No. _____

In the Supreme Court of the United States

RONNIE ALEXANDER,

Petitioner,

v.

PHILIP R. TAFT PSY D AND ASSOCIATES, PLLC., ET AL.,

Respondents.

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

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. In *Estelle* v. *Gamble*, 429 U.S. 97 (1976), this Court held that the government has an obligation to provide care for the serious medical needs of incarcerated people. The question presented is whether jail mental health providers' obligations under *Estelle* are limited to "protection from violence and suicide."

2. In *Bell* v. *Wolfish*, 441 U.S. 520 (1979), this Court held that jails may not subject pretrial detainees to conditions that amount to punishment. Absent an intent to punish, this determination will turn on "whether an alternative purpose to which [the restriction] may rationally be connected is assignable for it, and whether it appears excessive in relation to" that purpose. The question presented is whether restrictions ostensibly imposed for suicide prevention nonetheless comprise unlawful punishment when they are excessive in both nature and duration relative to that purpose, and also deprive an inmate of the "minimal civilized measure of life's necessities."

3. In *NRA of America* v. *Vullo*, 602 U.S. 175 (2024), this Court reiterated that in reviewing a 12(b)(6) motion to dismiss, courts must draw reasonable inferences in the plaintiff's favor and consider the allegations as a whole. The question presented is whether a court may categorically disregard any inference as to an actor's state of mind as "speculative," irrespective of the plaintiff's allegations.

PARTIES TO THE PROCEEDINGS

Petitioner, and plaintiff-appellant below is Ronnie Alexander.

Respondents, and defendants-appellees below are Philip R. Taft Psy.D and Associates, P.L.L.C.; Henderson County Texas; Nathaniel Patterson; Taylor Caldwell; Morgan Fain; Noah Kreie; William Trussel; Dora Martinez; Melissa Harmon; and Philip Taft.

Southern Health Partners, Inc. was a defendant before the Northern District of Texas, and is not a respondent nor appellee in appellate proceedings.

RELATED PROCEEDINGS

United States District Court (NDTX):

Ronnie Alexander v. *Southern Health Partners, Inc. et al.*, No. 3:22-cv-00395-X (Jun. 28, 2024) (dismissal in part)

United States Court of Appeals (CA5):

Ronnie Alexander v. *Philip R. Taft Psy D and Associates, P.L.L.C.; Henderson County Texas; Nathaniel Patterson; Taylor Caldwell; Morgan Fain; Noah Kreie; William Trussel; Dora Martinez; Melissa Harmon; Philip Taft*, No. 24-10663 (Jul. 10, 2025) (district court affirmed)

Ronnie Alexander v. *Philip R. Taft Psy D and Associates, P.L.L.C.; Henderson County Texas; Nathaniel Patterson; Taylor Caldwell; Morgan Fain; Noah Kreie; William Trussel; Dora Martinez; Melissa Harmon; Philip Taft*, No. 24-10663 (Dec. 23, 2025) (rehearing denied, previous opinion reported at 143 F. 4th 569 substituted)

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JURISDICTION

The Fifth Circuit's decision was entered on July 10, 2025. The Fifth Circuit denied rehearing on December 23, 2025. This Court has jurisdiction under 28 U.S.C. §1254(1).

RELEVANT LEGAL PROVISIONS

U.S. Const., Amdt. VIII provides: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

U.S. Const., Amdt. XIV, §1 provides:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Ibid.

42 U.S.C. §1983 provides:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

Ibid.

Fed.R.Civ.P. 12(b) and (b)(6) provide: "How to Present Defenses. Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required. But a party may assert the following defenses by motion: failure to state a claim upon which relief can be granted[.]" *Id.* 12(b), 12(b)(6).

INTRODUCTION

This case involves two critical and long-established rights of pretrial detainees: the right to be free from unlawful punishment, and the right to be provided at least a minimal level of mental health care. A third issue is whether a court may categorically refuse to draw inferences regarding state of mind from circumstantial evidence.

First, the Fifth Circuit makes the unprecedented pronouncement that jails need provide *no mental health care at all*, so long as they offer "protection from violence or suicide." App. 58. This startling and dangerous holding is irreconcilable with Supreme Court precedent, beginning with *Estelle* v. *Gamble*, holding that deliberate indifference to inmates' serious medical needs violates the Constitution. 429 U.S. 97 (1976). It also conflicts with the established law of other Circuits across the country.

Second, in affirming the dismissal of all the plaintiff's claims, the Fifth Circuit announces a novel, truncated version of the rule set forth in *Bell* v. *Wolfish*, eliminating the requirement that conditions of confinement must not be excessive in relation to their stated purpose. 441 U.S. 520 (1979); App. 53–54. Abandoning this proportionality requirement renders *Bell's* holding largely toothless. In a strenuous dissent, Judge James Dennis stated that the majority opinion "fundamentally alter[s] the *Bell* test." App. 67. The Fifth Circuit's erroneous interpretation not only contradicts *Bell*, but also conflicts with the decisions of other Circuits across the country.

