

Amendment due process clause and the Sixth Amendment's confrontation and compulsory process clauses guarantee defendants "a meaningful opportunity to present a complete defense" (*Crane*, p 690). The failure to allow Dr. Blinder's testimony based on the erroneous interpretation of *Young* violated Mr. Abion's right to due process. Regardless of how the triers of fact would have used the testimony in their adjudication, the court ruled that the information should have been presented to them.

## Disability Discrimination in Corrections

**Hwa Soo Hoang, MD**  
Fellow in Forensic Psychiatry

**John Chamberlain, MD**  
Professor of Psychiatry

Program in Psychiatry and the Law  
Department of Psychiatry  
University of California, San Francisco  
San Francisco, California

### Former Inmate Pleads Sufficient Facts of Disability Discrimination Under the ADA and Rehabilitation Act

DOI:10.29158/JAAPL.220021-21

**Key words:** disability; accommodation; prison; substantial limitation; major life activity

In *Epley v. Gonzalez*, 860 F. App'x 310 (5th Cir. 2021), the Fifth Circuit Court of Appeals considered whether the symptoms of posttraumatic stress disorder (PTSD) and traumatic brain injury (TBI) constitute disabilities under the Americans with Disabilities Act (ADA) (42 U.S.C. § 12101 et seq. (1990)) and § 504 of the Rehabilitation Act (29 U.S.C. § 701 et seq. (1973)). It also considered whether the Texas Department of Criminal Justice (TDCJ) intentionally discriminated against Charles Epley by reason of his disability as well as whether Mr. Epley's ADA claims were mere restatements of his medical care claims.

#### Facts of the Case

Charles Epley was incarcerated for 28 years at the TDCJ. He was diagnosed with PTSD and TBI stemming from a physical attack in 1994. He was granted

"single-cell medical restriction" based on these diagnoses (*Epley*, p 311). He was housed alone for most of his time in prison and was also granted work-related limitations. In 2016, he was transferred to the TDJC's psychiatric prison, the Montford Unit. He was initially placed in a single cell but was soon ordered to move to a multi-occupancy cell. Mr. Epley contended this triggered severe PTSD symptoms, which prevented him from entering the cell. He alleged that his symptoms of PTSD included "migraine attacks, confusion during stressful situations, sleeping disturbances, . . . anxiety and panic attacks, vivid and distressing flashbacks and nightmares" (*Epley*, p 313).

According to Mr. Epley, when he asked to speak to a psychiatrist, he was ordered to strip and was placed in an empty room. A gaseous substance was sprayed into this room, which left him "unable to think." This treatment was reportedly followed by guards' assaulting him, slamming his head to the ground, "crushing" him, causing "intense pain," and "breaking several ribs." Mr. Epley claimed that he was then handcuffed and returned to the multi-occupancy cell. Mr. Epley stated that the next day he was transferred 170 miles on a prison bus to a medical treatment facility. He said he was handcuffed and kept "in a stress position" for the entirety of the ride, which caused "excruciating pain" (*Epley*, p 311).

After his release from prison, Mr. Epley filed a civil rights complaint against multiple staff members of the TDCJ, asserting claims that included denial of medical care, excessive use of force, retaliation, due process rights violations, conspiracy, assault, battery, and negligence. The case was referred to a magistrate judge who granted the motion *in forma pauperis*. The magistrate judge then issued a report suggesting the district court dismiss all of Mr. Epley's claims on the bases of frivolity and his failure to state a claim for which the court could provide relief as required by the Prison Litigation Reform Act (28 U.S.C. § 1915(e)(2) (1996)). The magistrate's suggestion was adopted by the district court, which dismissed his case. Mr. Epley then filed an appeal with the Fifth Circuit Court of Appeals, alleging wrongful dismissal of his claims according to the ADA and § 504 of the Rehabilitation Act. The Court of Appeals granted a hearing.

#### Ruling and Reasoning

The Fifth Circuit Court of Appeals articulated that a qualified disability under the ADA is

established by showing the presence of “a physical or mental impairment that substantially limits one of more of the major life activities of the individual,” “a record of such an impairment,” or “being regarded as having such an impairment” (42 U.S.C. § 12102 (2)). The court described changes made under the ADA Amendments Act of 2008 and regulations that make clear that the phrases “major life activities” and “substantially limits” must be broadly construed as the focus of the ADA is on “whether public entities have complied with their obligations” to accommodate (*Epley*, p 311, citing 28 C.F.R. § 35.108(d)(1)) (2016)). The court explained these changes were made in response to decisions from the Supreme Court that had placed too high a bar on qualifying disabilities under the ADA.

The Fifth Circuit said that Mr. Epley had clearly alleged his mental conditions of PTSD and TBI prevented him from complying with the guards’ orders to enter the multi-occupancy cell at the Montford Unit. Additionally, the court concluded Mr. Epley sufficiently alleged a record of his having a qualifying impairment under the ADA. This was evidenced by his housing restrictions, which were available to the staff at the Montford Unit via instantaneous electronic access to his medical records, which would have indicated that Mr. Epley was under the single-cell restriction. His claim that the staff of the Montford Unit were aware of his having a qualifying impairment under the ADA, and that he had an accommodation related to this impairment was supported by the fact that Mr. Epley had been placed in a single cell for his first four days at the facility.

The Fifth Circuit noted that Mr. Epley sufficiently pleaded that staff of the Montford Unit knew of his disability and the related accommodations but also that he needed medical transportation, as evidenced by his arriving at the Montford Unit in a medical van. The court therefore concluded that Mr. Epley sufficiently pleaded his contention that the Montford Unit officials knew of his disabilities as well as the accommodations he had been granted yet subsequently denied him the benefits of safe prison housing and appropriate transportation. With this, he had pleaded sufficient facts to show that he was discriminated in some fashion by “reason of his disability” (*Epley*, p 314).

The court acknowledged that an ADA claim cannot rest on precisely the same facts included in a claim for denial of medical care. But, the court concluded Mr. Epley’s ADA claims could be distinguished from

the claim for denial of medical care. The court explained that Mr. Epley’s ADA claims were based on his being denied accommodations of safe housing and appropriate transportation. The court clarified the housing and transportation accommodations Mr. Epley had stated were denied to him do not treat his underlying mental conditions. Based on these observations, the court of appeals concluded the district court’s rationale to dismiss Mr. Epley’s ADA claims (i.e., his ADA claims were simply restatements of his denial of medical care claims) was erroneous. The court of appeals reversed the judgment of the district court and remanded the case for further proceedings.

#### Discussion

The present case raises a number of important points for practicing psychiatrists. First, for purposes of an ADA claim, a qualifying disability can be either physical or mental in nature. Next, the court reiterated the definition of a disability under the ADA, including alternate ways disability can be established for the purpose of an ADA claim. The court emphasized that Congress has made clear that the terms “substantially” and “major” are to be understood and interpreted broadly.

*Epley* serves to remind psychiatrists performing disability assessments under the ADA to carefully document how the person’s condition meets the definition of disability and the types of accommodations, if needed, that are reasonably required. Such careful evaluations and documentation will allow others (e.g., courts, other clinicians, employers, etc.) to understand the nature of the disability and of the proposed accommodation(s). Failure to take into account one’s disabilities and accommodations can lead to legal action for discrimination.

## Substantial Evidence of Mental Incompetence

**Tianyi Zhang, MD**  
*Fellow in Forensic Psychiatry*

**John Chamberlain, MD**  
*Professor of Psychiatry*

*Program in Psychiatry and the Law*  
*Department of Psychiatry*  
*University of California, San Francisco*  
*San Francisco, California*