

1 four mental-health care providers at that institution for alleged
2 Eighth Amendment violations pursuant to 42 U.S.C. § 1983. ECF No. 10.

3 From May 9, 2012, to May 21, 2012, Mr. Troupe was confined to a
4 restraint bed at the Washington State Penitentiary's Mental Health
5 Unit (MHU). He had been there for thirteen days, which was his longest
6 stay to date. Mr. Troupe was placed on the restraint bed whenever he
7 intentionally cut himself or engaged in another form of self-harm,
8 which was not uncommon.

9 On May 21, 2012, a decision was made by the mental-health care
10 professionals at the MHU to release Mr. Troupe from the restraint bed
11 and place him back in the Inmate Management Unit (IMU) despite Mr.
12 Troupe's repeated assertions that he would continue to harm himself if
13 released. Mr. Troupe was initially placed in a seclusion room during
14 the transition where he immediately began cutting himself. After
15 cutting himself in that room and bleeding for some period of time, Mr.
16 Troupe was taken back to the MHU and was again placed on the restraint
17 bed where he stayed for another eighteen days.

18 Mr. Troupe alleges that the decision to release him from the
19 restraint bed and the failure to prevent him from cutting himself
20 while in the transitional holding cell, constituted a deprivation of
21 his Eighth Amendment rights due to the mental-health care providers'
22 "deliberate indifference" to the substantial risk that Mr. Troupe
23 posed to himself. He claims that four people in particular are
24 responsible for this deprivation: T and K
25 psychiatry associates; B the Mental Health Program
26 Manager; and D a Health Care Manager. Defendants claim

1 that they did not violate Mr. Troupe's Constitutional rights and that
2 they are protected by qualified immunity.

3 II. ANALYSIS

4 Summary judgment is appropriate if the record establishes "no
5 genuine dispute as to any material fact and the movant is entitled to
6 judgment as a matter of law." Fed. R. Civ. P. 56(a). The party
7 opposing summary judgment must point to specific facts establishing a
8 genuine dispute of material fact for trial. *Celotex Corp. v. Catrett*,
9 477 U.S. 317, 324 (1986); *Matsushita Elec. Indus. Co. v. Zenith Radio*
10 *Corp.*, 475 U.S. 574, 586-87 (1986). If the non-moving party fails to
11 make such a showing for any of the elements essential to its case for
12 which it bears the burden of proof, the trial court should grant the
13 summary-judgment motion. *Celotex Corp.*, 477 U.S. at 322. "[A] party
14 opposing a properly supported motion for summary judgment " 'may not
15 rest upon the mere allegations or denials of his pleading, but ...
16 must set forth specific facts showing that there is a genuine issue
17 for trial.'" *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)

18 The Court must first address Defendants' claim of qualified
19 immunity. "Qualified immunity . . . shields § 1983 defendants from
20 liability for civil damages insofar as their conduct does not violate
21 clearly established statutory or constitutional rights of which a
22 reasonable person would have known." *Devereaux v. Abbey*, 263 F.3d
23 1070, 1074 (9th Cir. 2001) (quoting *Harlow v. Fitzgerald*, 457 U.S.
24 800, 818 (1982)). In determining whether a defendant is protected by
25 qualified immunity, "a court must first determine whether, taken in
26 the light most favorable to the party asserting injury, the facts

1 alleged show the [defendant's] conduct violated a constitutional
2 right." *Id.* (quoting *Saucier v. Katz*, 533 U.S. 194 (2001)) (internal
3 quotations omitted). If the allegations add up to a constitutional
4 violation, then the Court must determine "whether the right was
5 clearly established." *Id.* A right is clearly established if "the
6 contours of the right were already delineated with sufficient clarity
7 to make a reasonable officer in the defendant's circumstances aware
8 that what he was doing violated the right." *Id.* Therefore, under this
9 two-step analysis, the Court must begin by determining whether a
10 constitutional violation occurred.

11 The Eighth Amendment imposes a duty on prison officials "to take
12 reasonable measures to guarantee the safety of the inmates." *Farmer v.*
13 *Brennan*, 511 U.S. 825, 832 (1994) (quoting *Hudson v. Palmer*, 468 U.S.
14 517, 526 (1984)). However, not "every injury suffered by one prisoner
15 . . . translates into constitutional liability for prison officials
16 responsible for the victim's safety." *Id.* at 834. A prison official
17 only violates the Eight Amendment when the Plaintiff can prove two
18 elements. First, the deprivation alleged must be, objectively,
19 "sufficiently serious." *Id.* "For a claim . . . based on a failure to
20 prevent harm, the inmate must show . . . conditions posing a
21 substantial risk of serious harm." *Id.* Second, the Plaintiff must show
22 that the prison officials acted with a "'deliberate indifference' to
23 inmate health or safety." *Id.* In order to prove that an official acted
24 with deliberate indifference, the Plaintiff must prove that the
25 official knew of and disregarded a substantial risk to inmate health
26 or safety; the official must have been aware of facts from which the

1 inference could be drawn that a substantial risk of serious harm
2 exists, and he must also draw the inference. *Id.*

3 Claims arising out of an official's alleged failure to provide
4 adequate medical care, including suicide prevention and self-harm, has
5 been held to the same standard. See *Clouthier v. Cty of Contra Costa*,
6 591 F.3d 1232, 1241 (9th Cir. 2010); *Lolli v. Cty of Orange*, 351 F.3d.
7 410, 418 (9th Cir. 2003); *Gibson v. Cty of Washoe*, 290 F.3d 1175, 1188
8 (9th Cir. 2002). Therefore, in order for Defendants to succeed in
9 their motion for summary judgment, they must show that no reasonable
10 jury could find that they 1) placed Mr. Troupe in conditions posing a
11 substantial risk of harm or 2) did so knowing and disregarding that
12 risk.

13 Whether each of the Defendants acted with deliberate
14 indifference depends on what each of them knew and what actions each
15 of them took at the time of the alleged deprivation. The Court,
16 therefore, analyzes each Defendant separately. See *Clouthier*, 591 F.3d
17 at 1244-49.

18 ~~✱~~ A. T

19 Mr. Roe was Mr. Troupe's primary treating psychiatrist and the
20 person who made the decision to release Mr. Troupe from the restraint
21 bed. ECF No. 86 at 8. According to the records before the Court, Mr.

22 interactions with Mr. Troupe began in 2010. ECF 118 at 85. In
23 his first interview with Mr. Troupe, Mr. [redacted] was struck by how "normal"
24 Mr. Troup seemed. *Id.* He was clear, made eye contact, and was
25 generally cooperative. *Id.* On that first day, Mr. Troupe told Mr.
26 that he heard "voices" that drove him to self-harm. *Id.* Mr. Troupe