

## Highlights

The 2024/2025 Supplement provides a comprehensive summary of recent decisions, scholarship, and notable developments in the field of prisoners' rights over the past year. It integrates these updates into the relevant sections across the nineteen chapters of the book's four volumes. Additionally, the Supplement continues the tradition of including "Highlight" sections, which offer in-depth discussions on significant shifts in prisoners' rights law from the past year. This year's Highlights include:

- A highlight on the recurrent issue of medical care, *Valentine v. PrimeCare Medical, Inc.*, 697 F. Supp. 3d 431 (D. Md. 2023), provides what the court calls a "textbook" case of what constitutes deliberate indifference. The case involves a woman who was forced to give birth by herself in a dark dirty jail cell.
- Two major Eighth Amendment decisions are highlighted. The first, *Garrett v. Lumpkin*, 96 F.4th 896 (5th Cir. 2024), breaks new ground holding that prison conditions depriving a prisoner of sleep constitute cruel and unusual punishment. The second involves a broad injunction aimed at rectifying unconstitutional medical care at the infamous Angola prison in Louisiana. *Lewis v. Cain*, 701 F. Supp 3rd 361 (M.D. La. Nov. 6, 2023) stay entered sub nom *Parker v. Hooper*, 95 F.4th 231 (5th Cir. 2024) (Staying remedial order pending appeal).
- Another highlight discusses a new development where in recent decisions judges in cases before them have used their discretion to prevent exposing criminal defendants to hazardous jail conditions.
- Three highlights discuss cases in which petitions for review are currently pending before the United States Supreme Court. The first of these cases, *Sargent v. Barfield*, 87 F. 4th 358 (7th Cir. 2023), presents the question of whether a federal prisoner can sue for damages when the right to be protected from harm is violated. The second case, *Richards v. Perttu*, 96 F. 4th 911 (6th Cir. 2024), addresses a significant issue under the Prison Reform Litigation Act (PLRA). It examines

whether prisoners have the right to a jury trial to determine if they have exhausted administrative remedies when the factual question of exhaustion overlaps with the core issue of the prisoner's merits claim. The third case asks whether the Religious Land Use and Institutionalized Persons Act (RLUIPA) provides a damages remedy. *Landor v. Louisiana Department of Corrections and Public Safety*, 82 F.4th 337 (5th Cir. 2023) rehearing and request for en banc denied 93 F.4th 259 (5th Cir. 2024).

- A highlight on solitary confinement concerns the denial of certiorari in *Johnson v. Prentice*, 601 U.S. \_\_\_, 144 S. Ct. 11 (2023), a case which questioned the constitutionality of subjecting a prisoner to three years of solitary confinement without recreation or outdoor exposure. The decision to deny review sparked a strong dissent from Justice Jackson, joined by Justices Sotomayor and Kagan.
- Another solitary confinement highlight discusses newly introduced federal legislation reforming solitary confinement in federal prisons and an important report by the Department of Justice Inspector General. The report finds that solitary confinement is linked to a disproportionate number of suicides in federal immigration detention facilities.
- A highlight about private prisons discusses *Nielsen v. Thornell*, 101 F.4th 1164 (9th Cir. 2024), the first federal appeals court decision to examine extensively constitutional objections to private prisons ultimately ruling that Arizona's private prison system is constitutional.
- Felony Disenfranchisement is another highlight: This highlight reviews *Hopkins v. Secretary of State Delbert Hosemann*, 76 F.4th 378 (5th Cir. 2023), which was vacated on rehearing en banc as *Hopkins v. Watson*, 108 F.4th 371 (5th Cir. 2024). The Fifth Circuit initially struck down Mississippi's lifetime voting ban for felons, but the en banc decision upheld the law, marking a setback for efforts to challenge felony disenfranchisement.
- A highlight discussing *Christmas v. Nabors*, 76 F.4th 1320 (11th Cir. 2023) deals with the impact of technology on access to mail sent to prisoners. In that case the Fifth Circuit held that a new system that used computer technology to store legal mail infringed on the right to confidential legal mail.

## HIGHLIGHTS

- In the area of religious liberty there is a highlight devoted to *Kravitz v. Purcell*, 87 F. 4th 111 (2nd Cir. 2023), a case in which the Second Circuit joined the Third, Fifth and Ninth Circuits in holding that a prisoner claiming a constitutional violation of the right to free exercise of religion is not required to prove that the practice challenged imposes a substantial burden on plaintiff's practice of religion. This contrasts with a statutory claim under RILUPA where the substantial burden standard is integral.
- *Smith v. Andrews*, 75 F.4th 805 (8th Cir. 2023), an important case dealing with the ever-present exhaustion requirement of the Prisoner Litigation Act is another highlight. This case casts light on whether a prisoner is required to exhaust theoretically possible remedies which in practice are not available.
- Prison Oversight: Recent legislative developments are discussed, including a new federal law enacted by Congress and signed by the President establishing a prison oversight mechanism for federal prisons along with the establishment of an ombudsman office with authority to inspect federal prisons. Similar legislation was also passed in Virginia this year.