Wilson v. Garcia
471 U.S. 261 (1985)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University
Re: 83-2146 - Wilson v. Garcia

Dear John,

I join.

Regards,

Justice Stevens

Copies to the Conference
April 8, 1985

No. 83-2146

Wilson, et al. v. Garcia

Dear John,

I agree.

Sincerely,

Justice Stevens

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

April 8, 1985

83-2146 - Wilson and Vigil v. Garcia

Dear John,

Please join me.

Sincerely yours,

[Signature]

Justice Stevens

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

April 8, 1985

Re: No. 83-2146—Wilson and Vigil v. Garcia

Dear John:

Please join me.

Sincerely,

T.M.

Justice Stevens

cc: The Conference
April 8, 1985

Re: No. 83-2146, Wilson v. Garcia

Dear John:

By this separate note, I raise with you personally two matters in connection with your circulating opinion for this case:

1. I am "mildly" uncomfortable with the phrase between the commas in the first sentence on page 15. I realize that this suggestion comes close to a matter of style, but the reference to the "more drastic and controversial measures" might be viewed by some readers as unfavorable. Would you consider the omission of that phrase?

2. You gave the Madison Lecture at New York University Law School in 1983. I had it in 1984. I did not circulate copies of my manuscript to the Conference because I did not want them to be bothered with it. My talk, however, was on §1983, and there is at least a passing reference to the statute of limitations question. I enclose just for you a copy of that Lecture. Perhaps your clerk could review it for general purposes in connection with your opinion in the present case. The Lecture soon will be published by the New York University Law Review.

Sincerely,

HAB

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

April 8, 1985

Re: No. 83-2146, Wilson v. Garcia

Dear John:

Please join me.

Sincerely,

[Signature]

Justice Stevens

cc: The Conference
Dear John:

At the end of the next draft of your opinion please add that I took no part in the consideration or decision of the above case.

Sincerely,

Justice Stevens

lfp/ss

cc: The Conference
April 10, 1985

Re: No. 83-2146  Wilson v. Garcia

Dear John,

Please join me.

Sincerely,

[Signature]

Justice Stevens

cc: The Conference
SUPREME COURT OF THE UNITED STATES

RICHARD WILSON AND MARTIN VIGIL,
PETITIONERS v. GARY GARCIA

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE TENTH CIRCUIT

[April —, 1985]

JUSTICE STEVENS delivered the opinion of the Court.

In this case we must determine the most appropriate state statute of limitations to apply to claims enforceable under § 1 of the Civil Rights Act of 1871, which is codified in its present form as 42 U. S. C. § 1983.

On January 28, 1982, respondent brought this § 1983 action in the United States District Court for the District of New Mexico seeking "money damages to compensate him for the deprivation of his civil rights guaranteed by the Fourth, Fifth and Fourteenth Amendments to the United States Constitution and for the personal injuries he suffered which were caused by the acts and omissions of the [petitioners] acting under color of law." App. 4. The complaint alleged that on April 27, 1979, petitioner Wilson, a New Mexico State Police Officer, unlawfully arrested the respondent, "brutally and
JUSTICE STEVENS delivered the opinion of the Court.

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MEMORANDUM TO THE CONFERENCE


Four cases were held for Wilson and Springfield Township:


   Respondent brought this §1983 action against petitioners alleging wrongful arrest. The arrest occurred on October 12, 1981 and the complaint was filed on November 3, 1982 -- more than one year but less than two years after the claim arose. Applying its decision in Wilson, the Court of Appeals for the Tenth Circuit held that the claim was timely filed under Kansas' 2-year statute of limitations for claims "for injury to the rights of another." This decision is consistent with Wilson, and I will vote to DENY.


