IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JASON BAEZ
Plaintiff,

v.

RICKY DIXON, in his official capacity as Secretary of the Florida Department of Corrections,

Defendant.

Case No. 25-CV-00216-MW-MAF

PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR CROSS MOTION FOR SUMMARY JUDGMENT

INTRODUCTION

Defendant's motion for cross summary judgment attempts to diminish 42 U.S.C. § 1983 into nothing more than a private right of action with no means of redress for state actors' civil rights violations. A private right of action stripped of any deterrent or compensatory effect would render § 1983 devoid of practical force, and this Court should reject such a reading.

In this case, Defendant's seizure of Plaintiff's settlement proceeds is preempted by § 1983. Florida appropriated General Revenue funds to the Department of Corrections (FDC) for correctional and health care operations.

Plaintiff filed a § 1983 suit, claiming that FDC's employees and health care contractors beat him so severely and provided such inadequate health care that he lost his right eye, among other injuries. After FDC [redacted] paid Plaintiff damages to settle his § 1983 claims, FDC used a civil restitution lien to take those damages and return them to the same General Revenue Fund from which they came. Plaintiff contends this circular maneuver violates the Supremacy Clause of the United States Constitution because it obstructs § 1983's goals of compensating victims for state actor's civil rights violations and deterring state actors from committing future violations.

In response, Defendant 1) denies that § 1983 has any compensatory or deterrence goals; 2) claims that if such goals exist, its lien practice poses no obstacle to those goals; and 3) contrives a strained policy argument that granting Plaintiff relief will somehow prohibit the State from attaching civil restitution liens to any § 1983 proceeds under any circumstances.

For all the reasons described below, Defendant's arguments are meritless, Defendant's motion for cross summary judgment should be denied, and Plaintiff's motion for summary judgment should be granted.

SUPPLEMENTAL UNDISPUTED FACTS

Plaintiff incorporates the Undisputed Facts in his motion for summary judgment, ECF 52 at 2-6, and supplements with the following:

The State of Florida's General Revenue Fund provides nearly 100% of Defendant's operating budget. ECF 58-1 at 179. This includes funding for "Risk Management Insurance" for "Adult Male Custody Operations," *id.* at 163, and funding for the State's contracted prison health care provider, *id.*at 174.

The State of Florida's Department of Financial Services, Division of Risk Management, provides Federal Civil Rights Liability Coverage for state employees. ECF 53-8, ECF 53-9. Through this coverage, the State Risk Management Trust Fund is required to defend state employees against suits filed under 42 U.S.C. § 1983; investigate, negotiate, settle or deny claims; and pay all legal obligations arising from such suits unless certain exclusions apply. ECF 58-2 at 1. No claims may be "settled for monetary compensation without the prior approval of the Department of Financial Services." Fla. Stat. § 284.385(1).

The Department of Financial Services paid, on behalf of Defendant's correctional officers, to settle Plaintiff's § 1983 claims. ECF No. 51-1 at 6-7. [redacted]. ECF 51-3, ¶ 6.

To satisfy Plaintiff's cost-of-incarceration lien, the State deposited the § 1983 settlement funds it took from Plaintiff's inmate trust account back into its General Revenue Fund. ECF 58-3 at 5.

ARGUMENT

Defendant's use of a cost-of-incarceration lien to confiscate Plaintiff's settlement award obstructs the purposes of § 1983 and so should be preempted. *See Crosby v. Nat'l Foreign Trade Council,* 530 U.S. 363, 372-73 (2000) ("We will find preemption . . . where the challenged state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.") (internal citation and punctuation omitted). Plaintiff incorporates the arguments in his motion for summary judgment and responds to Defendant's motion for cross summary judgment as follows:

I. The Text, Context, and History of § 1983 Demonstrates Congressional Intent to Use Damages as Compensation and Deterrence to Protect Citizens from the Abuse of State Power.

