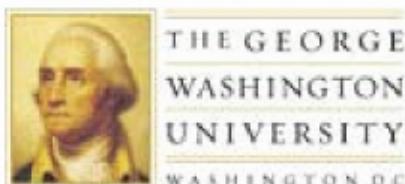


The Burger Court Opinion Writing Database

Martinez v. California
444 U.S. 277 (1980)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

December 13, 1979

Re: 78-1268 - Martinez v. California

Dear John:

I join.

Regards,

A handwritten signature in black ink, appearing to read "Warren E. Burger".

Mr. Justice Stevens

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

December 7, 1979

RE: No. 78-1268 Martinez v. California

Dear John:

I agree.

Sincerely,

Bill

Mr. Justice Stevens

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

December 7, 1979

Re: No. 78-1268, Martinez v. California

Dear John,

I am glad to join your opinion for the
Court.

Sincerely yours,

?S.

Mr. Justice Stevens

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

December 6, 1979

Re: No. 78-1268 - Martinez v. California

Dear John,

Please join me.

Sincerely yours,



Mr. Justice Stevens

Copies to the Conference

cmc

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 7, 1980

Re: 78-1268 -- Martinez v. California

Dear John:

I did participate in this case, having voted to affirm in my memo to the Conference dated November 8, 1979. I am happy to join your opinion for the Court.

Sincerely,

T.M.

T.M.

Mr. Justice Stevens

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

December 7, 1979

Re: No. 78-1268 - Martinez v. California

Dear John:

I am glad to join your opinion.

I would feel more comfortable, however, if the first sentence on page 6 were changed to read "It is clear that the California immunity statute does not control the § 1983 claim even though" This revision, I believe, is consistent with the cases cited in footnote 8. In addition, the California statute would have at least some relevance if the Court were to reach the question concerning the scope of immunity available under § 1983 to the appellees.

Sincerely,



Mr. Justice Stevens

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

December 12, 1979

No. 78-1268 Martinez v. California

Dear John:

My delay in letting you hear from me is caused by the possibility that I may write a brief concurring opinion.

I had not thought that we would reach the §1983 issue, and my preference has been to dispose of the case on the immunity ground that was the focus of our grant and the arguments in the briefs.

Sincerely,



Mr. Justice Stevens

Copies to the Conference

LFP/lab

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

January 10, 1980

78-1268-Martinez v. California

Dear John:

Please join me.

Sincerely,

Lewis

Mr. Justice Stevens

lfp/ss

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

December 11, 1979

Re: No. 78-1268 - Martinez v. California

Dear John:

Please join me.

Sincerely,

Mr. Justice Stevens

Copies to the Conference

To: The Chief Justice
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Blackmun
 Mr. Justice Powell
 Mr. Justice Rehnquist

From: Mr. Justice Stevens

Circulated: 1-5-79

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 78-1268

George Martinez et al., Appellants, v. State of California et al. | On Appeal from the Court of Appeal of California, Fourth Appellate District.

[January —, 1980]

MR. JUSTICE STEVENS delivered the opinion of the Court.

The two federal questions that appellants ask us to decide are (1) whether the Fourteenth Amendment invalidates a California statute granting absolute immunity to public employees who make parole release determinations, and (2) whether such officials are absolutely immune from liability in an action brought under the Federal Civil Rights Act, 42 U. S. C. § 1983.¹ We agree with the California Court of Appeal that the state statute is valid when applied to claims arising under state law and we conclude that appellants have not alleged a claim for relief under federal law.

The case arises out of the murder of a 15-year-old girl by a parolee. Her survivors brought this action in a California court claiming that the state officials responsible for the parole release decision are liable in damages for the harm caused by the parolee.

The complaint alleged that the parolee, one Thomas, was

¹ "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

To: The Chief Justice
Mr. Justice BREWSTER
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

Pg 2-3, 5-6, 7

From: Mr. Justice Stevens

Circulated: _____

Recirculated: DEC 7 1979

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 78-1268

George Martinez et al., Appellants,
v.
State of California et al. } On Appeal from the Court
of Appeal of California,
Fourth Appellate Dis-
trict.

[January —, 1980]

MR. JUSTICE STEVENS delivered the opinion of the Court.

The two federal questions that appellants ask us to decide are (1) whether the Fourteenth Amendment invalidates a California statute granting absolute immunity to public employees who make parole release determinations, and (2) whether such officials are absolutely immune from liability in an action brought under the Federal Civil Rights Act, 42 U. S. C. § 1983.¹ We agree with the California Court of Appeal that the state statute is valid when applied to claims arising under state law and we conclude that appellants have not alleged a claim for relief under federal law.

The case arises out of the murder of a 15-year-old girl by a parolee. Her survivors brought this action in a California court claiming that the state officials responsible for the parole release decision are liable in damages for the harm caused by the parolee.

The complaint alleged that the parolee, one Thomas, was

¹ "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

To: The Chief Justice
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Blackmun
 Mr. Justice Powell
 Mr. Justice Rehnquist

P. 6
 From: Mr. Justice Stevens

Circulated: _____

3rd DRAFT Recirculated: DEC 10 1979

SUPREME COURT OF THE UNITED STATES

No. 78-1268

George Martinez et al., Appellants, | On Appeal from the Court
 v. | of Appeal of California,
 State of California et al. | Fourth Appellate Dis-
 trict.

[January, —, 1980]

MR. JUSTICE STEVENS delivered the opinion of the Court.

The two federal questions that appellants ask us to decide are (1) whether the Fourteenth Amendment invalidates a California statute granting absolute immunity to public employees who make parole release determinations, and (2) whether such officials are absolutely immune from liability in an action brought under the Federal Civil Rights Act, 42 U. S. C. § 1983.¹ We agree with the California Court of Appeal that the state statute is valid when applied to claims arising under state law and we conclude that appellants have not alleged a claim for relief under federal law.

The case arises out of the murder of a 15-year-old girl by a parolee. Her survivors brought this action in a California court claiming that the state officials responsible for the parole release decision are liable in damages for the harm caused by the parolee.

The complaint alleged that the parolee, one Thomas, was

¹ "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

To: The Chief Justice
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Blackmun
 Mr. Justice Powell
 Mr. Justice Rehnquist

R. 8

From: Mr. Justice Stevens

Circulated: _____

4th DRAFT

Recirculated: JAN 7 '80

SUPREME COURT OF THE UNITED STATES

No. 78-1268

George Martinez et al., Appellants,
 v.
 State of California et al. | On Appeal from the Court
 of Appeal of California,
 Fourth Appellate Dis-
 trict.

[January —, 1980]

MR. JUSTICE STEVENS delivered the opinion of the Court.

The two federal questions that appellants ask us to decide are (1) whether the Fourteenth Amendment invalidates a California statute granting absolute immunity to public employees who make parole release determinations, and (2) whether such officials are absolutely immune from liability in an action brought under the Federal Civil Rights Act, 42 U. S. C. § 1983.¹ We agree with the California Court of Appeal that the state statute is valid when applied to claims arising under state law and we conclude that appellants have not alleged a claim for relief under federal law.

The case arises out of the murder of a 15-year-old girl by a parolee. Her survivors brought this action in a California court claiming that the state officials responsible for the parole release decision are liable in damages for the harm caused by the parolee.

The complaint alleged that the parolee, one Thomas, was

¹ "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."