Finally, the majority upends the Fed. R. Civ. P. 12(b)(6) standard of review this Court set out in *Bell*

Atlantic Corp. v. *Twombly*, 550 U.S. 544 (2007), and *Ashcroft* v. *Iqbal*, 556 U.S. 662 (2009), and reiterated in *NRA of America* v. *Vullo*, 602 U.S. 175 (2024). It does so by categorically refusing to draw any inferences into an officer's state of mind, rejecting any such inferences as "speculative," irrespective of the litany of circumstantial facts alleged by Petitioner Alexander. App. 47–49 and n. 7. Judge Dennis disagreed, stating that he was "deeply concerned that the majority's decision creates an untenable exception to *Bell*, permitting jailers to punish detainees under the guise of suicide prevention, so long as they offer even the thinnest pretext, despite substantial evidence of punitive intent." App. 70–71, 76.

The damage these broad holdings will cause is not confined to this case, but will severely curtail the rights of pretrial detainees across the Fifth Circuit. At the same time, they will certainly spawn a bevy of otherwise-unnecessary appeals, due to their obvious conflicts with the well-settled precedent of this Court.

For all of these reasons, this Court should grant certiorari and reverse the judgment below.

STATEMENT OF THE CASE

I

Petitioner Ronnie Alexander was booked into the Henderson County jail on March 8, 2021. App. 39. In his intake screening, he reported he was not suicidal. *Ibid.* In two separate evaluations on March 8 and 9, the jail's mental health staff person identified no concerns with Alexander's current mental health status, although he reported pre-existing depression and post-traumatic stress disorder. App. 40.

On the night of March 9, Alexander was placed in group housing with cellmates who immediately began making serious threats against him. *Ibid.* Fearing for his safety, Alexander repeatedly asked the guards to move him to a different cell. *Ibid.* They refused. *Id.* In fear of his life and feeling out of options, he told an officer that he might harm himself, believing that would force the jail to remove him from the group detention cell for medical or mental health care evaluation. *Ibid.*

The guards responded by telling him "you really f***ed up now, b****," as they transferred him to the jail's so-called "violent cell." App. 40. During the transfer, they repeatedly called him a "b****." *Ibid.*

The violent cell is a completely bare cell with no bunk, mattress, sink, toilet, shower, or running water of any kind. App. 40–41, 71; see also App. 113 (still frame from video of the cell). The only place for an inmate to urinate or defecate is through a small, grated drain in the middle of the floor. App. 40. The lights were left on at full brightness at all times, further inhibiting sleep. App. 41. The floor was also tainted with remnants of urine and human feces. App. 71 and n. 4. Alexander was allowed no personal items, and all of his clothes were taken from him, leaving him with only a thin "suicide blanket." App. 41, 71, 113 (picture). He remained in the violent cell for the duration of his stay in Henderson County, until he was transferred into the custody of Dallas County more than five days later. App. 42.

Despite repeated requests, Alexander was never allowed out of the cell to make use of any imaginable element of human hygiene, nor was he given any opportunity for exercise or recreation. App. 41 and n. 3,

71. The guards also never provided him with toilet paper, leaving him no way to clean himself after a bowel movement. App. 40–41, 71. Without a toilet, Alexander was left to use a paper cup to force fecal matter through the drain grate. App. 40. Because he had no access to running water or utensils, Alexander was forced to eat with hands that were perpetually contaminated with fecal bacteria. App. 40. The guards also denied virtually every one of Alexander's requests for water, leaving him with only about 24 ounces of fluids per day, and nothing to drink overnight. App. 41 and n. 3. They persistently taunted and threatened Alexander throughout the ordeal; for example, they threatened to kill him using a "barbed-wire guillotine" and told him he would "not leave the facility alive." App. 41, 69.

Alexander was only seen by a health care provider one time while in the violent cell. App. 42. Just over two days after his transfer, he was visited by mental health staffer Jessica Phlips (an unlicensed layperson), who abandoned her visit almost immediately when she found Alexander "too confused" to answer even basic orientation questions. *Ibid.* Despite this clear sign of that Alexander was in the midst of a psychological crisis, she took no action and reported her findings to no one. *Ibid.* Alexander was left to suffer three more days of abuse, dehydration, sleep deprivation, and the grossly dehumanizing conditions of the violent cell until he was released to Dallas County custody. *Ibid.*

Regarding the overall mental health care system in place, contracted psychologist Dr. Philip Taft assigned only a single person—Jessica Phlips—to provide mental health care at the jail, despite the fact that she

lacked any medical or mental health licensing; had admitted she was not a clinician; was unqualified to make a clinical assessment; was provided no policies or procedures to follow; and was completely unsupervised. App. 55–56, 61.

II

Alexander brought claims under 42 U.S.C. §1983 against Henderson County, several individual officers, psychologist Dr. Philip Taft, and Taft's private practice, which had contracted with the County to provide mental health care at the jail. App. 42–43, 100. These claims alleged that (a) he was subjected to unlawful conditions of confinement under *Bell*; and (b) he was denied constitutionally adequate medical care. App. 46–47. The Northern District of Texas had jurisdiction over these claims under 28 U.S.C. §1331, because they are questions of federal law. Alexander also brought state law negligence claims against Taft, his practice, and Southern Health Partners, the jail's contracted medical provider. App. 115–18. The state law claims were dismissed by the Northern District of Texas by declining to exercise supplemental jurisdiction, and were not included in either the appeal to the Fifth Circuit or this Petition.