The crux of Defendant's motion is that because the words "compensation" and "deterrence" do not appear in the text of § 1983, it has no such purposes. ECF 54 at 11. Instead, Congress supposedly intended only to provide a private cause of action with no remedy and no preemptive effect. *Id.* But this argument ignores the plain language and context of § 1983, including that Congress passed § 1983 to protect private citizens from state law abuse. It also ignores Supreme Court and Eleventh Circuit precedent finding the compensatory and deterrent purposes of § 1983, including in the preemption context.

A. Compensatory and Deterrence Purposes of § 1983.

The Supreme Court has—over decades of jurisprudence—properly used the text, context, and "traditional tools of statutory interpretation" to determine the compensatory and deterrent purposes of § 1983. *See Virginia Uranium, Inc. v. Warren*, 587 U.S. 781, 767 (2019) (to determine the "preemptive effective" of a federal law, courts "look[] to the text and context of the law in question and . . . the traditional tools of statutory interpretation"); *Arizona v. United States*, 567 U.S. 387, 406 (2012) (drawing from the "text, structure, and history" of a federal law to determine its preemptive effect).

Congress originally enacted § 1983 during Reconstruction as Section 1 of the Ku Klux Klan Act of 1871, also known as the Civil Rights Act of 1871. Civil Rights Act of 1871, ch. 22, § 1, 17 Stat. 13 ("Civil Rights Act"); *District of Columbia v. Carter*, 409 U.S. 418, 423 (1973) ("[Section] 1983 has its roots in § 1 of the Ku Klux Klan Act of 1871".) Throughout its 154-year history, the statute's text has remained nearly the same: to establish liability "in an action at law, suit in equity, or other proper proceeding for redress" against any person who, under color of law, "subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws[.]" 42 U.S.C. § 1983; *see Fort Lauderdale Food Not Bombs v. City of Fort Lauderdale*, 11 F.4th

1266, 1280 (11th Cir. 2021) (describing the two minor amendments to the statute's text since its inception).

Section 1983 was seldom used[1] until 1961, when in *Monroe v. Pape*, 365 U.S. 167 (1961), the Supreme Court scrutinized the statute's text, context, and legislative history to interpret "under color of" in a police misconduct case. The Court determined that Congress passed the Civil Rights Act in part because Southern states were refusing to use their police powers to enforce their own laws and protect Black people from the Ku Klux Klan's racial terrorism. *Id.* at 173-80 ("[O]ne reason the legislation was passed was to afford a federal right in federal courts because, by reason of prejudice, passion, neglect, intolerance or otherwise, state laws might not be enforced and the claims of citizens . . . guaranteed by the Fourteenth Amendment might be denied by the state agencies."), *overruled on other grounds by Monell v. Dep't of Soc. Servs. of City of New York*, 436 U.S. 658 (1978). The Court also found that the statute had "three main aims": to "override certain kinds of state laws," "provide[] a remedy where state law was inadequate," and "provide a federal remedy where the state remedy . . . was not available in practice." *Id.* at 173-74.

[1] *See, e.g., Civil Rights Act: Emergence of an Adequate Federal Civil Remedy?*, 26 IND. L.J. 361, 363-64 (1951) (Between 1871 and 1920, appellate courts decided only 21 § 1983 cases).

