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Ramirez v. Indiana

471 U.S. 147 (1985)

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

From: The Chief Justice

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SUPREME COURT OF THE UNITED STATES

No. 84-5059

PATRICK RAMIREZ, PETITIONER *v.* INDIANA

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF INDIANA

[April 1, 1985]

PER CURIAM.

The judgment is affirmed by an equally divided Court.

JUSTICE POWELL took no part in the decision of this case.

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

CHAMBERS OF
THE CHIEF JUSTICE

April 2, 1985

Re: No. 84-1013 - Bough v. Ramirez

MEMORANDUM TO THE CONFERENCE:

This case was held for Ramirez v. Indiana (No. 84-5059), which was affirmed by an equally divided Court on April 1, 1985. The petition will be discussed at the April 12 Conference.

In Ramirez v. Indiana, Ramirez challenged the validity of his conviction allegedly obtained in violation of the Interstate Agreement on Detainers. This petition involves the §1983 action Ramirez brought against several policemen who had a hand in transferring him from the Michigan prison to the Indiana authorities. The District Court granted the officers' motion to dismiss. The Seventh Circuit, in a brief unpublished order, reversed and remanded for further proceedings. The court conceded the possibility that Ramirez's complaint may state a claim for relief on the basis of an arguable violation of his rights under the Interstate Agreement on Detainers.

The Seventh Circuit's order does not appear to conflict with established principles under §1983. The court merely concluded that, at this early stage in the litigation, it could not be certain that Ramirez could never prove that the officers were at fault for any possible violation of the Interstate Agreement on Detainers. Of course, the court's order does not foreclose the possibility that the officers will prevail on a motion for summary judgment.

Given the narrow issue presented, as well as the likelihood that this case will fade away before the District Court, I WILL VOTE TO DENY.

Regards,

