

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ERIC WALLACE, ET AL.,

Plaintiffs,

v.

MISSISSIPPI DEPARTMENT OF
CORRECTIONS, ET AL.,

Defendants.

CAUSE NO. 3:21-CV-516-CWR-LGI

ORDER

Before the Court is a motion for partial judgment on the pleadings filed by the Mississippi Department of Corrections defendants. Docket No. 32. The matter is fully briefed and ready for adjudication.

The Court largely agrees with the movants: Bobby Henderson and Justin Hill's inadequate medical and mental health causes of action are barred by claim and/or issue preclusion, as they relate to treatment at EMCF up to and through 2018. The claims in this lawsuit, however, post-date 2018 and concern Henderson and Hill's treatment at other MDOC facilities. Those issues were not litigated in *Dockery* – the post-2018 treatment claims could not have been, as a factual matter – and therefore cannot be barred by claim or issue preclusion. See *Lawlor v. Nat'l Screen Serv. Corp.*, 349 U.S. 322, 328 (1955) (“While the 1943 judgment precludes recovery on claims arising prior to its entry, it cannot be given the effect of extinguishing claims which did not even then exist and which could not possibly have been sued upon in the previous case.”). As the plaintiffs note, “MDOC cannot be allowed to

duck liability all due to a judgment made seven (7) years prior while simultaneously allowing conditions to worsen, inmates to continue suffering (and dying), and completely ignoring mental health needs of those which they are responsible.” Docket No. 38 at 3. What the plaintiffs have alleged is that the defendants are violating federal law and their constitutional rights *now*.

For these reasons, the motion is denied.

SO ORDERED, this the 18th day of November, 2022.

s/ Carlton W. Reeves

UNITED STATES DISTRICT JUDGE