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due: Section 1983 violations The concept of the “ Color of Law” is whereby an individual is endowed with powers and authority by the state, local and federal agency of the government to use in protecting people. Such people include police officers, prosecutors, security officer and judges. These persons have to enforce the law and ensure justice is served (Del Carmen 445).

Section 1983 gives an individual the civil right to bring a lawsuit against a state, federal government or a law enforcement officer acting under the “ Color of law”; as this is viewed as violation of civil rights. It provides a remedy for deprivation of rights, such that the plaintiff has to prove personal involvement of the defendant, the defendant’s nature and quality of available immunity and the factors that will influence the alleged wrong. Defenses for federal, local and state government are qualified immunity in Section 1983 lawsuits. Additionally, prosecutors, judges and security officers have absolute immunity in Section 1983 lawsuits. Bivens claims that there has to be personal liability acting under the “ Color of Law”. This implies that the person has to be subjected to the cause and must prove that they were deprived of their rights (Lippman 473).

A Supreme Court case regarding civil remedies is Darling v. State of Florida; which took place in the Supreme Court of Florida. This case involved an inmate (Darling) challenging the use of lethal injections administered in accordance with sections 27. 702 and 945. 10, under the Florida Statutes (2007). Additionally, the inmate wanted the court to overlook the mentioned sections and mentioned that Capital Collateral Regional Counsel Attorneys could not legally aid capital perpetrators like himself in challenging the execution method under Section 1983. The ruling rejected Darling’s claims <https://assignbuster.com/find-a-supreme-court-case-that-deals-with-section-1983-violations-research-the-case-in-some-depth/>

but agreed with the claim regarding legal aid; by that permitting attorneys to file section 1983 for their capital defendant clients only if they are challenging the execution method. Clearly this case offered Capital Collateral Regional Counsel Attorneys representing capital defendants' immunity as per section 1983. True to Bivens' words, Darling had to prove he was deprived of his civil rights. This he did by claiming that lethal injection method of execution is an unconstitutional and cruel punishment. This case opened the door for the capital defendant immunity as per section 1983; thereby gaining defense from post-conviction motions. In the light of the supreme law, the Appellee (state of Florida) acted within the "Color of Law" (Findlaw, webpage).

Works cited

Del Carmen, Rolando. Criminal procedure: Law and practice. Cengage Learning, 2013.

Findlaw. "DARLING v. STATE." DARLING v. STATE. Web. 29 Jan. 2015.

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Lippman, Matthew R. Criminal Procedure. Los Angeles: Sage, 2011. Print.