

P

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

Richmond Division

STANLEY MICHAEL CARTER,                    )  
  )  
  Plaintiff,                    )  
  )  
  v.                                    )  
  )  
HENRY A. KENNON, Sheriff,                    )  
  )  
  Defendant.                    )

CIVIL ACTION NO. 82-0023-R

MEMORANDUM OPINION

Plaintiff Stanley Michael Carter is an inmate at the Louisa County Jail. He has filed a section 1983 action against the Louisa County sheriff, Henry A. Kennon. See 42 U.S.C. § 1983 (1976). Carter's complaint essentially alleges that he was forced against his will to perform labor for the personal gain and convenience of Kennon. The plaintiff also asserts that the sheriff would have removed him from trustee status if he had refused to perform the work. Kennon moves for summary judgment. See Fed. R. Civ. P. 56(b).

The court grants the defendant's summary judgment motion, because the complaint does not state a valid section 1983 claim. Prison officials may require convicted inmates to perform work without compensation. See Newell v. Davis, 563 F.2d 123, 124 (4th Cir. 1977), cert. denied, 435 U.S. 907 (1978); McLaughlin v. Royster, 346 F. Supp. 297, 311 (E.D. Va. 1972). The nature and quantity of work assigned to prisoners is within the sole discretion of the prison administrators. See Altizer v. Paderick, 569 F.2d 812, 813 (4th Cir.), cert. denied, 435 U.S. 1009 (1978). The only constitutional limitation on this discretion is that work assignments must not amount to cruel and unusual punishment. See McLaughlin v. Royster, 346 F. Supp. at 311. Carter does not allege that he has suffered a violation of his eighth amendment rights. The court, therefore, will not interfere with the assignment of work to the plaintiff.

Carter's complaint focuses on the fact that Kennon's

deputy forced him to work on the sheriff's property. The question of whether the deputy wrongfully required Carter to work on the sheriff's land is strictly a matter of state law. See Va. Code § 53-166 (1978). Thus, the addition of this element to the complaint does not create a constitutional claim. As a consequence, the court must grant the sheriff's summary judgment motion.

.....  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

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