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FEDERAL APPEALS COURT REINSTATES PRISONER'S LAWSUIT AGAINST GUARDS FOR BEATING AT INFAMOUS JENA PRISON

A federal district court was wrong to throw out a lawsuit by a Louisiana man who was severely beaten by guards at the notorious, now-defunct Jena Correctional Facility and the victim is entitled to his day in court, a federal appeals court ruled late last week.

The suit, *Dillon v. Rogers*, charges that former Jena Warden T.W. Thompson and six guards "deliberately and maliciously assaulted and battered" Keith Dillon, subjected him to inhumane conditions, and failed to provide adequate medical care for the injuries their beatings caused, including deafness in one ear, shooting pain in one shoulder and bicep, back and knee pain, frequent headaches, blurred vision and broken teeth.

A federal district court in Louisiana had dismissed Mr. Dillon's suit for failing to complete an administrative grievance process before filing his lawsuit. As a result, the court never addressed the substance of Mr. Dillon's beating allegations.

Mr. Dillon argued that there was no administrative grievance process available to him at Jena or the facility to which he had been transferred shortly after being beaten. He also argued that the district court improperly dismissed his suit before allowing him to collect and submit evidence showing that there were no "available" administrative remedies to pursue before filing suit.

The federal appeals court ruled that the district court had improperly dismissed Mr. Dillon's lawsuit and should have permitted him the opportunity collect and present evidence concerning the availability of administrative remedies.

"The appeals court's ruling represents an important victory for access to justice and prisoners' rights," said Public Justice Managing Attorney Adele P. Kimmel, who argued Mr. Dillon's appeal. "Mr. Dillon was brutally beaten at Jena prison and filed a lawsuit in the hopes of getting justice. His case was thrown out because he didn't file an administrative claim first, even though no administrative process was available to him. The appeals court held this was wrong. The court's ruling brings us one step closer to obtaining justice and holding the guards accountable."

The U.S. Department of Justice had shut down the Jena prison in 2000 after uncovering chronic abuses there, but reopened the facility in August 2005 to house prisoners from New Orleans-area jails in the wake of Hurricane Katrina's devastation. At the time of his transfer to Jena, Dillon was being held in the Jefferson Parish jail on a DUI charge.

Jena was shut down again about six weeks after Katrina, at the behest of human rights organizations and state legislators, amid allegations of widespread, gross abuse of prisoners charging that they had been slapped, punched, beaten, stripped naked, hit with belts, and kicked by Jena guards.

Along with Kimmel, Soren Gisleson of Herman, Herman, Katz & Cotlar in New Orleans is co-counsel for Mr. Dillon. Amy Radon, Goldberg, Waters & Kraus Fellow at Public Justice, co-wrote the appellate brief.

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