After *Monroe*, "[r]ecognizing the essential character of the statute," the Supreme Court "repeatedly noted that 42 U.S.C. § 1983 creates a species of tort liability, and [has] interpreted the statute in light of the background of tort liability." *City of Monterey v. Del Monte Dunes at Monterey, Ltd.,* 526 U.S. 687, 709–10 (1999) (internal citations and quotation marks omitted); *see also Carey v. Piphus,* 435 U.S. 247, 253 (1978) ("The legislative history of § 1983 . . . demonstrates that it was intended to create a species of tort liability[.]") (quotation marks omitted). Consistent with those tort principles, and based on the plain language of the statute, the Court further explained the statute "provides that '(e)very person' who acts under color of state law to deprive another of a constitutional right shall be answerable to that person in a suit for damages." *Imbler v. Pachtman*, 424 U.S. 409, 417 (1976); *see also Smith v. Wade*, 461 U.S. 30, 52 (1983) ("[O]nce liability is found [under § 1983], the jury is required to award compensatory damages in an amount appropriate to compensate the plaintiff for his loss."); *Haywood v. Drown*, 556 U.S. 729, 736-37 (2009) ("Congress' judgment [is] that *all* persons who violate federal rights while acting under color of state law shall be held liable for damages.").

In a case analyzing whether § 1983 preempted state notice-of-claim requirements, the Supreme Court emphasized that "the central purpose of the Reconstruction-Era laws is to provide compensatory relief to those deprived of

their federal rights by state actors." *Felder v. Casey,* 487 U.S. 131, 139, 141 (1988). Similarly, in a case analyzing whether 42 U.S.C. § 1988 preempted state survivorship rights,[2] the Court found that "[t]he policies underlying § 1983 include compensation of persons injured by deprivation of federal rights[.]" *Robertson v. Wegmann*, 436 U.S. 584, 590–91 (1978). The Eleventh Circuit also acknowledges § 1983's tort-based foundation and compensatory function. *Wright v. Sheppard*, 919 F.2d 665, 669 (11th Cir. 1990) ("Damages under § 1983 are determined by compensation principles brought over from the common law.") (citing *Carey*, 435 U.S. at 254–55).

Though not a case about preemption,[3] in *Owen v. City of Indep., Mo.,* the Supreme Court again reviewed the text, context, and legislative history of § 1983, noting both the compensatory and deterrent purposes of § 1983, with emphasis on deterrence:

> [Section] 1983 was intended not only to provide compensation to the victims of past abuses, but to serve as a deterrent against future constitutional deprivations, as well. The knowledge that a municipality will be liable for all of its injurious conduct, whether

[2] Defendant erroneously claims that *Robertson* is not a preemption case. ECF 54 at 11-12. The Supreme Court specifically analyzed "whether application of state law 'would be inconsistent with the federal policy underlying the cause of action under consideration.'" *Robertson*, 436 U.S. at 590 (*quoting Johnson v. Railway Express Agency, Inc.*, 421 U.S. 454, 465 (1975).

[3] While faulting Plaintiff for relying on cases from "unrelated contexts" to assert § 1983's purposes, Defendant cites to *Beeks v. Hundley*, 34 F.3d 658 (8th Cir. 1994), to argue there is no preemption in this case. ECF 54 at 12, 18-22. But in *Beeks*, the Eighth Circuit relies on *Owen*, even though it is a non-preemption case, to determine that "[a]nother important purpose of § 1983 is 'to serve as a deterrent against future constitutional deprivations.'" *Beeks*, 34 F.3d at 661 (*quoting Owen*, 445 U.S. 622, 651-52 (1980)).

> committed in good faith or not, should create an incentive for officials who may harbor doubts about the lawfulness of their intended actions to err on the side of protecting citizens' constitutional rights. Furthermore, the threat that damages might be levied against the city may encourage those in a policymaking position to institute internal rules and programs designed to minimize the likelihood of unintentional infringements on constitutional rights.

445 U.S. 622, 651–52 (1980) (internal citations and footnotes omitted); *see also Burnett v. Grattan*, 468 U.S. 42, 53 (1984) ("The goals of the federal statutes are compensation of persons whose civil rights have been violated, and prevention of the abuse of state power."); *Memphis Cmty. Sch. Dist. v. Stachura*, 477 U.S. 299, 307 (1986) ("Deterrence is also an important purpose of [§ 1983], but it operates through the mechanism of damages that are *compensatory*[.]") (emphasis in the original). The Eleventh Circuit also recognizes § 1983's deterrent purpose. *See, e.g., Gilmere v. City of Atlanta, Ga.*, 864 F.2d 734, 740 (11th Cir. 1989) (holding that § 1983's "principles of deterrence [were] adequately served by the amount awarded").

