106 S.Ct. 662
Supreme Court of the United States

Roy E. DANIELS, Petitioner
v.
Andrew WILLIAMS.

No. 84–5872.
|
Argued Nov. 6, 1985.
|
Decided Jan. 21, 1986.

Synopsis
Inmate brought civil rights actions against deputy sheriff to recover for injuries allegedly sustained when he slipped and fell on a pillow left on jail stairs by deputy sheriff. The United States District Court for the Eastern District of Virginia granted deputy's motion for summary judgment, and inmate appealed. The Court of Appeals, Fourth Circuit, 720 F.2d 792,affirmed. On petition for rehearing, the Court of Appeals, 748 F.2d 229, again affirmed. After granting certiorari, the Supreme Court, Justice Rehnquist, held that due process clause is not implicated by a state official's negligent act causing unintended loss of or injury to life, liberty, or property.

Affirmed.

Justice Marshall concurred in the result.

Justice Blackmun concurred in judgment and filed opinion.

Justice Stevens concurred in judgment and filed opinion, 106 S.Ct. 677.

Procedural Posture(s): On Appeal; Motion for Summary Judgment.

***327 **662** *Syllabus*[*]

Petitioner brought an action in Federal District Court under 42 U.S.C. § 1983, seeking to recover damages for injuries allegedly sustained when, while an inmate in a Richmond, Virginia, jail, he slipped on a pillow negligently left on a stairway by respondent sheriff's deputy. Petitioner contends that such negligence deprived him of his "liberty" interest in freedom from bodily injury "without due process of law" within the meaning of the Due Process Clause of the Fourteenth Amendment. The District Court granted respondent's motion for summary judgment, and the Court of Appeals affirmed.

Held: The Due Process Clause is not implicated by a state official's *negligent* act causing unintended loss of or injury to life, liberty, or property. Pp. 663–67.

(a) The Due Process Clause was intended to secure an individual from an abuse of power by government officials. Far from an ****663** abuse of power, lack of due care, such as respondent's alleged negligence

here, suggests no more than a failure to measure up to the conduct of a reasonable person. To hold that injury caused by such conduct is a deprivation within the meaning of the Due Process Clause would trivialize the centuries-old principle of due process of law. *Parratt v. Taylor,* 451 U.S. 527, 101 S.Ct. 1908, 68 L.Ed.2d 420 (1981) overruled to the extent that it states otherwise. Pp. 663–66.

(b) The Constitution does not purport to supplant traditional tort law in laying down rules of conduct to regulate liability for injuries that attend living together in society. While the Due Process Clause speaks to some facets of the relationship between jailers and inmates, its protections are not triggered by lack of due care by the jailers. Jailers may owe a special duty of care under state tort law to those in their custody, but the Due Process Clause does not embrace such a tort law concept. Pp. 665–67.

748 F.2d 229, affirmed.

REHNQUIST, J., delivered the opinion of the Court, in which BURGER, C.J., and BRENNAN, WHITE, POWELL, and O'CONNOR, JJ., joined. MARSHALL, J., concurred in the result. BLACKMUN, J., *post,* p. ——, and STEVENS, J., *post,* p. ——, filed opinions concurring in the judgment.

Attorneys and Law Firms
***328** *Stephen Allan Saltzburg* argued the cause and filed briefs for petitioner.
James Walter Hopper argued the cause and filed a brief for respondent.

Opinion

Justice REHNQUIST delivered the opinion of the Court.

In *Parratt v. Taylor,* 451 U.S. 527, 101 S.Ct. 1908, 68 L.Ed.2d 420 (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, 101 S.Ct., at 1913. 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 freedom from bodily injury, see *Ingraham v. Wright,* 430 U.S. 651, 673, 97 S.Ct. 1401, 1413, 51 L.Ed.2d 711 (1977); because respondent maintains that he is entitled to the defense of sovereign immunity in a state tort suit, petitioner is without an "adequate" state remedy, cf. *Hudson v. Palmer,* 468 U.S. 517, 534–536, 104 S.Ct. 3194, 3204–3205, 82 L.Ed.2d 393 (1984). Accordingly, the deprivation of liberty was without "due process of law."