The Northern District of Texas dismissed the federal claims in Alexander's Third Amended Complaint, finding that (a) the conditions of the violent cell were reasonably related to suicide prevention; App. 102–09; and (b) even if they were not, the conditions of the violent cell did not violate the Constitution under any circumstances. App. 109–115. It did not directly address the claims regarding mental health care. App. 56 n. 12, App. 73. The Northern District of Texas

then declined to exercise supplemental jurisdiction over the state law claims, dismissing them without prejudice. App. 115–18. Alexander appealed the dismissal of his federal claims to the Fifth Circuit. App. 2.

The Fifth Circuit rejected the Northern District of Texas' holding that the conditions of the violent cell are *per se* lawful under any circumstances. App. 53 n.9, 54 n.11.[1] However, it affirmed the dismissal of Alexander's conditions-of-confinement claim, agreeing with the Northern District of Texas that the conditions of the violent cell served the purpose of suicide prevention, even though they were "grim," "barbaric," "overinclusive," and "not narrowly tailored" to Alexander's actual suicide risk. App. 40 ("Alexander paints a grim picture of the violent cell."), 53–54. It also affirmed the dismissal of his claims of inadequate medical care, primarily based on the twin holdings that (a) the only mental health care jails must provide is "protection from violence or suicide" (a position that had never been advanced by any defendant); App. 58, 62 n. 15; and (b) jail health care officials have no authority, and therefore no duty, to do anything to alter an inmate's conditions of confinement, including housing. App. 59, 62 n. 15.

Judge James Dennis dissented, arguing that Alexander had alleged clearly sufficient facts from which punitive intent could be inferred, and thus had plausibly alleged a conditions-of-confinement claim under *Bell*. App. 29–35 (original opinion); 65–72, 76 (substituted opinion). He further noted that the majority

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[1] Because the original majority opinion is identical to the substituted version, for the sake of consistency, citations to the majority opinion are to the substituted version filed December 23, 2025.

consistently inverted the 12(b)(6) standard, drawing improper inferences in favor of the defendant–movants, while refusing "to infer anything about state of mind despite numerous explicit comments, defendants' associated conduct, and context." App. 29–32 and n. 1 (original); 65, 67–71 (substituted). He concluded, "This is not a matter of difficult judgment; it is punishment of a pretrial detainee disguised as suicide watch. The Constitution forbids that." App. 34–35 (original); App. 72 (substituted). As to the inadequate health care claims, he argued that they should have been remanded, because the Northern District of Texas had never addressed them. App. 36–37 (original); App. 73–74 (substituted).

Alexander filed petitions for both panel and en banc rehearing, which were denied. App. 38. In denying the petitions, the Fifth Circuit withdrew its original opinion and issued a substitution. App. 38–39. The substituted opinion left the majority opinion intact, but Judge Dennis revised his dissent. *Ibid.* The revised dissent expanded on his original disagreements with the majority, adding that (a) the majority "fundamentally alter[ed] the *Bell* test" by eliminating its proportionality requirement; App. 66–67; and (b) he agreed with *amici* that the majority erred in finding that "protection from violence or suicide" comprised sufficient mental health care without ever considering whether the County or its contractors were deliberately indifferent to a serious medical need. App. 74–76. Judge Dennis also elaborated on his disagreement with the majority's refusal to infer any state of mind, App. 70–71, and added that he believed Alexander's allegations "establish a plausible claim that the jail provided constitutionally deficient mental health

care." App. 76. He concluded by saying, "I am deeply concerned that the majority's decision creates an untenable exception to *Bell*, permitting jailers to punish detainees under the guise of suicide prevention, so long as they offer even the thinnest pretext, despite substantial evidence of punitive intent." App. 76.

REASONS FOR GRANTING THE PETITION

I. The Fifth Circuit has eliminated nearly all of jail mental health providers' duties under *Estelle*.

As an initial matter, the rights of pretrial detainees flow from the Due Process Clause of the Fourteenth Amendment. *Revere* v. *Mass. Gen. Hosp.*, 463 U. S. 239, 243–44 (1983). This Court has recognized that such rights are "at least as great as the Eighth Amendment protections available to a convicted prisoner." *Id.* at 244.

Fifty years ago, this Court held that the government has an "obligation to provide medical care for those whom it is punishing by incarceration." *Estelle* v. *Gamble*, 429 U. S. 97, 103 (1976). This is because "[a]n inmate must rely on prison authorities to treat his medical needs; if the authorities fail to do so, those needs will not be met." *Ibid.* Failure to meet medical needs "may actually produce physical 'torture or a lingering death,'" or even in less serious cases, "pain and suffering which no one suggests would serve any penological purpose." *Ibid.* (internal citations omitted). Therefore, *Estelle* held that "deliberate indifference to serious medical needs of prisoners constitutes the 'unnecessary and wanton infliction of pain,' proscribed by the Eighth Amendment." *Id.* at 104 (internal citations omitted).

