

## **Analogical Reasoning Assignment**

### **XENOPHANES CASE\***

(\*The original version of this is by Prof. Lois Schwartz, UC Hastings College of Law)

This task is immediately concerned with the violation of Xenophanes' civil rights stemming from excessive confinement and deprivation of the right to exercise in order to relieve his back pain.

You are asked to draft what we call a "bench memo" evaluating the case and advising the judge about how to rule. Xeno claims that he is being subjected to cruel and unusual punishment in violation of the Eighth Amendment as a result of his deprivation of his right to exercise. The violation of a Constitutional right is also actionable under 42 U.S.C. § 1983, the civil rights statute. Your analysis depends on *Turner v. Safley* a United States Supreme Court case from 1987.

The due date is on May 13. Your bench memo should be about five pages double-spaced. I am providing a template with some of the information already filled in. You fill in where there are italics. Assume the facts as they are described.

## **MEMORANDUM**

### **Confidential**

TO: Hon. John Jensen, U.S. District Court, Northern District of Columbia

FROM: *Your name*

RE: Xenophanes' complaint against prison officials for violation of his rights

under the Civil Rights Act, 42 U.S.C. § 1983, resulting from excessive confinement.

Date: *You fill in*

### **QUESTION PRESENTED**

1. Should this Court order officials at Columbia Correctional Center to increase the exercise opportunities available to Xenophanes, an inmate housed in administrative segregation?

### **BRIEF ANSWERS**

*You fill in. Be sure your brief answers parallel and respond to the questions presented.*

### **STATEMENT OF THE FACTS**

Xenophanes is an 80 year old prisoner serving a lengthy term at Columbia Correctional Center for residential burglary. He suffered a fall in 1990 that injured his back. The CCC referred him to Columbia State Hospital for treatment for his back pain but he was not treated at that facility because he refused the hospital's requirement that he use his Christian name. He claims that it would be contrary to his religious views to use this name. He was moved to administrative segregation at his request to protect him from harassment from other prisoners on the basis of his religious views. The prisoners in administrative segregation are there either for minor violations of prison rules or because they would be at risk if they were in the general prison population. When Xenophanes was in the general population he exercised daily which relieved his back pain. In administrative segregation, outside exercise opportunities are limited

to about three days a week, and often less if there are circumstances that prevent this such as inclement weather, absence of sufficient personnel, a prison disturbance or lockdown.

Xenophanes' complaints about back pain have increased significantly since his transfer to administrative segregation. Prison officials claim that providing Xenophanes with opportunities to exercise while he is in the administrative segregation unit would take guards away from their other duties in the unit, leaving other inmates at risk.

### APPLICABLE CASE LAW

In Turner v. Safley (U.S. 1987), the U.S. Supreme Court provides a four-part test for analyzing the Constitutionality and compliance with civil rights requirements of an act by prison officials: first, there must be a rational connection between the regulation and the legitimate government interest; second, the prisoner must have alternative means of exercising his Constitutional right; third, the court must consider the impact that the accommodation will have on other inmates, administration, etc.; and fourth, the reasonableness of the regulation is evidenced by the absence of ready alternatives available to the prison.

### ARGUMENT

I. APPLICATION OF TURNER V. SAFLEY TEST TO ACTIONS OF OFFICIALS AT COLUMBIA CORRECTIONAL CENTER.

1) Is there a rational connection between the restriction of Xenophanes' exercise opportunities by prison officials and a legitimate government interest?

*Explain Xenophanes' position and the position of prison officials. Cite to Turner v. Safley as applicable. Be sure to use the facts!*

2) Does Xenophanes have alternative means to exercise his claimed constitutional right?

*Explain Xenophanes' position and the position of prison officials. Cite to Turner v.*

*Safley as applicable. Be sure to use the facts.*

3) What would be the impact on prison officials of accommodating Xenophanes' requests?

*Explain Xenophanes' position and the position of prison officials. Cite to Turner v.*

*Safley as applicable. Use the facts!*

4) Do prison officials have alternatives to restricting Xenophanes' exercise as he claims they have done?

*Explain Xenophanes' position and the position of prison officials. Cite to Turner v.*

*Safley as applicable.*

#### CONCLUSION AND RECOMMENDATION

*How should the Judge rule?*