

# The Burger Court Opinion Writing Database

## *Daniels v. Williams*

474 U.S. 327 (1986)

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

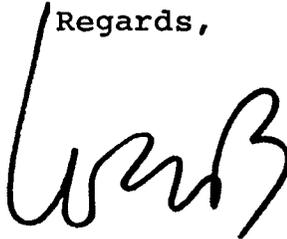
January 7, 1986

Re: No. 84-5872 - Daniels v. Williams

Dear Bill:

I join.

Regards,



Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

January 7, 1986

No. 84-5872

Daniels v. Williams

Dear Bill,

I agree.

Sincerely,

*Bill*

Justice Rehnquist

Copies to the Conference

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REHNQUIST  
JAN 10 1986

117

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

December 17, 1985

84-5872 - Daniels v. Williams

Dear Bill,

My conference vote was to affirm but on grounds at odds with your draft. On reflection, however, I am content to join your present circulation -- and do so.

Sincerely yours,



Justice Rehnquist

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2018-12-13 10:51:51

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

January 6, 1986

Re: No. 84-5872-Daniels v. Williams

Dear Bill:

Please show me as concurring in the result.

Sincerely,



T.M.

Justice Rehnquist

cc: The Conference

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

From: Justice Blackmun

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1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-5872

**ROY E. DANIELS, PETITIONER *v.*  
ANDREW WILLIAMS**

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

[January —, 1986]

JUSTICE BLACKMUN, concurring in the judgment.

I concur in the result. See my opinion in dissent in *Davidson v. Cannon*, *post*, p. —.

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CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

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

December 6, 1985

84-5872 Daniels v. Williams

Dear Bill:

Please join me.

Sincerely,

Justice Rehnquist

lfp/ss

cc: The Conference

DEC 12 1985

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DEC 12 1985



Pp 4,5,6

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

From: Justice Rehnquist

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-5872

ROY E. DANIELS, PETITIONER v.  
ANDREW WILLIAMS

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

[December —, 1985]

JUSTICE REHNQUIST delivered the opinion of the Court.

In *Parratt v. Taylor*, 451 U. S. 527 (1981), a state prisoner sued under 42 U. S. C. § 1983, claiming that prison officials had negligently deprived him of his property without due process of law. After deciding that § 1983 contains no independent state-of-mind requirement, we concluded that although petitioner had been "deprived" of property within the meaning of the Due Process Clause of the Fourteenth Amendment, the State's postdeprivation tort remedy provided the process that was due. Petitioner's claim in this case, which also rests on an alleged Fourteenth Amendment "deprivation" caused by the negligent conduct of a prison official, leads us to reconsider our statement in *Parratt* that "the alleged loss, even though negligently caused, amounted to a deprivation." *Id.*, at 536-537. We conclude that the Due Process Clause is simply not implicated by a *negligent* official act causing unintended loss of or injury to life, liberty or property.

In this § 1983 action, petitioner seeks to recover damages for back and ankle injuries allegedly sustained when he fell on a prison stairway. He claims that, while an inmate at the city jail in Richmond, Virginia, he slipped on a pillow negligently left on the stairs by respondent, a correctional deputy stationed at the jail. Respondent's negligence, the argument runs, "deprived" petitioner of his "liberty" interest in

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

From: **Justice Rehnquist**

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2nd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-5872

ROY E. DANIELS, PETITIONER *v.*  
ANDREW WILLIAMS

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

[December —, 1985]

JUSTICE REHNQUIST delivered the opinion of the Court.

In *Parratt v. Taylor*, 451 U. S. 527 (1981), a state prisoner sued under 42 U. S. C. § 1983, claiming that prison officials had negligently deprived him of his property without due process of law. After deciding that § 1983 contains no independent state-of-mind requirement, we concluded that although petitioner had been “deprived” of property within the meaning of the Due Process Clause of the Fourteenth Amendment, the State’s postdeprivation tort remedy provided the process that was due. Petitioner’s claim in this case, which also rests on an alleged Fourteenth Amendment “deprivation” caused by the negligent conduct of a prison official, leads us to reconsider our statement in *Parratt* that “the alleged loss, even though negligently caused, amounted to a deprivation.” *Id.*, at 536-537. We conclude that the Due Process Clause is simply not implicated by a *negligent act* of an official causing unintended loss of or injury to life, liberty or property.

In this § 1983 action, petitioner seeks to recover damages for back and ankle injuries allegedly sustained when he fell on a prison stairway. He claims that, while an inmate at the city jail in Richmond, Virginia, he slipped on a pillow negligently left on the stairs by respondent, a correctional deputy stationed at the jail. Respondent’s negligence, the argument runs, “deprived” petitioner of his “liberty” interest in

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

From: Justice Rehnquist

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3rd DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 84-5872

ROY E. DANIELS, PETITIONER *v.*  
 ANDREW WILLIAMS

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

[January —, 1986]

JUSTICE REHNQUIST delivered the opinion of the Court.