Undoubtedly, mental health needs are a subset of medical needs, indifference to which will cause "pain and suffering which no one suggests would serve any penological purpose," in the same way that indifference to physical needs would. This Court recognized in *Brown* v. *Plata*, that the government's obligation to provide medical care to prisoners includes mental health care. 563 U.S. 493, 545 (2011) ("The medical and mental health care provided by California's prisons falls below the standard of decency that inheres in the Eighth Amendment."). *Brown* involved the provision of mental health care in the broadest sense and certainly was not limited to "protection from violence or suicide;" at its core, California's failure to provide sufficient care to its prisoners was due to extended delays waiting for unspecified mental health treatment. *Id.* at 521–22.

Flying in the face of this undeniable precedent, the Fifth Circuit held in this case that "The County provided the constitutional minimum for mental health assistance: "protection from violence or suicide." App. 58. This holding is absolutely irreconcilable with *Estelle* and *Brown*, as well as caselaw from circuits across the country (outlined below). The fact that the phrase has been awkwardly taken out of context is apparent from the fact that "protection from violence" is not primarily associated with mental health care, to begin with.

This baseless and untenable holding in a published opinion carves out a substantial area of total immunity for jail mental health care providers, absolving them of any duty to attend to inmates' serious mental health needs, other than suicide risks and "protection

from violence," whatever that might mean from a mental health perspective.

Moreover, it directly undermines its own proposition: inmates with serious mental health needs are more likely to attempt suicide when those needs are ignored. See *Brown*, 563 U.S. at 504 (in California's prison system, which was found to leave inmates with serious mental health needs waiting for treatment for extended periods of time, "the suicide rate was nearly 80% higher than the national average for prison populations; and a court-appointed Special Master found that 72.1% of suicides involved 'some measure of inadequate assessment, treatment, or intervention, and were therefore most probably foreseeable and/or preventable.'").

Additionally, because the Fifth Circuit's holding only applies to jails—which primarily house pretrial detainees—it leaves pretrial detainees (as well as convicted prisoners housed in jails) with significantly *lesser* rights to health care compared to convicted persons housed in prisons. This is irreconcilable with the long-established fact that the rights of pretrial detainees are "at least as great as the Eighth Amendment protections available to a convicted prisoner." *Revere*, 463 U.S. at 244. It also, of course, confers significantly different rights on convicted prisoners depending on where they happen to be incarcerated.

Virtually every circuit has expressly held that the obligation to attend to serious medical needs includes mental health needs (the D.C. Circuit being the only apparent exception). *E.g., Cuoco* v. *Moritsugu*, 222 F. 3d 99, 106 (CA2 2000) ("Courts have repeatedly held that treatment of a psychiatric or psychological condition may present a 'serious medical need'")

(quoting *Meriwether* v. *Faulkner*, 821 F. 2d 408, 413 (CA7 1987) (collecting cases)); *Palakovic* v. *Wetzel*, 854 F. 3d 209, 227, 234 (CA3 2017) (finding plaintiffs had plausibly alleged, among other things, an inmate "received mental health treatment while at SCI Cresson that fell below constitutionally adequate standards, and the defendants—both the mental health care personnel providing treatment and the supervisory officials and medical corporation responsible for the prison's mental health care treatment policies—were deliberately indifferent to Brandon's serious medical needs."); *Clark-Murphy* v. *Foreback*, 439 F. 3d 280, 286–87 (CA6 2006) ("the deprivation of water and medical care, including psychological services, of course would be 'sufficiently serious' to [constitute the objective component of a deliberate indifference inquiry], and the defendants do not argue otherwise.") (internal citations omitted); *Torraco* v. *Maloney*, 923 F. 2d 231, 234 (CA1 1991) ("This court has previously recognized that the eighth amendment also protects against deliberate indifference to an inmate's serious mental health and safety needs.") (internal citations omitted); *Waldrop* v. *Evans*, 871 F. 2d 1030, 1033 (CA11 1989) ("a prison inmate has the right under the Eighth Amendment to be free from deliberate indifference to serious physical or psychiatric needs."); *Ramos* v. *Lamm*, 639 F. 2d 559, 574 (CA10 1980) (the obligation to provide medical care includes "psychological or psychiatric care"); *Bowring* v. *Godwin*, 551 F. 2d 44, 47 (CA4 1977) ("We see no underlying distinction between the right to medical care for physical ills and its psychological or psychiatric counterpart."); *Hare* v. *City of Corinth*, 74 F. 3d 633, 642 (CA5 1996) ("A serious medical need may exist for psychological or

psychiatric treatment, just as it may exist for physical ills.") (internal citation omitted).

In a case with allegations similar to Petitioner's regarding the overall unavailability of qualified mental health providers, the Third Circuit held that "when inmates with serious mental ills are effectively prevented from being diagnosed and treated by qualified professionals, the system of care does not meet the constitutional requirements set forth by *Estelle* v. *Gamble*, supra, and thus violates the Due Process Clause." *Inmates of Allegheny County Jail* v. *Pierce*, 612 F.2d 754, 763 (CA3 1979).