   Respondent brought this §1983 action against petitioners alleging wrongful arrest and a severe beating at the hands of police officers. The incident occurred on September 1, 1979, and the complaint was filed on August 21, 1981 -- more than one year but less than two years later. Applying its decision below in Wilson, the Court of Appeals for the Tenth Circuit held that the action was timely filed under the 4-year statute applicable to actions "for relief not otherwise provided for by law." Utah Code. Ann. §78-12-25(2). The Court observed that "[n]o Utah statute of limitations is expressly applicable to actions for injury to the rights of another. Under Utah law, personal torts other than those set forth in Utah Code Ann. §78-12-29(4) (1953) are governed by the four year statute of limitations [ contained in]§78-12-25(2)."
April 17, 1985

MEMORANDUM TO THE CONFERENCE


One additional case was held for Wilson and Springfield Township:

5. Swyka v. Johnson, No. 82-1928.

The respondent brought this §1983 action against several prison officials alleging that he had been disciplined for a sit-down strike without due process of law. The incidents that were the subject of the complaint occurred on August 25 & 31, 1981, and the complaint was not filed until May 13, 1982 -- over eight months but less than one year after the claim arose. The District Court held that the complaint was time barred under Pennsylvania's 6-month statute of limitations for "any action against an officer of any government unit." 42 Pa. Cons. Stat. §5522(b)(1). The respondent appealed. Applying its decision below in Springfield Township, the Court of Appeals for the Third Circuit vacated the District Court's judgment, and remanded for the application of a statute of limitations other than §5522(b)(1). The District Court or the Court of Appeals should determine the appropriate statute of limitations to apply to this claim under Wilson. I will vote to GVR.

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

April 5, 1985

No. 83-2146 Wilson v. Garcia

Dear John,

I plan to circulate a dissent in this case and plan to do so within a week or so.

Sincerely,

[Signature]

Justice Stevens

Copies to the Conference
To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens

From: Justice O'Connor

Circulated: 122
Recirculated:

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83–2146

RICHARD WILSON AND MARTIN VIGIL,
PETITIONERS v. GARY GARCIA

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE TENTH CIRCUIT

[April —, 1985]

JUSTICE O'CONNOR, dissenting.

Citing “practical considerations,” the Court today decides
to jettison a rule of venerable application and adopt instead
one “simple, broad characterization of all §1983 claims.”
Ante, at ___. Characterization of §1983 claims is, I agree,
a matter of federal law. But I see no justification, given our
longstanding interpretation of 42 U. S. C. §1988 and Con-
gress’ awareness of it, for abandoning the rule that courts
must identify and apply the statute of limitations of the state
claim most closely analogous to the particular §1983 claim.
In declaring that all §1983 claims, regardless of differences
in their essential characteristics, shall be considered most
closely analogous to one narrow class of tort, the Court,
though purporting to conform to the letter of §1988, aban-
dons the policies §1988 embodies. I respectfully dissent.

I

The rule that a federal court adjudicating rights under
§1983 will adopt the state statute of limitations of the most
closely analogous state law claim traces its lineage to
Haverhill, 155 U. S. 610 (1895), and O'Sullivan v. Felix,
233 U. S. 318 (1914). These opinions held that where “Con-
gress, ... could have, by specific provision, prescribed a
limitation, but no specific provision [was] adduced,”
Citing “practical considerations,” the Court today decides to jettison a rule of venerable application and adopt instead one “simple, broad characterization of all § 1983 claims.” Ante, at —. Characterization of § 1983 claims is, I agree, a matter of federal law. But I see no justification, given our longstanding interpretation of 42 U. S. C. § 1988 and Congress’ awareness of it, for abandoning the rule that courts must identify and apply the statute of limitations of the state claim most closely analogous to the particular § 1983 claim. In declaring that all § 1983 claims, regardless of differences in their essential characteristics, shall be considered most closely analogous to one narrow class of tort, the Court, though purporting to conform to the letter of § 1988, abandons the policies § 1988 embodies. I respectfully dissent.

I

The rule that a federal court adjudicating rights under § 1983 will adopt the state statute of limitations of the most closely analogous state law claim traces its lineage to M’Cluny v. Silliman, 3 Pet. U. S. 270 (1830), Campbell v. Haverhill, 155 U. S. 610 (1895), and O’Sullivan v. Felix, 233 U. S. 318 (1914). These opinions held that where “Congress, . . . could have, by specific provision, prescribed
SUPREME COURT OF THE UNITED STATES

No. 83-2146

RICHARD WILSON AND MARTIN VIGIL,
PETITIONERS v. GARY GARCIA

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE TENTH CIRCUIT

[April 17, 1985]

JUSTICE O'CONNOR, dissenting.

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