97 S.Ct. 1191
Supreme Court of the United States

Michael V. COSTELLO et al.
v.
Louie L. WAINWRIGHT, Secretary, Florida Department of Offender Rehabilitation, et al.

No. 76-5920. | March 21, 1977.

Class action was brought on behalf of all Florida prisoners against Florida officials to alleviate the allegedly unconstitutional overcrowding in prisons. The United States District Court for the Middle District of Florida, at Jacksonville, 397 F.Supp. 20, granted application for preliminary injunction and the defendants appealed. Panel of the United States Court of Appeals for the Fifth Circuit, 525 F.2d 1239,affirmed and petition for rehearing en banc was granted. The United States Court of Appeals, 539 F.2d 547, vacated and remanded, and petition for certiorari was filed. The Supreme Court held that where case on its face involved no challenge to state statutes or regulations, the mere fact that in granting equitable relief district court contemplated possibility that state prison officials would have to violate statutory duty to continue to accept custody of prisoners properly committed to them did not preclude assumption of jurisdiction by a single judge, and the judgment was fully reviewable on the merits in the Court of Appeals as a three-judge district court was not required.

Petition for writ of certiorari and for leave to proceed in forma pauperis granted, judgment reversed and case remanded.

West Headnotes (2)

[1] **Federal Courts**
Unconstitutional state laws or action, injunction against enforcement in general

Applicability of statute requiring the convening of a three-judge district court turns on whether state statute is alleged to be unconstitutional and not on whether an equitable remedy for unconstitutional state administrative behavior ultimately impinges upon duties imposed under concededly constitutional state statutes. 28 U.S.C.A. § 2281(Repealed 1976).

8 Cases that cite this headnote

[2] **Federal Courts**
Courts or other decision-makers subject to review
Federal Courts
Imprisonment and incidents thereof

Action attacking overcrowding in Florida's prisons as violative of cruel and unusual punishment clause and presenting no challenge on its face to state statutes or regulations was within the jurisdiction of single district judge notwithstanding fact that in granting equitable relief the single judge contemplated as one means of relieving unconstitutional overcrowding the possibility that state prison officials would have to violate their statutory duty to accept custody of prisoners properly committed to them, and the judgment of district court was reviewable on the merits in the Court of Appeals. 28 U.S.C.A. § 1291; § 2281(Repealed 1976).

15 Cases that cite this headnote

Opinion

***325 **1191** PER CURIAM.

Attorneys and Law Firms

The motion to strike the brief of the United States as amicus curiae is denied.

Petitioners in this case attacked the over-crowding in Florida's prisons as violative of the Cruel and Unusual Punishments Clause of the Eight Amendment, made applicable to the States by the Fourteenth. A single District Judge found substantial constitutional violations and issued a preliminary injunction ordering the Division of Corrections either to reduce the inmate population or to increase prison capacity. In an en banc decision, the United States Court of Appeals for the Fifth Circuit vacated the District Court's decision on the ground that only a three-judge court convened in accordance with 28 U.S.C. s 2281 could order such relief. 539 F.2d 547

(1976).

***326** On its face, the complaint that initiated this case involved no challenge to state statutes or regulations. There was thus no reason at the beginning of this litigation to suspect that a three-judge court should hear the case. See ****1192** Moody v. Flowers, 387 U.S. 97, 104, 87 S.Ct. 1544, 1549, 18 L.Ed.2d 643 (1967); Baxter v. Palmigiano, 425 U.S. 308, 98 S.Ct. 1551, 47 L.Ed.2d 810 (1976); Morales v. Turman, 430 U.S. 322, 97 S.Ct. 1189, 51 L.Ed.2d 368. In granting equitable relief, however, the District Court contemplated as one means of relieving the prison system's unconstitutional overcrowding the possibility that state prison officials would have to violate their statutory duty to continue to accept custody of prisoners properly committed to them. The Court of Appeals concluded that such equitable relief could be granted only by a three-judge court, apparently because it viewed the possible temporary suspension of an otherwise valid state statute to effectuate federally mandated relief as equivalent to finding that statute unconstitutional.

[1] [2] We cannot agree. The applicability of s 2281 as written turns on whether a state statute is alleged to be unconstitutional, not on whether an equitable remedy for unconstitutional state administrative behavior ultimately impinges on duties imposed under concededly constitutional state statutes. To hold otherwise would require postponing the threshold question of jurisdiction until the merits of the controversy had been fully resolved and the broad outlines of equitable relief discerned. Section 2281 embodies no such wasteful and uncertain mandate.

Since we conclude that the single District Judge properly exercised full jurisdiction in this case, and that his judgment is, therefore, reviewable on the merits in the Court of Appeals (28 U.S.C. s 1291), the petition for a writ of certiorari and for leave to proceed in forma pauperis is granted, the judgment is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

Parallel Citations

97 S.Ct. 1191, 51 L.Ed.2d 372