

INFORMANT

The Law Enforcement and Public Entity newsletter of Phelps Dunbar

Mark Fijman, Editor-in-Chief

JANUARY 13, 2006

SUPREME COURT RULES DISABLED PRISONER CAN SUE STATE

In a unanimous ruling, the United States Supreme Court held that a paraplegic Georgia prisoner can sue prison officials for money damages for not accommodating his needs. *United States v. Georgia*. The Justices said the State of Georgia wasn't immune from the lawsuit, filed under the U.S. Americans with Disabilities Act, because inmate Tony Goodman alleged violations of his constitutional rights under the Eighth Amendment.

The Court said that disabled state prisoners whose constitutional rights are violated behind bars can win

damages, but Justices stopped short of deciding the more significant question of whether states can be opened to broader suits under the 1990 Americans With Disabilities Act.

Goodman, who is serving a prison sentence for drug possession and aggravated assault claims he was kept for more than 23 hours a day in a cell so narrow he could not turn his wheelchair. He alleges that as a result, he suffered serious injuries trying to hoist himself from his wheelchair onto the toilet in his cell.

INFORM US

This newsletter is a service of Phelps Dunbar. It is intended to provide you with late-breaking developments in law enforcement and public entity law. To receive this newsletter electronically, please e-mail prenticm@phelps.com or complete this form and fax or mail it to the address below.

Name: _____ Address: _____
Title: _____
Company: _____ Phone: _____
E-mail: _____ Fax: _____

MAIL TO: Phelps Dunbar LLP, 365 Canal Street, Suite 2000, New Orleans, Louisiana 70130-6534 Attn: Michelle Prentice
PHONE: (504) 584-9250 **FAX:** (504) 568-9130 **E-MAIL:** prenticm@phelps.com

INFORMANT

Inquiries concerning topics addressed in the *INFORMANT* may be directed to any of the following Jackson Employment Law attorneys:

Mark Fijman, <i>Editor-in-Chief</i>	fijmanm@phelps.com	(601) 360-9716	Sandra G. Brown	browns@phelps.com	(601) 360-9729
Joseph L. Adams	adamsj@phelps.com	(601) 360-9708	Kenneth G. Fairly	fairlyk@phelps.com	(601) 360-9705
Gary E. Friedman	friedmag@phelps.com	(601) 360-9355	Jason P. Loden	jason.loden@phelps.com	(601) 360-9744
Paul O. Miller, III	millerp@phelps.com	(601) 360-9350	LaToya C. Merritt	merrittl@phelps.com	(601) 360-9749
W. Thomas Siler, Jr.	silert@phelps.com	(601) 360-9357	Edward O. Watson	edward.watson@phelps.com	(601) 360-9721
			Tori L. Winfield	winfielt@phelps.com	(601) 360-9366

If you would like to receive *INFORMANT* by e-mail, please e-mail the editor, Mark Fijman at fijmanm@phelps.com. All rights reserved, Phelps Dunbar LLP *INFORMANT* is published as a service to clients and friends of Phelps Dunbar LLP and should not be construed as legal or professional advice or as opinion on specific fact.