

The Burger Court Opinion Writing Database

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



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

CHAMBERS OF
THE CHIEF JUSTICE

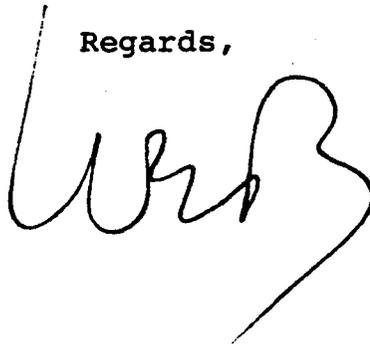
April 10, 1985

Re: 83-2146 - Wilson v. Garcia

Dear John,

I join.

Regards,



Justice Stevens

Copies to the Conference

APR 15 1985

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 8, 1985

No. 83-2146

Wilson, et al. v. Garcia

Dear John,

I agree.

Sincerely,



Justice Stevens

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84 88-8 17:21

ms
je

13

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

April 8, 1985

83-2146 - Wilson and Vigil v. Garcia

Dear John,

Please join me.

Sincerely yours,



Justice Stevens

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W

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

April 8, 1985

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

Dear John:

Please join me.

Sincerely,

JM.
T.M.

Justice Stevens

cc: The Conference

64 153-0 110 11

HAB

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

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 8, 1985

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

Dear John:

Please join me.

Sincerely,



Justice Stevens

cc: The Conference

81 161-0 10:11

20

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

April 5, 1985

83-2146 Wilson v. Garcia

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,

Lewis

Justice Stevens

lfp/ss

cc: The Conference

83-2146-0 4/10



CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

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

April 10, 1985

Re: No. 83-2146 Wilson v. Garcia

Dear John,

Please join me.

Sincerely,

Justice Stevens

cc: The Conference

APR 10 1985

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To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice O'Connor

From: Justice Stevens

Circulated: APR 5 1985

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JPS
Please join me
M
M

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-2146

**RICHARD WILSON AND MARTIN VIGIL,
PETITIONERS v. GARY GARCIA**

OK

**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 1871,¹ 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

¹"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who, under color of any law, statute, ordinance, regulation, custom, or usage of any State, shall subject, or cause to be subjected, any person within the jurisdiction of the United States to the deprivation of any rights, privileges, or immunities secured by the Constitution of the United States, shall, any such law, statute, ordinance, regulation, custom, or usage of the State to the contrary notwithstanding, be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress" 17 Stat. 13.

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STYLISTIC changes Throughout

See. pp. 2, 3, 10, 12
13, 15, 16, 19.

Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice O'Connor

From: **Justice Stevens**

Circulated: _____

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2nd 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 17, 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 1871,¹ which is codified in its present form as 42 U. S. C. § 1983.

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17 Stat. 13.

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HAB

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

April 16, 1985

MEMORANDUM TO THE CONFERENCE

Re: Holds for Wilson v. Garcia, No. 83-2146; and
Springfield Township v. Knoll, No. 82-1889.

Four cases were held for Wilson and
Springfield Township:

1. City of Overland Park v. Hamilton, No. 83-2131.

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.

2. Murray City v. Mismash, No. 83-2140.

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)."

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

April 17, 1985

MEMORANDUM TO THE CONFERENCE

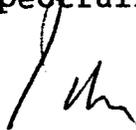
Re: Holds for Wilson v. Garcia, No. 83-2146 and
Springfield Township v. Knoll, No. 82-1889.

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,



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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,



Justice Stevens

Copies to the Conference

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To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens

From: Justice O'Connor

Circulated: APR 11 1985

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 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 a limitation, but no specific provision [was] adduced,"

Stylistic Changes Throughout

5,8

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens

From: Justice O'Connor

Circulated: _____

Recirculated: APR 15 1985

2nd 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 17, 1985]

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49.4

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens

SUPREME COURT OF THE UNITED STATES

From: Justice O'Connor

No. 83-2146

Circulated: APR 15 1985

**RICHARD WILSON AND MARTIN VIGIL,
PETITIONERS v. GARY GARCIA**

Recirculated:

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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