A second case out of the Third Circuit stands in particularly stark contrast to the Fifth Circuit's disposition here. In *Palakovic* v. *Wetzel*, the parents of an inmate who had been repeatedly placed in solitary confinement sued prison officials and medical personnel, asserting that their son was subjected to "multiple 30-day stints in solitary confinement," where he was "isolated for approximately 23 to 24 hours each day, in a tiny cement cell of less than 100 square feet with only small slit windows affording him minimal outside visibility. He was not permitted to make phone calls, his possessions were limited to one small box, and his social interaction and environmental stimulation were severely reduced." 854 F. 3d 209, 215–17 (CA3 2017). Notably, like this case, the plaintiffs "sought to hold prison officials accountable for injuries that Brandon experienced during his periods of isolation in solitary confinement while he was alive"—not for his eventual suicide. *Id.* at 224, 227.

The *Palakovic* Court first acknowledged that "conditions like those to which Brandon repeatedly was subjected can cause severe and traumatic

psychological damage, including anxiety, panic, paranoia, depression, post-traumatic stress disorder, psychosis, and even a disintegration of the basic sense of self identity." *Id.* at 225. It then found that plausible claims had been asserted against the defendants—which included mental health professionals—under two different theories. First, the defendants could be liable for subjecting the plaintiffs' son to unconstitutional conditions of confinement (under the stricter Eighth Amendment standard for convicted prisoners). *Id.* at 225–26. Second, it found that a plausible claim of inadequate mental health care had been asserted, in part because the defendants "substituted solitary confinement for treatment." *Id.* at 229. In short, the Third Circuit held that mental health providers can be held accountable for failing to take steps to avoid serious harms caused by psychologically harmful housing. This directly conflicts with the Fifth Circuit's holding here.

II. The Fifth Circuit fundamentally altered the *Bell* test, eliminating its proportionality requirement.

This Court held in *Bell* that pretrial detainees cannot be subjected to conditions of confinement that constitute punishment. 441 U. S. at 535. Absent a showing of intent to punish, the determination of whether particular conditions amount to punishment turns on "whether an alternative purpose to which [the restriction] may rationally be connected is assignable for it, and whether it appears excessive in relation to the alternative purpose assigned [to it]." *Id.* at 538. The Court illustrated the necessity of proportionality using a hypothetical:

> [L]oading a detainee with chains and shackles and throwing him in a dungeon may ensure his presence at trial and preserve the security of the institution. But it would be difficult to conceive of a situation where conditions so harsh, employed to achieve objectives that could be accomplished in so many alternative and less harsh methods, would not support a conclusion that the purpose for which they were imposed was to punish.

Id. at 539, n. 20. Thus, although it uses similar language, *Bell* expressly rejected employing its test in a manner akin to the "rational basis" review standard applied to constitutionally challenged statutes that do not implicate a fundamental right, a very deferential standard which only asks whether a statute is "rationally related to legitimate government interests," irrespective of proportionality. See, *e.g.*, *Box* v. *Planned Parenthood of Ind. & Ky., Inc.*, 587 U. S. 490, 491 (2019). This makes sense, because the right to be free from punishment prior to conviction *is* a fundamental right, guaranteed by the Due Process Clause. *Chapman* v. *United States*, 500 U. S. 453, 465 (1991) (superseded by statute on other grounds) (citing *Bell*, 441 U.S. at 535, 536 and n. 16); see also *Bell*, 441 U. S. at 580–81 (Stevens, J., dissenting). Without assessing a particular restriction's proportionality to its purported justification, *Bell's* prohibition of punishment loses most of its meaning and fails to enforce a pretrial detainee's fundamental rights.

Here, the Fifth Circuit expressly abandons *Bell's* proportionality requirement. In dismissing

Alexander's claims, it held, "*Bell* looks only for a reasonable relationship, not narrow tailoring. So, even if these conditions are overly protective of Alexander, they are sufficiently related to the Jail's legitimate interest in protecting suicidal inmates and thus pass constitutional muster." App. 54. This holding followed acknowledgement by the majority that the conditions Alexander was subjected to "paint[] a grim picture," App. 40, are arguably "barbaric," App. 53, and are "overinclusive, painting with a broad brush to protect those who pose the greatest danger to themselves." App. 53–54. Thus, the Fifth Circuit's novel holding that conditions need not be proportional to a particular need contradicts and substantially erodes the *Bell* test.

Beyond acknowledging that the conditions themselves were excessive (i.e., "overinclusive" and not specifically tailored) related to Alexander's alleged suicide risk, the Fifth Circuit also failed to consider whether Alexander remained at risk of self-harm throughout the five-plus days he was held in the violent cell, particularly given that he was never evaluated by a mental health professional qualified to make clinical decisions. This failure conflicts with the *Bell* analysis applied by Justice Neil Gorsuch (then a judge on the Tenth Circuit) in *Blackmon* v. *Sutton*, involving the extended use of a full restraint chair. 734 F. 3d 1237, 1241–42 (CA10 2013). There, the Tenth Circuit observed that although initial restraints may be justified, continued use becomes unconstitutional once the threat of self-harm dissipates. *Id.* at 1242. The same reasoning applies here—even if the initial placement in the violent cell were justified, continued

confinement in its extreme conditions without reassessment is excessive compared to the original purpose.