Defendant's argument misinterprets the text of § 1983, violates rules of statutory interpretation, and contradicts binding precedent. ECF 54 at 14. To start, even if this Court were to examine only the text of § 1983, its intended effect is clear—to provide "redress" for civil rights violations, including through "an action at law," which, at common law, means the legal remedy of money damages. Indeed, Defendant's disregard for the remedies provided in the text of § 1983

violates the basic canon of statutory interpretation that no clause should be rendered "superfluous, void, or insignificant." *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001) (quotation marks omitted). And the myriad of Supreme Court cases that use § 1983's legislative history to expound the compensatory and deterrent purposes of this legal remedy support, rather than undermine, the statutory text. *See Marrache v. Bacardi U.S.A.,* 17 F.4th 1084, 1096 (11th Cir. 2021) (advising that courts should avoid using legislative history to interpret a "relatively clear" statute in a way that "undermine[s] the plain meaning of the statutory language.") (*quoting CSX Corp. v. United States*, 909 F.3d 366, 369 (11th Cir. 2018).

None of the cases that Defendant cites stand for the proposition that courts may review only the statutory text to determine preemptive effect. In *Club Madonna Inc. v. City of Miami Beach*, for example, the Eleventh Circuit reviewed not just the text of the Immigration Reform and Control Act, but also its "regulatory framework" and legislative history to determine whether state employment laws frustrated the federal statute's objectives. 42 F.4th 1231, 1254 (11th Cir. 2022).

Other cases make clear that the statutory text should be the primary source, but courts should not ignore other evidence of a statute's purpose. In *Cipollone v. Liggett Group*, for example, the Supreme Court found there was no need to look beyond the statutory text when determining preemption because the statute

included "a provision explicitly addressing that issue." 505 U.S. 504, 517 (1992) ("*In this case*, [there is] no cause to look beyond § 5 of the Act.") (emphasis added); *see also CSX Transp., Inc. v. Easterwood*, 507 U.S. 658, 664 (1993) ("If the statute contains an express pre-emption clause, the task of statutory construction must in the first instance focus on the plain wording of the clause[.]"). In contrast, § 1983's text has no explicit preemption provisions or implementing regulations to review, but nothing prevents courts from using other interpretation tools to determine conflict preemption. In short, the absence of an explicit preemption provision within § 1983 is the start—not the end—of preemption analysis. *See, e.g., PLIVA, Inc. v. Mensing*, 564 U.S. 604, 618 n. 5 (2011) ("Although an express statement on pre-emption is always preferable, the lack of such a statement does not end our inquiry.")

Even *Virginia Uranium*, with its strong emphasis on using the statutory text to interpret federal law, considered the statute's "context." 587 U.S. at 768. ("What the text states, context confirms."). Here, examining the context of § 1983 within the Civil Rights Act confirms that the entire Act's purpose was to protect constitutional rights through remedies that compensate injuries and deter future violations. *See District of Columbia*, 409 U.S. at 425 ("Any analysis of the purposes and scope of § 1983 must take cognizance of the events and passions of the time at which it was enacted.").

B. Section 1983 Protects Citizens from Abuse of State Police Powers.

Defendant's use of non-Section 1983 cases to claim that Plaintiff fails to overcome the "presumption against preempting the historic police power of the states," ECF 54 at 13-14, belies that Congress specifically passed § 1983 to curtail the historic police power of the states. "Section 1983 opened the federal courts to private citizens, offering a uniquely federal remedy against incursions under the claimed authority of state law upon rights secured by the Constitution and laws of the Nation." *Mitchum v. Foster*, 407 U.S. 225, 239 (1972). "The very purpose of § 1983 was to interpose the federal courts between the States and the people, as guardians of the people's federal rights—to protect the people from unconstitutional action under color of state law[.]" *Id.* at 242.