In *Parratt v. Taylor*, 451 U. S. 527 (1981), a state prisoner sued under 42 U. S. C. § 1983, claiming that prison officials had negligently deprived him of his property without due process of law. After deciding that § 1983 contains no independent state-of-mind requirement, we concluded that although petitioner had been “deprived” of property within the meaning of the Due Process Clause of the Fourteenth Amendment, the State’s postdeprivation tort remedy provided the process that was due. Petitioner’s claim in this case, which also rests on an alleged Fourteenth Amendment “deprivation” caused by the negligent conduct of a prison official, leads us to reconsider our statement in *Parratt* that “the alleged loss, even though negligently caused, amounted to a deprivation.” *Id.*, at 536–537. We conclude that the Due Process Clause is simply not implicated by a *negligent* act of an official causing unintended loss of or injury to life, liberty or property.

In this § 1983 action, petitioner seeks to recover damages for back and ankle injuries allegedly sustained when he fell on a prison stairway. He claims that, while an inmate at the city jail in Richmond, Virginia, he slipped on a pillow negligently left on the stairs by respondent, a correctional deputy stationed at the jail. Respondent’s negligence, the argument runs, “deprived” petitioner of of his “liberty” interest in

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

January 22, 1986

MEMORANDUM TO THE CONFERENCE

Re: Cases held for No. 84-5872 Daniels v. Williams  
and for No. 84-6470 Davidson v. Cannon

Four cases were held for Daniels v. Williams:

(1) In Gilles v. Delozier, No. 84-1867, petitioner alleges that she was struck by an ultralight aircraft, which flew off course while it was being used for promotional purposes in the parking lot of a shopping center. She brought this suit under §1983, seeking damages against two sheriff's deputies who had blocked off the parking lot to traffic in anticipation of the flight. According to the petition, she claims that respondents were negligent in permitting the pilot to take off from the shopping center parking lot in violation of Maryland law. Pet. 3. The DC dismissed the complaint for failure to state a claim, concluding that petitioner had not alleged a deprivation of a federal right. CA4 affirmed in a brief per curiam, finding this case controlled by its earlier decision in Daniels. A personal injury of the sort alleged here does not amount to a loss of liberty under the Fourteenth Amendment.

Because petitioner's claim is based on the negligent deprivation of a liberty interest, this case is squarely controlled by Daniels. Although CA4 did not decide the case on precisely that ground, I see no point in a remand. Accordingly, I will vote to deny.

(2) In Cerbone v. Conway, No. 84-1947, respondent brought this §1983 action against various public officials and private parties alleging malicious prosecution. It seems that petitioner Bano Buick (BB) put a replacement engine in respondent's car, which stalled on the way home. The next day respondent stopped payment on her check to BB, and a week later BB's bank informed it (incorrectly) that the check was unpaid by reason of insufficient funds. Apparently BB tried to put the check through a second time, only to have it returned properly marked "Stop Payment."

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

December 10, 1985

Re: 84-5872 - Daniels v. Williams

Dear Bill:

Although I am with you on the judgment, I intend  
to write separately in this case.

Respectfully,



Justice Rehnquist

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

From: Justice Stevens

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2nd DRAFT

**SUPREME COURT OF THE UNITED STATES**

Nos. 84-5872 AND 84-6470

84-5872 ROY E. DANIELS, PETITIONER  
*v.*  
ANDREW WILLIAMS

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

84-6470 ROBERT DAVIDSON, PETITIONER  
*v.*  
JOSEPH CANNON ET AL.

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

[January —, 1986]

JUSTICE STEVENS, concurring in the judgments.

Two prisoners raise similar claims in these two cases. Both seek to recover for personal injuries suffered, in part, from what they allege was negligence by state prison officials. Both characterize their injuries as "deprivations of liberty" and both invoke 42 U. S. C. § 1983 as a basis for their claims.

Prisoner Roy Daniels was injured when he slipped on a newspaper and pillows left on a stairway in the Virginia prison where he is incarcerated; he alleges state negligence in the presence of the objects on the stairs. Prisoner Robert Davidson suffered injury when he was attacked by another inmate in the New Jersey prison where he is incarcerated; he alleges (and proved at trial) state negligence in the failure of prison authorities to prevent the assault after he had written a note expressing apprehension about the inmate who ultimately assaulted him. I agree with the majority that peti-



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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

December 5, 1985

Re: 84-5872 Roy E. Daniels v. Andrew Williams

Dear Bill,

Please join me.

Sincerely,

Justice Rehnquist

Copies to the Conference

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