***329** The District Court granted respondent's motion for summary judgment. A panel of the Court of Appeals for the Fourth Circuit affirmed, concluding that even if respondent could make out an immunity defense in state court, petitioner would not be deprived of a meaningful opportunity to present his case. 720 F.2d 792 (1983). On rehearing, the en banc Court of Appeals affirmed the judgment of the District Court, but under reasoning different from that of the panel. ****664** 748 F.2d 229 (1984). First, a 5–4 majority ruled that negligent infliction of bodily injury, unlike the negligent loss of property in *Parratt,* does not constitute a deprivation of any interest protected by the Due Process Clause. The majority therefore believed that the postdeprivation process mandated by *Parratt* for property losses was not required. Second, the en banc court unanimously decided that even if a prisoner is entitled to some remedy for personal injuries attributable to the negligence of state officials, *Parratt* would bar petitioner's claim if the State provided an adequate postdeprivation remedy. Finally, a 6–3 majority concluded that petitioner had an adequate remedy in state court, even though respondent asserted that he would rely on sovereign immunity as a defense in a state suit. The majority apparently believed that respondent's sovereign immunity defense would fail under Virginia law.

Because of the inconsistent approaches taken by lower courts in determining when tortious conduct by state officials rises to the level of a constitutional tort, see *Jackson v. Joliet,* 465 U.S. 1049, 1050, 104 S.Ct. 1325, 1325, 79 L.Ed.2d 720 (1984) (WHITE, J., dissenting from denial of certiorari) (collecting cases), and the apparent lack of adequate guidance from this Court, we granted certiorari. 469 U.S. 1207, 105 S.Ct. 2673, 86 L.Ed.2d 692 (1985). We now affirm.

In *Parratt v. Taylor,* we granted certiorari, as we had twice before, "to decide whether mere negligence will support a claim for relief under § 1983." 451 U.S., at 532, 101 S.Ct., at 1911. After examining the language, legislative history, and prior interpretations of the statute, we concluded that § 1983, unlike ***330** its criminal counterpart, 18 U.S.C. § 242, contains no state-of-mind requirement independent of that necessary to state a violation of the underlying constitutional right. *Id.,* at 534–535, 101 S.Ct., at 1912. We adhere to that conclusion. But in any given § 1983 suit, the plaintiff must still prove a violation of the underlying constitutional right; and depending on the right, merely negligent conduct may not be enough to state a claim. See, *e.g., Arlington Heights v. Metropolitan Housing Dev. Corp.,* 429 U.S. 252, 97 S.Ct. 555, 50 L.Ed.2d 450 (1977) (invidious discriminatory purpose required for claim of racial discrimination under the Equal Protection Clause); *Estelle v. Gamble,* 429 U.S. 97, 105, 97 S.Ct. 285, 291, 50 L.Ed.2d 251 (1976) ("deliberate indifference" to prisoner's serious illness or injury sufficient to constitute cruel and unusual punishment under the Eighth Amendment).

In *Parratt,* before concluding that Nebraska's tort remedy provided all the process that was due, we said that the loss of the prisoner's hobby kit, "even though negligently caused, amounted to a deprivation [under the Due Process Clause]." 451 U.S., at 536–537, 101 S.Ct., at 1913. Justice POWELL, concurring in the result, criticized the majority for "pass[ing] over" this important question of the state of mind required to constitute a "deprivation" of property. *Id.,* at 547, 101 S.Ct., at 1919. He argued that negligent acts by state officials, though causing loss of property, are not actionable under the Due Process Clause. To Justice POWELL, mere negligence could not "wor[k] a deprivation in the *constitutional sense.* " *Id.,* at 548, 101 S.Ct., at 1919 (emphasis in original). Not only does the word "deprive" in the Due Process Clause connote more than a negligent act, but we should not "open the federal courts to lawsuits where there has been no affirmative abuse of power." *Id.,* at 548–549, 101 S.Ct., at 1919–1920; see also *id.,* at 545, 101 S.Ct., at 1917 (Stewart, J., concurring) ("To hold that this

