

The Burger Court Opinion Writing Database

Dennis v. Sparks

449 U.S. 24 (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

November 13, 1980

RE: 79-1186 - Dennis v. Sparks and Lynd

Dear Byron:

I join.

Regards,

WB

Mr. Justice White

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

November 7, 1980

RE: No. 79-1186 Dennis v. Sparks and Lynd

Dear Byron:

I agree.

Sincerely,

Bill

Mr. Justice White

cc: The Conference

REPRODUCED FROM THE COLLECTION OF THE MANUSCRIPT DIVISION

U.S. DEPARTMENT OF COMMERCE

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

CHAMBERS OF
JUSTICE POTTER STEWART

November 5, 1980

Re: 79-1186 - Dennis v. Sparks

Dear Byron:

I am pleased to join your opinion for
the Court.

Sincerely yours,

P.S.
✓

Mr. Justice White

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OFFICE OF THE CLERK OF THE SUPREME COURT

~~Handwritten scribbles and initials in the top left corner.~~

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

From: Mr. Justice White

Circulated: 5 NOV 1980

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1186

Join

Orville E. Dennis, Petitioner, }
v. } On Writ of Certiorari to the
Sidney Sparks and R. L. Lynd, } United States Court of Ap-
etc. } peals for the Fifth Circuit.

[November —, 1980]

MR. JUSTICE WHITE delivered the opinion of the Court.

In January 1973, a judge of the 229th District Court of Duval County, Tex., enjoined the production of minerals from certain oil leases owned by respondents. In June 1975, the injunction was dissolved by an appellate court as having been illegally issued. Respondents then filed a complaint in the United States District Court purporting to state a cause of action for damages under 42 U. S. C. § 1983.¹ Defendants were the Duval County Ranch Co., Inc., which had obtained the injunction, the sole owner of the corporation, the judge who entered the injunction and the two individual sureties on the injunction bond, one of whom is now petitioner in this Court. Essentially, the claim was that the injunction had been corruptly issued as the result of a conspiracy between the judge and the other defendants, thus causing a deprivation of property, *i. e.*, two years of oil production, without due process of law.

¹ Title 42 U. S. C. § 1983 provides:

"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."

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U. S. SUPREME COURT

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

From: Mr. Justice White

PP: 4,5,6 & stylistic

Circulated: _____

Recirculated: 7 NOV 1980

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1186

Orville E. Dennis, Petitioner, }
v. } On Writ of Certiorari to the
Sidney Sparks and R. L. Lynd, } United States Court of Ap-
etc. } peals for the Fifth Circuit.

[November —, 1980]

MR. JUSTICE WHITE delivered the opinion of the Court.

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U. S. DEPARTMENT OF JUSTICE

Stylintic Changes

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

From: Mr. Justice White

Circulated: _____

Recirculated: 11-13-80

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1186

Orville E. Dennis, Petitioner, }
 v. } On Writ of Certiorari to the
Sidney Sparks and R. L. Lynd, } United States Court of Ap-
 etc. } peals for the Fifth Circuit.

[November —, 1980]

MR. JUSTICE WHITE delivered the opinion of the Court.

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

November 25, 1980

MEMORANDUM TO THE CONFERENCE

Re: CASE HELD FOR No. 79-1186 - DENNIS v. SPARKS

No. 79-1385 - CLINTON MANGES & DUVAL COUNTY RANCH CO.
v. SPARKS, ET AL.

This petition is brought by two of Dennis' alleged coconspirators. Like the petition in Dennis, these coconspirators argue that they should be entitled to an immunity derivative of the judge. Since the question raised is factually and legally identical to the issues decided in Dennis, that case is wholly dispositive and since Dennis affirmed the decision below, a denial would be appropriate. (The original memo notes a time question which need not be resolved in light of the resolution in Dennis.)

BW

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

November 6, 1980

Re: No. 79-1186 - Dennis v. Sparks

Dear Byron:

Please join me.

Sincerely,

J.M.

T.M.

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

November 6, 1980

Re: No. 79-1186 - Dennis v. Sparks

Dear Byron:

Please join me.

Sincerely,



Mr. Justice White

cc: The Conference

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U.S. SUPREME COURT MANUSCRIPT DIVISION

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

November 6, 1980

79-1186 Dennis v. Sparks

Dear Byron:

Please join me.

Sincerely,

LFP

Mr. Justice White

lfp/ss

cc: The Conference

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OFFICE OF THE CLERK OF THE SUPREME COURT

November 6, 1980

79-1186 Dennis v. Sparks

Dear Byron:

Please join me.

Sincerely,

Mr. Justice White

lfp/ss

cc: The Conference

Byron: I think your opinion is excellent. I do make one small suggestion for your consideration. You might change the first two words in footnote 6, page 6, to read: "The extent to which".

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

November 13, 1980

Re: No. 79-1186 Dennis v. Sparks

Dear Byron:

Please join me.

Sincerely,



Mr. Justice White

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

November 6, 1980

Re: 79-1186 - Dennis v. Sparks

Dear Byron:

Please join me.

Respectfully,



Mr. Justice White

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OFFICE OF THE CLERK OF THE SUPREME COURT