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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

ROY E. DANIELS, )  
 )  
 Plaintiff, )  
 )  
 v. ) CIVIL ACTION NO, 82-0106-R  
 )  
 ANDREW WILLIAMS, Deputy, )  
 )  
 Defendant. )

MEMORANDUM OPINION

Plaintiff Roy E. Daniels is an inmate at the Richmond City Jail. He has filed a section 1983 action against Andrew Williams, a correctional deputy stationed at the jail. See 42 U.S.C. § 1983 (1976). The plaintiff seeks to recover damages for back and ankle injuries allegedly sustained when he fell on a prison stairway. Daniels asserts that he slipped on a pillow that Williams negligently left on the stairs. The defendant moves for summary judgment on the plaintiff's claim. See Fed. R. Civ. P. 56(b).

The court grants the defendant's motion for summary judgment, because the complaint does not state a valid section 1983 claim. Daniels' allegations amount to no more than a simple negligence claim. This claim does not implicate any substantive constitutional guarantees. The plaintiff instead must rely on the contention that the defendant denied him procedural due process.

Under Parratt v. Taylor, 451 U.S. 527 (1981), procedural due process requires only a meaningful postdeprivation remedy, unless the deprivation in question was pursuant to an established state procedure. See id. at 541. The Parratt decision dealt only with negligent property deprivations. See id. at 536-37. The court, however, holds that Parratt also applies to nonproperty deprivations such as the personal injury alleged here. See id. at 541; Rutledge v. Arizona Board of Regents, 660 F.2d 1345, 1352 (9th Cir. 1981), cert. granted, 50 U.S.L.W. 3998,23 (July 2, 1982);

Irshad v. Spann, Civil No. 81-0456-R, slip op. at 6 n.1 (E.D. Va. July 19, 1982); Frazier v. Collins, 538 F. Supp. 603, 607 (E.D. Va. 1982).

The official misconduct for which Daniels seeks redress was an isolated action in violation of state procedure. The due process clause, therefore, requires only a meaningful post-deprivation remedy. See Parratt v. Taylor, 451 U.S. at 541; Irshad v. Spann, Civil No. 81-0456-R, slip op. at 5-6. Virginia law provides such a remedy in the form of a common-law negligence action. See id. at 7-10. Thus, the defendant's conduct did not violate the plaintiff's due process rights.

For these reasons, the court holds that Daniels' claim is not actionable under section 1983. The court, therefore, must dismiss his action.

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UNITED STATES DISTRICT JUDGE

Date: \_\_\_\_\_

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ROY E. DANIELS,	)	
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Plaintiff,	)	
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v.	)	CIVIL ACTION NO. 82-0106-R
	)	
ANDREW WILLIAMS, Deputy,	)	
	)	
Defendant.	)	

ORDER

In accordance with the accompanying memorandum, the court DISMISSES the complaint and enters judgment for the defendants.

Should the plaintiff desire to appeal, written notice must be filed with the Clerk of the Court within 30 days of this date.

Let the Clerk send copies of this order and memorandum to the plaintiff and to counsel for the defendants. The Clerk also shall send both parties a copy of the court's recent opinion in Irshad v. Spann, Civil No. 81-0456-R (E.D. Va. July 19, 1982).

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UNITED STATES DISTRICT JUDGE

Date: \_\_\_\_\_