



PRESS RELEASE

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FOR IMMEDIATE RELEASE

Supreme Court reverses Fifth Circuit ruling in Taylor v. Riojas *RBB wins rare Supreme Court qualified immunity reversal*

Washington, DC – On April 24, 2020, Rights Behind Bars [petitioned](#) the Supreme Court to review the Fifth Circuit’s grant of qualified immunity to Texas state prison officials who forced Trent Taylor to live naked in prison cells covered in human sewage for nearly a week following a suicide attempt. In fear that his food and water might be contaminated by the “massive amount of feces” covering the cell, Taylor did not eat or drink for nearly four days. Correctional officers then moved Taylor to a frigidly cold cell with only a clogged drain in the floor to dispose of bodily wastes. Taylor held his bladder for over 24 hours, but he eventually relieved himself involuntarily, causing the drain to overflow and raw sewage to spill across the floor where he slept naked without a mattress. Though the Fifth Circuit recognized these conditions to violate the Eighth Amendment’s prohibition of cruel and unusual punishment, it granted qualified immunity to prison officials because it deemed that the law was not “clearly established” that “prisoners couldn’t be housed in cells teeming with human waste” for “only six days.”

Earlier this month, in an extraordinary win for prisoner’s rights and all who oppose qualified immunity, the Supreme Court [reversed](#) the Fifth Circuit, emphasizing that “no reasonable correctional officer could have concluded that, under the extreme circumstances of this case, it was constitutionally permissible to house Taylor in such deplorably unsanitary conditions for such an extended period of time.”

Only two other times in the past three decades has the Supreme Court ruled in favor of the plaintiff in a qualified immunity case. This rare reversal—the first Supreme Court denial of qualified immunity in sixteen years—was covered in [Bloomberg Law](#), [Law360](#), and [Channel 3 Local News](#). The *Taylor* decision quotes *Hope v. Pelzer*, a 2002 decision which states that government officials who engage in “obvious cruelty” have fair warning their conduct was unconstitutional even if no prior case law exists with “identical factual circumstances.” In *Taylor*, the Supreme Court clarified that this principle is still good law.

Samuel Weiss, Executive Director of Rights Behind Bars and lead counsel for Taylor, describes the Supreme Court reversal as conveying that there is “still value in this idea that if actions are obviously unconstitutional, then there doesn’t need to be an identical precedent on point to deny a defendant qualified immunity.” Co-counsel for Taylor and board member, Elizabeth Cruikshank, described the impact of this decision to Law360: “Reaffirming this principle, and making it clear that in certain circumstances conduct is so wrong that it doesn’t get shielded by qualified immunity, is very important for civil rights litigants.”

Writing in [ABA Journal](#), preeminent constitutional law scholar Erwin Chemerinsky describes this case as “an important ruling that has the potential to matter greatly in lower court litigation” in establishing that *Hope v. Pelzer* remains good law. He considers *Taylor v. Riojas* to be a potential response to widespread criticism of qualified immunity jurisprudence and will lead to a Court that will be more willing to rule for plaintiffs when qualified immunity is at issue. Professor [Joanna Schwartz](#), a leading scholar on qualified immunity at UCLA, believes that this ruling will “almost certainly” be invoked by lower courts that had in the past been forced to deny relief to someone whose rights have clearly been violated “simply because there’s not a prior case on point.”

Though Taylor has been fighting this battle for over seven years, only now is he allowed the opportunity to make his compelling case to a jury. Rights Behind Bars applauds Taylor in his monumental win for the rights of prisoners everywhere. It is in no small part due to Taylor’s determination and perseverance in the face of qualified immunity and the other overwhelming obstacles that so many *pro se* prison litigants face.

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[Rights Behind Bars](#) works alongside incarcerated people to challenge the cruel and inhumane conditions of confinement through litigation and advocacy.