

February 17, 2010

We have just won a major victory for access to justice and prisoners' rights in the federal appeals court in New Orleans. **The U.S. Court of Appeals for the Fifth Circuit has ruled that a federal district 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.**

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.



Inmates from a New Orleans prison sit on an overpass after their jail was evacuated during Hurricane Katrina.

The district court in Louisiana had dismissed 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 Dillon's beating allegations.

On appeal, Public Justice argued that there was no administrative grievance process available to Dillon at Jena or the facility to which he had been transferred shortly after being beaten. We 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, as we urged, that the district court had improperly dismissed Dillon's lawsuit and should have permitted him the opportunity collect and present evidence concerning the availability of administrative remedies. The court's ruling brings Dillon one step closer to obtaining justice and holding the guards accountable.

To read the Court of Appeals' ruling, [click here](#).

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.

Congratulations and thanks to Public Justice Managing Attorney Adele Kimmel, who successfully argued the appeal; Goldberg, Waters & Kraus Fellow Amy Radon, who co-wrote the appellate briefs with Kimmel; and co-counsel Soren Gisleson of Herman, Herman, Katz & Cotlar in New Orleans for this important victory.

Thank you, too, for your unfailing support, which helps us secure access to justice in these hard-fought cases.

Arthur Bryant
Executive Director
Public Justice and the
Public Justice Foundation

P.S. Please forward this email to friends and colleagues who'd be interested. (When you do so, delete the information below about unsubscribing, or they could unsubscribe you.) To make a special contribution, renew your membership, or join us, please [click here](#).

email: abryant@publicjustice.net
voice: 202-797-8600
web: <http://www.publicjustice.net>

Public Justice | 1825 K Street, NW | Suite 200 | Washington | DC | 20006