In short, the Fifth Circuit has announced a new standard that directly contradicts *Bell* and dramatically narrows its scope. Despite the reference to "narrow tailoring," it is clear from its analysis that the Fifth Circuit has authorized the application of "rational basis" review to conditions-of-confinement claims, seemingly based on a misreading of the phrase "reasonably related." However, *Bell's* "dungeon" hypothetical, combined with the fact that this issue implicates fundamental rights, makes it clear that rational basis review imported from analysis of the constitutionality of statutes is inappropriate in this context. Adopting this framework allows jails in the Fifth Circuit to subject detainees to restrictions or harmful conditions without any consideration whatsoever as to whether those conditions appear excessive in relation to their stated purpose, eroding *Bell* to the point of rendering it largely toothless.

The Fifth Circuit's elimination of the proportionality requirement is intertwined with its failure to address Alexander's arguments that the conditions of the violent cell—most especially, the total deprivation of human hygiene—comprise cruel and unusual punishment under the Eighth Amendment. It has long been known that depriving a convicted prisoner—let alone a pretrial detainee—of "the minimal civilized measure of life's necessities" is a "grave" deprivation that violates the Eighth Amendment. *Rhodes* v. *Chapman*, 452 U. S. 337, 347 (1981). In *Hutto* v. *Finley*, this Court found that "Confinement in windowless 8'x10' cells containing no furniture other than a

source of water and a toilet that could only be flushed from outside the cell" was a central part of a punishment regime found to violate the Eighth Amendment. 437 U. S. 678, 682–83 (1978). Alexander's conditions were demonstrably worse, since he had no toilet, water or mattress, and the lights were never turned off. *Hutto's* cells were overcrowded, as opposed to Alexander being held in total isolation, but reasonable minds could differ as to which of those conditions is less humane. The Fifth Circuit itself has previously held that "certain prison conditions [are] so base, inhuman and barbaric that they violate the Eighth Amendment," and that "[o]ne such condition is the deprivation of basic elements of hygiene." *Palmer* v. *Johnson*, 193 F. 3d 346, 352 (CA5 1999) (internal quotations omitted).

What the Fifth Circuit has done in this case essentially holds that pretrial detainees may be subjected to conditions that violate the Eight Amendment, so long as there is some imaginable reason for doing so. This effectively puts detainees in a position where they have distinctly *lesser* rights compared to convicted prisoners, which is clearly wrong. *Revere*, 463 U.S. at 244.

Put another way, because certain conditions violate the Eighth Amendment (such as a total deprivation of access to human hygiene), imposing such deprivations on pretrial detainees for purported suicide prevention requires mitigation. For example, if it is too dangerous to allow a suicidal inmate unfettered access to a shower, he must be provided some other way to clean himself, such as regular opportunities for supervised showers. Failure to mitigate these essential

deprivations is excessive and disproportionate to the stated purpose.

Counsel for Petitioner has not identified a single case applying the new standard announced by the Fifth Circuit, and the majority opinion cites no authority for it. On the contrary, many circuits correctly apply *Bell's* proportionality requirement to infer a punitive purpose in violation of the Fourteenth Amendment.

For example, in *Morris* v. *Zefferi*, the Eighth Circuit held than an officer's "decision to transport Morris, a pretrial detainee, in a small, unsanitary dog cage for the ninety-minute drive with no compelling urgency and other options available, was excessive in relation to the goal of preventing escape, and thus, an inference may reasonably be made" that the conditions amounted to punishment. 601 F. 3d 805, 811 (CA8 2010).

In *Williamson* v. *Stirling*, the Fourth Circuit found that an extended period of solitary confinement was excessive compared to the stated purpose of preventing a detainee from carrying out threats made in an isolated incident. 912 F. 3d 154, 179 (CA4 2018).

In *Allah* v. *Milling*, the Second Circuit held that "in assigning [pretrial detainee] Allah to Administrative Segregation in October 2010, prison officials made no individualized assessment whatsoever of the risk that Allah posed to institutional security." *Allah* v. *Milling*, 876 F. 3d 48, 56–57 (CA2 2017). It added that "aspects of Allah's confinement although plausibly related to security concerns in general, were so excessively harsh as to be punitive." *Id.* at 58.

In *J.H.* v. *Williamson County*, the Sixth Circuit applied *Bell's* proportionality requirement in holding

that "[t]emporary placement of J.H. in solitary confinement, given his accused disciplinary infraction, appears rationally related" to the purpose of preserving institutional security, but "considering J.H.'s age, mental health, and the duration and nature of his confinement, [and] weighing the penalty imposed against his disciplinary infraction—in which he made verbal threats but did not physically injure another detainee—it is apparent that his punishment was disproportionate in light of the stated purpose." *J.H.* v. *Williamson County*, 951 F. 3d 709, 718 (CA6 2020).

In *May* v. *Sheahan*, the Seventh Circuit held, "Certainly, shackling all hospital detainees reduces the risk of a breach of security and thus furthers a legitimate non-punitive government purpose. But shackling an AIDS patient to his or her bed around the clock, despite the continuous presence of a guard, is plainly excessive in the absence of any indication that the detainee poses some sort of security risk." 226 F. 3d 876, 884 (CA7 2000).

