

The Chief Justice don't want to lose 1983 door to prisoners but things are getting out of hand - these new internal procedures are being helpful

Stewart, J. Law is as USIS described it but the law we backed into it. But after Prusa a staffed don't see any principled way to come out exception for prisoners - would think if majority felt this way, might DIO a good reaching merits

White, J. constitutional claim of habeas damages couldn't be denied in administrative proceedings yet hard to agree many of these would disappear in such proceedings

Marshall, J.

Blackmun, J. Well never say
that solitary confinement
is cruel & unusual per se

But description of
the one here is not that
it's warm & clean

Included however
to think Court of App
wrong on 8th am

Powell, J. Would never see
the merits - no 8th am
violation here

An exhaustion, Dir
of a true moral & right
is a monstrous city, & any
be overruled on "color of law"
"exhaustion" & every other
ground. "Color of law"
should be limited to custom,
statute or regulation - &
that's the way this problem
can be effectively addressed
I'd favor to require ex-
haustion in prisoner cases

Rehnquist, J. Review on
8th amend - it applies
only when something
is imposed as a
punishment

An exhaustion, agree
don't have to exhaust
state judicial remedies.
It should follow that
a adequate administrative
remedies don't have to be
exhausted. How do you know
when state has deprived
you of something under
"color of law" so no exhaustion bar
color of law questions

Stevens, J. A theft from prisoner by
guard might be "color of law"
but until know what remedy
state will give can't say can be
that there's denial of due process.
But here its 8th am claim of
deplorable prison conditions
& "prison unrest" requirement
was satisfied by his sentence.
Can't say 8th am issue
improperly decided by Court
of appeals

Can't say exhaustion
would be proper here