

Fifth Circuit Overturns District Court Ruling in Wrongful Death & Civil Rights Private Prison Death Case

07.28.2022

“Justice is what love looks like in public.” (Cornel West).

When Erie Moore Jr. was beaten to death by prison guards in a camera-free hallway at a private Louisiana prison, a team of lawyers including Bailey Glasser partner Leslie Brueckner, then a Senior Attorney at Public Justice, fought for justice on his behalf of his children by pursuing a forceful and passionate appeal of a federal district court ruling that dismissed civil rights claims and a wrongful death lawsuit against the actors who caused his unnecessary death. Last Friday, the U.S. Court of Appeals for the Fifth Circuit overturned the district court’s ruling, finding that evidence exists that reflects Mr. Moore’s death was caused by the guards’ use of deadly force, including videotapes and testimony that reflected guards wanted to “beat him [to] death” and “finish him” and then withheld medical treatment. This decision ensures that Mr. Moore’s family will have the opportunity to present their case to a jury and hold the defendants accountable for the loss of their father.

““The facts of this case are beyond horrific,” said Brueckner. “Mr. Moore was brutally beaten and left for dead within 24 hours of his arrest for a non-violent misdemeanor disturbance of the peace. His tragic death was not an isolated incident: it exemplifies the cruelty and neglect that happens every day in this violent, underregulated industry. LaSalle Management and the City of Monroe need to be held accountable for what they did to Mr. Moore. The Fifth Circuit’s decision will allow that to happen.”

Please follow this link to watch an investigatory piece about the treatment of Mr. Moore by WFAA-TV.

Public Justice Press Release (June 27, 2022)

FIFTH CIRCUIT OVERTURNS DISTRICT COURT RULING IN WRONGFUL DEATH & CIVIL RIGHTS PRIVATE PRISON DEATH CASE

Fifth Circuit Federal Appeals Court Holds Family's Wrongful Death Suit Against For-Profit Prison Must Go to Jury, Reviving Due Process Claims

On Friday, the U.S. Court of Appeals for the Fifth Circuit overturned a district court's ruling and held there is evidence that a private, for-profit prison in Louisiana regularly beat detainees in a camera-free hallway and used chemical spray on them while they were handcuffed. According to the Court, there is evidence that this is what happened to Erie Moore, Jr. and that the guards' use of excessive force caused his death.

In October 2015, Mr. Moore, a Black man being held at Richwood Correctional Center, a private prison in rural Louisiana, owned and operated by LaSalle Management, a for-profit company, died after he was assaulted, slammed multiple times to the floor headfirst, sprayed with chemicals while handcuffed, and repeatedly beaten by the guards in charge. All this happened within one day of Mr. Moore's detention at the prison for a non-violent, misdemeanor of disturbing the peace. Mr. Moore's family filed a civil rights lawsuit under § 1983 and state tort law against the individual officers involved, the private prison facility and its management company, and the City of Monroe, Louisiana. Despite the brutal violence against Mr. Moore, some of which is depicted on video, the district court granted summary judgment to the defendants on nearly all claims, including holding that there was insufficient evidence to show that the prison had anything to do with Mr. Moore's death; that private prisons can't be held liable for punitive damages; and that the City of Monroe can't be held liable for delegating its authority to a private prison company. Friday's ruling reverses those decisions.

In an important victory for the family of Mr. Moore, the Fifth Circuit found there was sufficient evidence to support the family's constitutional claims against the individual guards, the private prison, the private prison operator, and the City. The decision ensures that Mr. Moore's family will have the opportunity to present their case to a jury and hold the defendants accountable for their horrific offenses. The Court also held that the Moore family could seek punitive damages against the defendants, rejecting the private corporations' claim that they are entitled to immunity that is sometimes applied to state and local governments. In this case, the Fifth Circuit held there is evidence that the defendants acted with extreme disregard for Mr. Moore's rights and failed to provide medical aid despite the grave injuries they had inflicted.

"The Moore family has fought nearly seven years for justice for their father's violent mistreatment by LaSalle's for-profit prison and its staff," said **James Anglin Flynn of Orrick, Herrington & Sutcliffe LLP**, who argued the appeal. "Now, the Fifth Circuit has recognized that the strength of our evidence requires a jury to decide these claims at trial, and we look forward to holding the defendants accountable for their pattern of abuses."

FIFTH CIRCUIT OVERTURNS DISTRICT COURT RULING IN WRONGFUL DEATH & CIVIL RIGHTS PRIVATE PRISON DEATH CASE

“Winning this case won’t bring back Erie Moore, but it will bring some measure of justice to his grieving family—and help shine a spotlight on the terrible human rights abuses in the private prison industry,” said **Ellen Noble of Public Justice**. “This ruling sends a powerful message to private prison operators that they cannot evade the civil justice system and that they will be held liable for their actions.”

The Moore family was represented in the appeal by James Anglin Flynn, Mark S. Davies, Melanie Hallums, Joseph R. Kolker, and Jodie Liu of Orrick, Herrington & Sutcliffe LLP; Leslie Bailey, John He, and Ellen Noble of Public Justice; Tiffany R. Wright, Jade Gasek, and Ciarra Carr of Howard University School of Law Civil Rights Clinic; Leslie Brueckner of Bailey & Glasser; and Nelson Welch Cameron.

Attorneys

Leslie A. Brueckner

Practice Areas

Appellate and Supreme Court Practice