
No. 18-7924

**IN THE
SUPREME COURT OF THE UNITED STATES**

CLIFTON DONELL LYLES,

Petitioner,

v.

ANGELA BROACH, ET AL.,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

**BRIEF IN OPPOSITION TO PETITION FOR
WRIT OF CERTIORARI**

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STATEMENT OF THE CASE

On September 7, 2016, the Petitioner filed a Complaint in state court alleging negligence and gross negligence against the South Carolina Department of Corrections (“SCDC”) in the case of *Lyles v. South Carolina Department of Corrections*, Civil Action Number 2016-CP-40-5671. Thereafter, on September 19, 2016, the Petitioner filed a Section 1983 Complaint in the United States District Court against various SCDC employees. The facts alleged by the Petitioner in the State Court Complaint against SCDC are the same facts alleged by the Petitioner in the Federal Complaint against the individual SCDC employees, who are the Respondents herein.

Thereafter, SCDC moved for summary judgment in the state court case upon the grounds that (1) there was no evidence of any deviations from accepted standards of dental/prison practice by SCDC, acting through its employees, that are a proximate cause of the Petitioner’s alleged injuries and damages, and (2) SCDC, acting through its employees, was not negligent or grossly negligent. A motion hearing was held on March 2, 2017, at which time the state circuit court found that there were genuine issues of material fact and denied SCDC's motion for summary judgment.

On May 16, 2017, the Petitioner’s state court case was tried before a jury in the Richland County Court of Common Pleas with Circuit Court Judge George M. McFadden, Jr. presiding. The Petitioner gave lengthy direct testimony against SCDC and its employees, which included testimony against the four individual SCDC employee defendants in this federal case. At the end of the Petitioner’s case-in-chief, SCDC moved for a directed verdict. Judge McFadden granted the directed verdict as a matter of law finding that there were no genuine issues of material fact. Judge McFadden ruled that the Petitioner failed to prove that SCDC, acting through its employees, was negligent/grossly negligent or that any negligent/grossly negligent acts of SCDC were a

proximate cause of the Petitioner's alleged injuries and damages. The Petitioner's subsequent appeals to both the South Carolina Court of Appeals and the South Carolina Supreme Court were dismissed. Thus, the directed verdict on the state law claims is now final.

In the federal action, the district court applied collateral estoppel or issue preclusion to bar the Petitioner's Section 1983 action. As the district court noted, in his response memorandum, the Petitioner did concede that he presented "the same facts in this federal action as he did in the state action." The Petitioner argued that the claims brought were different, but as the district court ruled, "the current action is clearly based on the same transaction or occurrence as the facts in both the state complaint and the federal one are the same." Thus, in granting summary judgment, the district court ruled that the Petitioner's federal claims are barred by application of collateral estoppel given the preclusive effect of the state court judgment.

The Petitioner thereafter appealed to the Fourth Circuit Court of Appeals, which affirmed for the reasons stated by the district court. *See, Lyles v. Broach*, 732 Fed. Appx. 247 (4th Cir. 2018).

REASONS FOR DENYING THE PETITION

The majority of the Petition for Writ of Certiorari presents a myriad of allegations, accusations, and falsehoods about the Petitioners' current conditions of confinement at Turbeville Correctional Institution, none of which were pled or adjudicated as claims or issues in this litigation before the district court or the court of appeals. The Petitioner fully concedes that these claims and issues are presently being litigated in an ongoing lawsuit at the district court level. The Petitioner also includes vitriolic and false attacks on the judicial system in South Carolina, including the United States District Court for the District of South Carolina and the Fourth Circuit Court of Appeals.

Indeed, only a small portion of the Petition for Writ of Certiorari is actually directed at the district court's grant of summary judgment on his allegations related to the denial of appropriate dental care from December 2015 to June 2016.

As outlined above, the district court applied collateral estoppel or issue preclusion as a bar to the Petitioner's federal lawsuit. The Petitioner fully conceded in the district court that he presented "the same facts in this federal action as he did in the state action." The state lawsuit was tried first. The Petitioner proceeded to trial on his state law negligence claims raising allegations of inadequate dental care. The state trial judge granted a directed verdict in favor of SCDC. The Petitioner appealed that ruling to the state appellate courts, and those appeals were both dismissed. The state court judgment is final and may properly be given preclusive effect.

Thus, in moving for summary judgment on the Section 1983 claim in federal court, the Respondents argued that the federal claims are barred by the application of collateral estoppel which was premised on the fact that a "[p]laintiff cannot now argue that she should be allowed to establish deliberate indifference (a higher standard of proof) when [he] could not prove negligence

(a lesser standard of proof) as to the same conduct.” *Giron v. Corrections Corp. of America*, 191 F.3d 1281, 1286 (10th Cir. 1999). *See also, A.D. v. Alabama Department of Human Resources*, 995 F.Supp.2d 1253, 1261 (N.D. Ala. 2014) (court found that deliberate indifference claim was barred by collateral estoppel where defendants "were found not to be negligent by the state court" and therefore "they cannot have acted with deliberate indifference").

In his Petition for Writ of Certiorari, the Petitioner does not appeal or challenge the district court’s application of collateral estoppel. Instead, he contends only that the district court erroneously applied the *Rooker-Feldman* doctrine, which is not an accurate reading of the district court’s decision. The district court did not decline to exercise jurisdiction over the Petitioner’s federal claims. To the contrary, the district court correctly followed this Court’s analysis from *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280 (2005), when faced with concurrent actions pending in state and federal courts. This Court explained that “neither *Rooker* nor *Feldman* supports the notion that properly invoked concurrent jurisdiction vanishes if a state court reaches judgment on the same or related question while the case remains *sub judice* in a federal court.” 544 U.S. at 292. Instead, as this Court instructed, “[d]isposition of the federal action, once the state-court adjudication is complete, would be governed by preclusion law.” 544 U.S. at 293.

That is precisely the analysis in which the district court engaged. The district court continued to exercise concurrent jurisdiction over the federal court action. But, the district court applied principles of collateral estoppel or issue preclusion. Specifically, the district court recognized that “the current action is clearly based on the same transaction or occurrence as the facts in both the state complaint and the federal are the same.” The court further explained: “while Plaintiff brought the state action pursuant to the South Carolina Tort Claims Act, and he now

brings claims pursuant to [Section] 1983, the identity of the subject matter rests not in their forms of action or the relief sought, but rather, in the combination of the facts and law that give rise to a claim for relief.” In short, the district court correctly relied on preclusion law and not the *Rooker-Feldman* doctrine to enter summary judgment on the Petitioner’s federal claims. Accordingly, there is no basis for the issuance of a writ of certiorari.

CONCLUSION

For the foregoing reasons, the Respondents submit that the Petition for Writ of Certiorari should be denied.

Respectfully submitted,

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