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SCOTUS Opinion: Court Begins Scaling Back Qualified Immunity

4 Nov 2020

In *Taylor v. Riojas*, an inmate sued the correctional officers who confined him in a pair of "shockingly unsanitary cells," one of which the inmate was forced to sleep in without a bunk or clothing in frigid conditions. The Fifth Circuit had held that the conditions violated the Eighth Amendment's prohibition on cruel and unusual punishment, but since the law wasn't "clearly established" that confining someone in such disgusting conditions "for only six days," the officers were entitled to qualified immunity.

In a 7-1 decision (Justice Barrett did not participate), a per curiam Court reversed, holding that "no reasonable correctional officer could have concluded" that those actions were constitutionally permissible. In particular, the Court noted the lack of any "necessity or exigency" requiring confinement in such "egregious" conditions. Whether this signals a larger-scale shift on the Court's view of qualified immunity is yet to be seen. Justice Thomas dissented without comment. Justice Alito filed a concurrence noting how the procedural posture of the case was not the kind the Court would, or should, hear, but that he agreed with the Court's conclusion.

A link to the opinion is here: https://www.supremecourt.gov/opinions/20pdf/19-1261_bq7c.pdf

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TAGGED: qualified immunity, Eighth Amendment, SCOTUS opinion, cruel and unusual punishment, Taylor v. Riojas