW @76

PRISONS AND CONVICTS @1

Eighth Amendment -- cruel and unusual punishment --

Headnote: [7]

The Eighth Amendment applies to prisoners and ensures that they will not be subject to cruel and unusual punishment.

CONSTITUTIONAL LAW @778.5

destruction of property -- adequate postdeprivation remedy --

Headnote: [8A] [8B] [8C]

A state provides an adequate postdeprivation remedy to a prisoner for the alleged destruction of his property by a state employee during a shakedown search where there

are several common-law remedies available to the prisoner that would provide adequate compensation for his property loss and where employees of the state do not enjoy sovereign immunity for their intentional torts; the intentional destruction of the prisoner's personal property therefore does not violate the due process clause of the Fourteenth Amendment.

OFFICERS @61

liability -- intentional torts --

Headnote: [9]

Under Virginia law, a state employee may be held liable for his intentional torts.

SYLLABUS:

Respondent, an inmate at a Virginia penal institution, filed an action in Federal District Court under 42 U. S. C. @ 1983 against petitioner, an officer at the institution, alleging that petitioner had conducted an unreasonable "shakedown" search of respondent's prison locker and cell and had brought a false charge, under prison disciplinary procedures, of destroying state property against respondent solely to harass him; and that, in violation of respondent's Fourteenth Amendment right not to be deprived of property without due process of law, petitioner had intentionally destroyed certain of respondent's noncontraband personal property during the search. The District Court granted summary judgment for petitioner, and the Court of Appeals affirmed with regard to the District Court's holding that respondent was not deprived of his property without due process. The Court of Appeals concluded that the decision in *Parratt v. Taylor*, 451 U.S. 527 -- holding that a negligent deprivation of a prison inmate's property [***2] by state officials does not violate the Due Process Clause of the Fourteenth Amendment if an adequate post-deprivation state remedy exists -- should extend also to intentional deprivations of property. However, the Court of Appeals reversed and remanded with regard to respondent's claim that the "shakedown" search was unreasonable. The court held that a prisoner has a "limited privacy right" in his cell entitling him to protection against searches conducted solely to harass or to humiliate, and that a remand was necessary to determine the purpose of the search here.

Held:

1. A prisoner has no reasonable expectation of privacy in his prison cell entitling him to the protection of the Fourth Amendment against unreasonable searches. While prisoners enjoy many protections of the Constitution that are not fundamentally inconsistent with imprisonment itself or incompatible with the objectives of incarceration, imprisonment carries with it the circumscription or loss of many rights as being necessary to accommodate the institutional needs and objectives of prison facilities, particularly internal security and safety. It would be impossible to accomplish the prison objectives of [***3] preventing the introduction of weapons, drugs, and other contraband into the premises if inmates retained a right of privacy in their cells. The unpredictability that

attends random searches of cells renders such searches perhaps the most effective weapon of the prison administrator in the fight against the proliferation of weapons, drugs, and other contraband. A requirement that random searches be conducted pursuant to an established plan would seriously undermine the effectiveness of this weapon. Pp. 522-530.

2. There is no merit to respondent's contention that the destruction of his personal property constituted an unreasonable seizure of that property violative of the Fourth Amendment. Assuming that the Fourth Amendment protects against the destruction of property, in addition to its mere seizure, the same reasons that lead to the conclusion that the Amendment's proscription against unreasonable searches is inapplicable in a prison cell, apply with controlling force to seizures. Prison officials must be free to seize from cells any articles which, in their view, disserve legitimate institutional interests. P. 528, n. 8.

3. Even if petitioner intentionally destroyed [***4] respondent's personal property during the challenged "shakedown" search, the destruction did not violate the Due Process Clause of the Fourteenth Amendment since respondent had adequate postdeprivation remedies under Virginia law for any loss suffered. The decision in *Parratt v. Taylor*, supra, as to negligent deprivation by a state employee of a prisoner's property -- as well as its rationale that when deprivations of property are effected through random and unauthorized conduct of a state employee, predeprivation procedures are "impracticable" since the state cannot know when such deprivations will occur -- also applies to intentional deprivations of property. Both the District Court and, at least implicitly, the Court of Appeals held that several common-law remedies were available to respondent under Virginia law and would provide adequate compensation for his property loss, and there is no reason to question that determination. The fact that respondent might not be able to recover under state-law remedies the full amount which he might receive in a @ 1983 action is not determinative of the adequacy of the state remedies. As to respondent's contention [***5] that relief under state law was uncertain because a state employee might be entitled to sovereign immunity, the courts below held that respondent's claim would not be barred by sovereign immunity, since under Virginia law a state employee may be held liable for his intentional torts. Pp. 530-536.

COUNSEL:

William G. Broaddus, Chief Deputy Attorney General of Virginia, argued the cause for petitioner in No. 82-1630 and respondent in No. 82-6695. With him on the briefs were Gerald L. Baliles, Attorney General, Donald C. J. Gehring, Deputy Attorney General, and Peter H. Rudy, Assistant Attorney General.

Deborah C. Wyatt argued the cause for respondent in No. 82-1630 and petitioner in No. 82-6695. With her on the briefs was Leon Friedman.