

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 18, 2023

Lyle W. Cayce
Clerk

No. 22-30418
Summary Calendar

MORGAN RATLEY,

Plaintiff—Appellant,

versus

KARLA BECK; CRAIG WEBRE; CANTRELL DAVIS,

Defendants—Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:21-CV-2362

Before SMITH, SOUTHWICK, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

Morgan Ratley, a pretrial detainee in the Lafourche Parish Correctional Complex, appeals the dismissal of his Section 1983 civil rights complaint as frivolous. *See* 28 U.S.C. § 1915(e)(2); 42 U.S.C. § 1997e(c)(1). He contends that his claims concerning his 28-month confinement in

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 22-30418

administrative segregation, without the requisite procedural safeguards, were not patently frivolous.

We review dismissals as frivolous for an abuse of discretion. *Berry v. Brady*, 192 F.3d 504, 507 (5th Cir. 1999). With the benefit of liberal construction, *see Jennings v. Towers Watson*, 11 F.4th 335, 341 (5th Cir. 2021), Ratley’s *pro se* Section 1983 complaint contained allegations having an arguable basis in law and fact. *See Berry*, 192 F.3d at 507. Specifically, Ratley’s allegation that he has been in administrative segregation for 28 months — without justification or explanation — constituted an arguable basis in law and fact that a protected liberty interest requiring procedural due process protections was violated. *Butler v. S. Porter*, 999 F.3d 287, 296 (5th Cir. 2021), *cert. denied*, 142 S. Ct. 766 (2022) (citation omitted).

Additionally, his allegation that he was placed in administrative segregation solely because of his “charge” or “bond” sets forth an arguable basis in law and fact that his confinement is impermissible pretrial punishment or is arbitrary, rather than reasonably related to a legitimate penological purpose. *See Bell v. Wolfish*, 441 U.S. 520, 535–39 (1979). The district court abused its discretion when it concluded the claims are frivolous.

We VACATE the dismissal of Ratley’s complaint and REMAND to the district court for further proceedings consistent with this opinion.