In *Littlefield* v. *Deland*, the Tenth Circuit found that conditions nearly identical to those Petitioner Alexander was subjected to were "unreasonably degrading and inhumane, a mere masquerade as essential custodial detention and therefore clearly excessive in relation to the alternative purpose (of essential custodial detention) assigned to it." 641 F. 2d 729, 731 (CA10 1981) (cleaned up).

The Third Circuit also applies the proportionality test, such as in *Bistrian* v. *Levi*, where it held that the plaintiff "plausibly alleged that it was excessive to keep him in the [highly restrictive segregated housing unit] for nearly a month while awaiting a hearing on

seemingly minor telephone infractions." 696 F. 3d 352, 374 (CA3 2012).

Likewise, applying *Bell* to a case involving a civil detainee, the Ninth Circuit held in *Jones* v. *Blanas* that holding the detainee for a year under highly restrictive conditions compared to other detainees would be unlawfully excessive without some purpose beyond the statutory requirement to keep such detainees separate from criminal detainees. 393 F. 3d 918, 934–35 (CA9 2004).

III. The Fifth Circuit contradicted the universally recognized 12(b)(6) review standard in holding that inferences regarding state of mind are "speculative" and therefore cannot be drawn.

For obvious reasons, the 12(b)(6) standard of review is foundational to our entire legal system. If courts were allowed to pick and choose for whom they draw inferences at the pleading stage (or at summary judgment, for that matter), the role of the jury would be usurped, turning every judge into a pretrial factfinder.

The standard of review outlined in *Bell Atlantic Corp.* v. *Twombly*, 550 U. S. 544 (2007), and *Ashcroft* v. *Iqbal*, 556 U. S. 662 (2009), is well known and need not be reviewed in depth here. However, a critical component of that standard is that courts must "draw reasonable inferences in [the plaintiff's] favor and consider the allegations as a whole." *NRA of Am.* v. *Vullo*, 602 U. S. 175, 194–95 (2024).

Here, the Fifth Circuit majority could only reach the disposition it did by categorically refusing to draw reasonable inferences as to jailers' states of mind, calling any such possible inference "speculative." App. 49 n. 7.

This is the primary subject of Judge James Dennis's strenuous dissent. The dissent methodically outlines Alexander's allegations that clearly allow an inference that Alexander was placed, and kept, in the violent cell with punitive intent:

> **March 8**: Alexander was booked into the jail. A Henderson County mental health professional conducted an "observation clearance," observing no concerns with his mental health.
>
> **March 9 (daytime)**: The same provider performed a follow-up and again documented "no concerns" with Alexander's mental status.
>
> **March 9 (evening)**: Guards placed Alexander in group detention "with some of the most violent and dangerous men being held at the Jail." These inmates immediately made serious threats against him. Alexander feared for his life, due to both the threats by his cellmates and his spiking blood pressure, which had already required treatment since he had arrived at the jail.
>
> **Later that evening**: Alexander informed guards of the threats and requested to be moved "multiple times." The guards refused. "Thinking he had no other option, he told [a] correctional officer . . . that he was suicidal, believing that would force the jail to move him out

> of the group detention cell for medical or mental health care evaluation."
>
> **Shortly after midnight, March 10**: Officers transferred Alexander to the "violent cell."2 During the walk, guards repeatedly called him a "b****." One said, "You really f***ed up now, b****."
>
> **March 10–15**: While Alexander remained in the violent cell, guards taunted him with repeated insults and threats. On one occasion, they paraded a police dog outside his cell and loudly discussed taking Alexander into a field and unleashing the dog on him. They threatened to kill him using a "barbed wire guillotine." Just before he was released from the cell, one officer said: "Ronnie Alexander, you are not leaving this facility alive."

App. 67–69. The verbal abuse mirrors comments recognized by this Court in *Taylor* v. *Riojas* as indicative of deliberate indifference (one officer remarked that Taylor was "going to have a long weekend" in the filthy cell, and another told Taylor he hoped he would "f***ing freeze"). 592 U. S. 7, 9 (2022). Here, they just as clearly indicate punitive intent. To this list can be added the allegations that while he was in the violent cell, Alexander was never allowed access to any element of human hygiene, and was repeatedly denied requests for water and toilet paper without justification. App. 51 and n. 8.

Judge Dennis wrote: "Taking Alexander's allegations as true, the officers knew he was not suicidal,

knew he feared for his safety in his group housing, and deliberately chose a punitive response that exposed him to new risks. This is not a matter of difficult judgment; it is punishment of a pretrial detainee disguised as suicide watch. The Constitution forbids that." App. 72. The dissent has it right. Drawing this clear inference would have ended the analysis and obviated the need to ask whether the conditions were reasonably related to a legitimate purpose or excessive in relation to that purpose.

