

In applying the standard of review established in *Mohamed v. TeBrake*, 371 F.Supp.2d 1043 (D. Minn. 2005), the Sixth Circuit Court of Appeals reasoned that a competency hearing is necessary during deportation proceedings if it is possible that an alien will need representation from either an attorney or guardian. The court noted that the only time a competency hearing may be required in the immigration context is to determine whether an unrepresented alien shows sufficient evidence of incompetence to require an attorney or guardian to represent the alien's interests at the proceedings. In applying this standard to Mr. Jaadan's case, the court concluded that, since he was afforded counsel throughout his deportation proceedings, he was not entitled to a competency hearing.

The court rejected Mr. Jaadan's assertion that he was prejudiced by a lack of a competency hearing, determining that "Mr. Jaadan failed to establish that he could not understand or appreciate the nature of his deportation proceedings" (*Jaadan*, p 431). In its analysis of due process rights provided aliens deemed incompetent during deportation proceedings, the court asserted the U.S. Ninth Circuit Court of Appeals decision in *Nee Hao Wong v. INS*, 550 F.2d 521 (9th Cir. 1977), that the law allows deportation proceedings to continue against aliens determined to be incompetent and that a determination of incompetency does not preclude deportation. In applying this standard to Mr. Jaadan's case, the Sixth Circuit concluded that even if he had been deemed incompetent, he still could be deported.

Regarding Mr. Jaadan's claim that his alleged incompetency invalidated his guilty pleas to the underlying criminal offenses that served the basis for deportation, the court succinctly noted that they had no authority to question the validity of those previous guilty pleas.

#### Discussion

This case highlights some interesting parallels between deportation proceedings and other types of civil proceedings, such as civil commitment hearings, in which, for the proceedings to continue, it is unnecessary for the court to find the person whose liberty is at stake competent to stand trial. In civil commitment hearings, it is understandable that there is no need for trial competency, because of the *quid pro quo* nature of such proceedings, in that treatment is provided at the cost of liberty if commitment is or-

dered. While there is no apparent *quid pro quo* for a potential deportee, there may be security problems facing immigration judges who favor proceeding with deportation of a dangerous individual, despite the incompetence of the deported person.

On the other hand, the narrow scope of competency hearing requirements for aliens who face the prospect of deportation may curtail mentally ill aliens' ability to contest deportation effectively. This prospect is reflected in the *Jaadan* case, in which the petitioner was mute throughout his second IJ hearing and exhibited signs of mental illness to the point that the IJ recommended to the petitioner's family that they involuntarily commit him to a mental health facility. Whether a broader standard for competency hearings (more akin to that in criminal proceedings) is indicated for deportation proceedings is a balancing act for the courts and is likely to remain so.

## Deliberate Indifference Revisited on the Question of Denial of Psychiatric Medication

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### Was the Pennsylvania District Court's Granting of Summary Judgment and Denial of Counsel Appropriate in a Case Involving Allegations of Denial of Psychiatric Medication?

In *Goodrich v. Clinton County Prison*, 214 Fed.Appx. 105 (3rd Cir. 2007), a case involving allegations of deliberate indifference on the part of jail staff to an inmate's request for psychiatric medication, the Third Circuit Court of Appeals considered whether a Pennsylvania district court's granting of a

motion for summary judgment and denial of a request for appointment of counsel was an abuse of discretion.

#### *Facts of the Case*

Jervis Lavern Goodrich arrived at Clinton County Prison on September 11, 2002, after sentencing on charges of conspiracy to manufacture methamphetamine. He requested mental health treatment and was evaluated by Lauralee Dingler, a prison health worker, on several occasions. Mr. Goodrich contended that he had bipolar disorder and needed medication. Ms. Dingler felt that he displayed characteristics of drug-seeking behavior and did not refer him for medication management. She spoke with his previous psychiatrist who thought that Mr. Goodrich was self-medicating and stopped prescribing Mr. Goodrich medication because of this behavior. Later, after appearing before Judge Jones in the district court, Mr. Goodrich was referred to a physician and started on paroxetine. He was not satisfied, wanted mood stabilizers, and told his lawyer so. He was later transferred to Snyder County Prison and underwent a mental health evaluation where he received a diagnosis of attention deficit hyperactivity disorder and bipolar disorder and was placed on mood-stabilizing medication.

On August 25, 2003, Mr. Goodrich filed a *pro se* civil rights complaint under 42 U.S.C. § 1983 (2003), claiming that prison health workers (Ms. Dingler) and the prison officials were deliberately indifferent to his serious medical needs and were in violation of his rights under the Eighth Amendment. Prison officials filed a motion to dismiss, and Mr. Goodrich filed in opposition.

On July 21, 2004, the district court ordered that the filing be converted to a motion for summary judgment because Mr. Goodrich's opposition contained statements contrary to the allegations in the complaint. He was also denied his request for appointment of counsel. He then filed a notice of appeal, contending that the motion for summary judgment and denial of counsel were an abuse of discretion.

#### *Ruling and Reasoning*

The Third Circuit affirmed the granting of summary judgment and the denial of appointed counsel.

The Third Circuit opined that Mr. Goodrich had a medical need that was sufficiently serious under *Farmer v. Brennan*, 511 U.S. 825 (1994), but failed to demonstrate that the prison officials acted with deliberate indifference—that is, that they were aware of a substantial risk of serious harm to the prisoner but disregarded the risk by failing to take reasonable measures to abate it.

The Third Circuit stated that the district court was correct to conclude that Mr. Goodrich failed to show a genuine issue of material fact on the matter of Lauralee Dingler's "deliberate indifference." The court reasoned that Ms. Dingler evaluated Mr. Goodrich on three separate occasions, discussed his mental health needs, and made contact with his previous treating psychiatrist as part of a "good faith clinical assessment." The court recognized the difference between the potential malpractice issues involved in the case and the question of deliberate indifference raised by Mr. Goodrich, stating, "While her ultimate decision might have been negligent or erroneous, there is no indication that Dingler's mind was sufficiently culpable to constitute deliberate indifference" (*Goodrich*, p 112). The court further found that prison officials above Ms. Dingler did not violate Mr. Goodrich's Eighth Amendment rights, because they provided mental health care and were not expected to second guess the care provided by Ms. Dingler's appraisal of the medical situation.

With reference to appointing counsel, the Third Circuit found that Mr. Goodrich had demonstrated that he was capable of presenting comprehensive arguments on relatively uncomplicated legal issues and therefore the district court did not abuse discretion by denying appointment of counsel.

#### *Discussion*

This case demonstrates the court's clarity in recognizing the issues involved in claims of deliberate indifference to an inmate's psychiatric needs versus claims of medical malpractice in the context of an inmate's desire to be provided psychiatric medication. Medical necessity of treatment must be left to the medical professionals in light of the standard of care, not mandated through a bastardized version of the right to be free from cruel and unusual punishment.