kind of loss is a deprivation of property within the meaning of the Fourteenth Amendment seems not only to trivialize, but grossly to distort the meaning and intent of the Constitution"). Upon reflection, we agree and overrule *Parratt* to the extent that it states that mere lack of due care by a state ***331** official may "deprive" an individual of life, liberty, or property under the Fourteenth Amendment.

****665** The Due Process Clause of the Fourteenth Amendment provides: "[N]or shall any State deprive any person of life, liberty, or property, without due process of law." Historically, this guarantee of due process has been applied to *deliberate* decisions of government officials to deprive a person of life, liberty, or property. *E.g., Davidson v. New Orleans,* 96 U.S. 97, 24 L.Ed. 616 (1878) (assessment of real estate); *Rochin v. California,* 342 U.S. 165, 72 S.Ct. 205, 96 L.Ed. 183 (1952) (stomach pumping); *Bell v. Burson,* 402 U.S. 535, 91 S.Ct. 1586, 29 L.Ed.2d 90 (1971) (suspension of driver's license); *Ingraham v. Wright,* 430 U.S. 651, 97 S.Ct. 1401, 51 L.Ed.2d 711 (1977) (paddling student); *Hudson v. Palmer,* 468 U.S. 517, 104 S.Ct. 3194, 82 L.Ed.2d 393 (1984) (intentional destruction of inmate's property). No decision of this Court before *Parratt* supported the view that negligent conduct by a state official, even though causing injury, constitutes a deprivation under the Due Process Clause. This history reflects the traditional and common-sense notion that the Due Process Clause, like its forebear in the Magna Carta, see Corwin, The Doctrine of Due Process of Law Before the Civil War, 24 Harv.L.Rev. 366, 368 (1911), was " 'intended to secure the individual from the arbitrary exercise of the powers of government,' " *Hurtado v. California,* 110 U.S. 516, 527, 4 S.Ct. 111, 116, 28 L.Ed. 232 (1884) (quoting *Bank of Columbia v. Okely,* 4 Wheat. (17 U.S.) 235, 244, 4 L.Ed. 559 (1819)). See also *Wolff v. McDonnell,* 418 U.S. 539, 558, 94 S.Ct. 2963, 2975, 41 L.Ed.2d 935 (1974) ("The touchstone of due process is protection of the individual against arbitrary action of government, *Dent v. West Virginia,* 129 U.S. 114, 123, 9 S.Ct. 231, 233, 32 L.Ed. 623 (1889)"); *Parratt, supra,* 541 U.S., at 549, 101 S.Ct., at 1920 (POWELL, J., concurring in result). By requiring the government to follow appropriate procedures when its agents decide to "deprive any person of life, liberty, or property," the Due Process Clause promotes fairness in such decisions. And by barring certain government actions regardless of the fairness of the procedures used to implement them, *e.g., Rochin, supra,* it serves to prevent governmental power from being "used for purposes of oppression," *Murray's Les v. Hoboken Land & Improvement Co.,* ***332** 18 How. (59 U.S.) 272, 277, 15 L.Ed. 372 (1856) (discussing Due Process Clause of Fifth Amendment).

We think that the actions of prison custodians in leaving a pillow on the prison stairs, or mislaying an inmate's property, are quite remote from the concerns just discussed. Far from an abuse of power, lack of due care suggests no more than a failure to measure up to the conduct of a reasonable person. To hold that injury caused by such conduct is a deprivation within the meaning of the Fourteenth Amendment would trivialize the centuries-old principle of due process of law.