However, the majority decided not to credit these allegations, stating that any inference as to the jailers' intentions would be "speculative," and therefore cannot be drawn. App. 49 n.7. But any inference, by definition, is inherently speculative to some degree. By categorically rejecting this kind of inference, the majority effectively makes pleading any state-of-mind element impossible. See App. 70–71 (Dennis, J., dissenting) ("The majority's refusal to infer anything about state of mind despite numerous explicit comments, defendants' associated conduct, and context (all at the motion to dismiss stage), if applied widely, would immunize numerous constitutional violations committed by all but the most proudly malicious defendants."). By relying on reasonable inferences, the 12(b)(6) standard expressly contemplates a degree of speculation; if it did not, the touchstone of pleading would not be "plausibility" but "certainty."[2]

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[2] See *Iqbal*, 556 U. S. at 678 ("The plausibility standard is not akin to a 'probability requirement,' but it asks for more than a sheer possibility that a defendant has acted unlawfully.").

IV. The Questions Presented are important, and the Fifth Circuit's holdings will severely curtail broad categories of detainees' rights.

The Fifth Circuit's holding that the only mental health care required in jails is "protection from violence and suicide" is a shocking and unprecedented departure from the long-established standard announced in *Estelle* and universally followed across the country. In recent years, studies have noted that at least 725,000 pretrial detainees are being held in jails across the United States. The Sentencing Project, *U.S. Criminal Justice Data*, http://www.sentencingproject.org/the-facts/#detail; Zhen Zeng & Todd D. Minton, *Jail Inmates in 2019*, U.S. Department of Justice, Bureau of Justice Statistics, http://www.bjs.gov/content/pub/pdf/ji19.pdf. Many suffer from health crises and mental illness. Henry J. Steadman, et al., *Prevalence of Serious Mental Illness Among Jail Inmates*, 60 Psychiatry Servs. 761, 761 (2009).

The Fifth Circuit's holding here will put all of these individuals at profound risk. Beyond leaving serious mental health needs completely untreated, they will undoubtedly result in an increased incidence of suicide attempts, counter to the majority's seeming intentions in this case. See *Brown*, 563 U. S. at 504 (in California's prison system, which was found to leave inmates with serious mental health needs waiting for treatment for extended periods of time, "the suicide rate . . . was nearly 80% higher than the national average for prison populations; and a court-appointed Special Master found that 72.1% of suicides involved 'some measure of inadequate assessment, treatment,

or intervention, and were therefore most probably foreseeable and/or preventable.'")

Likewise, the Fifth Circuit's elimination of *Bell*'s proportionality requirement drastically undercuts its applicability, rendering it effective in only the most drastic of situations, and allowing jails to impose extreme and harmful conditions with only the thinnest of pretext. This will expose countless detainees to abuse and unlawful punishment. This problem is exacerbated by the majority's holding that punitive intent cannot be inferred from significant circumstantial evidence (or even clear expressions such as "You really f***ed up now, b****"). The Fifth Circuit's holdings here directly contradict *Bell* and conflict with many other circuits' treatment of conditions-of-confinement claims. Moreover, the broader observation that state of mind cannot be inferred from circumstantial evidence due to its inherently speculative nature has the potential of undermining any claim containing a state-of-mind element.

V. This case presents a unique opportunity for the Court to correct several broad and dangerous holdings at once.

As discussed above, the holdings at issue in this case are binding precedent that will have far-reaching effects across the spectrum of cases involving the rights of pretrial detainees in the Fifth Circuit. Many plaintiffs will be denied justice that they are due under the longstanding precedent of this Court. At the same time, because the holdings so clearly conflict with this Court's precedent and that of other circuits, they are certain to spawn many future appeals and petitions to this Court. Given these realities, it is

shocking that the Fifth Circuit did not take the opportunity to correct these clear errors on rehearing. However, the fact that it did not suggests it is unlikely to correct them when they inevitably arise in other cases in the near future. It is even less likely that the conditions-of-confinement and mental health care holdings will be corrected in a single case. This Court can, and should, nip those problems in the bud by granting certiorari for Petitioner.

Notably, although the case as a whole is likely not simple enough for summary reversal, several of the Fifth Circuit's erroneous holdings merit summary reversal if viewed in isolation. The primary holdings that (a) eliminate *Bell*'s proportionality requirement and (b) limit mental health providers' duties under *Estelle* to "protection from violence or suicide" directly contravene this Court's settled precedent, a situation in which "[s]ummary correction is particularly necessary." *Andrus* v. *Texas*, 142 S. Ct. 1866, 1879 (2022) (Sotomayor, J., dissenting from denial of certiorari) (citing *Bosse* v. *Oklahoma*, 580 U. S. 1 (2016)).

At the same time, the Fifth Circuit's flat refusal to draw inferences regarding state of mind not only directly contravenes this Court's precedent, but in turning the pleading standard on its head, "strike[s] at the heart of our legal system." *Ibid.* This is especially true considering the litany of circumstantial facts alleged by Alexander, from which the inference of punitive intent is "not a matter of difficult judgment," according to the dissenting judge. See App. 67–72.

In short, correcting these obvious errors and foreclosing what is certain to be a raft of avoidable appeals would be an exceedingly economical exercise of this Court's authority. Declining to do so not only denies

justice to Petitioner Alexander, but invites future injustice and judicial dilemmas, leaving lower courts to struggle as to whether to follow the holdings in this case or the precedent established by this Court.

CONCLUSION

This Court should grant certiorari, and additionally consider summary reversal on some or all of the questions presented.

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