The Fourteenth Amendment is a part of a Constitution generally designed to allocate governing authority among the Branches of the Federal Government and between that Government and the States, and to secure certain individual rights against both State and Federal Government. When dealing with a claim that such a document creates a right in prisoners to sue a government official because he negligently created an unsafe condition in the prison, we bear in mind Chief Justice Marshall's admonition that "we must never forget, that it is *a constitution* we are expounding," *McCulloch v. Maryland,* 4 Wheat. (17 U.S.) 316, 407, 4 L.Ed. 579 (1819) (emphasis in original). Our Constitution deals with the large concerns of the governors and the governed, but it does not purport to supplant traditional tort law in laying down rules of conduct to regulate liability for injuries that attend living together in society. We

have previously rejected reasoning that " 'would make of the Fourteenth Amendment a font of tort law to be superimposed upon whatever systems may already be administered by the States,' " *Paul v. Davis,* 424 U.S. 693, 701, 96 S.Ct. 1155, 1160, 47 L.Ed.2d 405 (1976), ****666** quoted in *Parratt v. Taylor,* 451 U.S., at 544, 101 S.Ct., at 1917.

The only tie between the facts of this case and anything governmental in nature is the fact that respondent was a sheriff's deputy at the Richmond city jail and petitioner was an inmate confined in that jail. But while the Due Process Clause of the Fourteenth Amendment obviously speaks to some facets of this relationship, see, *e.g.,* ***333** *Wolff v. McDonnell*, *supra*, we do not believe its protections are triggered by lack of due care by prison officials. "Medical malpractice does not become a constitutional violation merely because the victim is a prisoner," *Estelle v. Gamble,* 429 U.S. 97, 106, 97 S.Ct. 285, 292, 50 L.Ed.2d 251 (1976), and "false imprisonment does not become a violation of the Fourteenth Amendment merely because the defendant is a state official." *Baker v. McCollan,* 443 U.S. 137, 146, 99 S.Ct. 2689, 2695, 61 L.Ed.2d 433 (1979). Where a government official's act causing injury to life, liberty, or property is merely negligent, "no procedure for compensation is *constitutionally* required." *Parratt, supra,* 451 U.S., at 548, 101 S.Ct., at 1919 (POWELL, J., concurring in result) (emphasis added).[1]

That injuries inflicted by governmental negligence are not addressed by the United States Constitution is not to say that they may not raise significant legal concerns and lead to the creation of protectible legal interests. The enactment of tort claim statutes, for example, reflects the view that injuries caused by such negligence should generally be redressed.[2] It is no reflection on either the breadth of the United States Constitution or the importance of traditional tort law to say that they do not address the same concerns.

In support of his claim that negligent conduct can give rise to a due process "deprivation," petitioner makes several arguments, none of which we find persuasive. He states, for example, that "it is almost certain that *some* negligence claims are within § 1983," and cites as an example the failure of a State to comply with the procedural requirements of *Wolff v. McDonnell, supra,* before depriving an inmate of good-time credit. We think the relevant action of the prison ***334** officials in that situation is their deliberate decision to deprive the inmate of good-time credit, not their hypothetically negligent failure to accord him the procedural protections of the Due Process Clause. But we need not rule out the possibility that there are other constitutional provisions that would be violated by mere lack of care in order to hold, as we do, that such conduct does not implicate the Due Process Clause of the Fourteenth Amendment.

Petitioner also suggests that artful litigants, undeterred by a requirement that they plead more than mere negligence, will often be able to allege sufficient facts to support a claim of intentional deprivation. In the instant case, for example, petitioner notes that he could have alleged that the pillow was left on the stairs with the intention of harming him. This invitation to "artful" pleading, petitioner contends, would engender sticky (and needless) disputes over what is fairly pleaded. What's more, requiring complainants to allege something more than negligence would raise serious questions about what "more" than negligence—intent, recklessness or "gross negligence"—is required,[3] and indeed about what these elusive terms mean. ****667** See Reply Brief for Petitioner 9 ("what terms like willful, wanton, reckless, or gross negligence mean" has "left the finest scholars puzzled"). But even if accurate, petitioner's observations do not carry the day. In the first place, many branches of the law abound in nice distinctions that may be troublesome but have been thought nonetheless necessary:

> "I do not think we need trouble ourselves with the thought that my view depends upon differences of degree. The whole law does so as soon as it is civilized." ***335** *LeRoy Fibre Co. v. Chicago, M. & St. P.R. Co.,* 232 U.S. 340, 354, 34 S.Ct. 415, 418, 58 L.Ed. 631 (1914) (Holmes, J., partially concurring). More important, the difference between one end of the spectrum—negligence—and the other—intent—is abundantly clear. See O. Holmes, The Common Law 3 (1923). In any event, we decline to trivialize the Due Process Clause in an effort to simplify constitutional litigation.

Finally, citing *South v. Maryland,* 18 How. (59 U.S.) 396, 15 L.Ed. 433 (1856), petitioner argues that respondent's conduct, even if merely negligent, breached a sheriff's "special duty of care" for those in his custody. Reply Brief for Petitioner 14. The Due Process Clause, petitioner notes, "was intended to give Americans at least the protection against governmental power that they had enjoyed as Englishmen against the power of the crown." *Ingraham v. Wright,* 430 U.S., at 672–673, 97 S.Ct., at 1413. And *South v. Maryland* suggests that one such protection was the right to recover against a sheriff for breach of his ministerial duty to provide for the safety of prisoners in his custody. 18 How., at 402–403. Due process demands that the State protect those whom it incarcerates by exercising reasonable care to assure their safety and by compensating them for negligently inflicted injury.

We disagree. We read *South v. Maryland, supra,* an action brought under federal diversity jurisdiction on a Maryland sheriff's bond, as stating no more than what this Court thought to be the principles of common law and Maryland law applicable to that case; it is not cast at all in terms of constitutional law, and indeed could not have been, since at the time it was rendered there was no due process clause applicable to the States. Petitioner's citation to *Ingraham v. Wright* does not support the notion that all common-law duties owed by government actors were somehow constitutionalized by the Fourteenth Amendment. Jailers may owe a special duty of care to those in their custody under state tort law, see Restatement (Second) of Torts § 314A(4) (1965), but for the reasons previously stated we reject the contention that the ***336** Due Process Clause of the Fourteenth Amendment embraces such a tort law concept. Petitioner alleges that he was injured by the negligence of respondent, a custodial official at the city jail. Whatever other provisions of state law or general jurisprudence he may rightly invoke, the Fourteenth Amendment to the United States Constitution does not afford him a remedy.

Affirmed.

Justice MARSHALL concurs in the result.

Justice BLACKMUN, concurring in the judgment.
I concur in the judgment. See my opinion in dissent in *Davidson v. Cannon,* 474 U.S. 344, 106 S.Ct. 668, 88 L.Ed.2d 677 (1986).

Footnotes

* The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.,* 200 U.S. 321, 337, 26 S.Ct. 282, 287, 50 L.Ed. 499.

1 Accordingly, we need not decide whether, as petitioner contends, the possibility of a sovereign immunity defense in a Virginia tort suit would render that remedy "inadequate" under *Parratt* and

Hudson v. Palmer, 468 U.S. 517, 104 S.Ct. 3194, 82 L.Ed.2d 393 (1984).

[2] See, *e.g.,* the Virginia Tort Claims Act, Va.Code § 8.01–195.1 *et seq.* (1984), which applies only to actions accruing on or after July 1, 1982, and hence is inapplicable to this case.

[3] Despite his claim about what he might have pleaded, petitioner concedes that respondent was at most negligent. Accordingly, this case affords us no occasion to consider whether something less than intentional conduct, such as recklessness or "gross negligence," is enough to trigger the protections of the Due Process Clause.