In contrast, Congress did not pass federal laws about physician referrals, *see Fresenius Med. Care Holdings, Inc. v. Tucker*, 704 F.3d 935, 937–38 (11th Cir. 2013); medical devices, *see Medtronic, Inc. v. Lohr*, 518 U.S. 470, 476 (1996); agricultural pricing and marketing, *see Fla. Lime & Avocado Growers, Inc. v. Paul,* 373 U.S. 132, 138 (1963); and telecommunication services, *see Nat'l Ass'n Of State Util. Consumer Advocs. v. F.C.C.*, 457 F.3d 1238, 1242-43 (11th Cir. 2006), to protect private citizens from the abuse of state police powers. Thus, the cases cited by Defendant have minimal relevance.

C. Congressional Silence About State Civil Restitution Laws has no Persuasive Significance.

Defendant overstates, based on *Wyeth v. Levine*, 555 U.S. 555 (2009), the significance of Congress's silence about state civil restitution liens. ECF 54 at 15-16. In *Wyeth*, there was no conflict preemption under a federal drug safety law in part because Congress's "silence on [prescription drugs], coupled with its certain awareness of the prevalence of state tort litigation, is powerful evidence that Congress did not intend [federal] oversight to be the exclusive means of ensuring drug safety and effectiveness." *Wyeth*, 555 U.S. at 575. In reaching this conclusion, the Court considered not just Congress's silence, but also "the [70-year] history of federal regulation of drugs and drug labeling." *Id.* at 566. The Court further considered substantive amendments to the statute that "preserve[d] state law" through a "savings clause," and that provided "an express pre-emption provision for medical devices" but no federal remedy for consumers harmed by prescription drugs. *Id.* at 567. The Court also noted that during this history of amendments, "state common-law suits continued unabated." *Id.* (quotation marks omitted).

Conversely, Defendant did not and could not point to any substantive amendments, provisions, or history of the Civil Rights Act that show a lack of preemptive effect over the application of state laws. Instead, Defendant points only to Congress's silence about state civil restitution laws and claims this means

Congress had no intent to preempt liens under § 1983. ECF 54 at 16. But Defendant's belief that Congress was "certainly aware" of civil restitution liens relies solely on a secondary source stating that "36 states currently have such laws on the books," and confirming that only one of those states, Michigan, enacted its law before Congress passed the Civil Rights Act in 1871.[4] *Id.*

Regardless, the Supreme Court has repeatedly held that Congressional silence, without more, "lacks persuasive significance." *Brown v. Gardner*, 513 U.S. 115, 121 (1994) (quotation marks omitted); *United States v. Wells*, 519 U.S. 482, 496 (1997) ("We thus have at most legislative silence on the crucial statutory language, and we have frequently cautioned that it is at best treacherous to find in congressional silence alone the adoption of a controlling rule of law.") (internal punctuation omitted); *Helvering v. Hallock*, 309 U.S. 106, 119–20 (1940) ("To explain the cause of non-action by Congress when Congress itself sheds no light is to venture into speculative unrealities.").

In sum, Defendant's claim that there is no basis to find remedial purposes or preemptive intent underlying § 1983 is utterly incorrect and untethered from the

[4] *See* Dale Parent, Nat'l Institute of Justice, Dep't of Justice, *Recovering Correctional Costs through Offender Fees* (June 1990), Appendix D, 53, https://www.ojp.gov/pdffiles1/Digitization/125084NCJRS.pdf (last viewed Nov. 23, 2025) ("Michigan enacted the first correctional fee statute in 1846.").

statute's text, its legislative history, and more than a century of Supreme Court authority.

II. Defendant's Use of an Incarceration Lien Against Plaintiff Obstructs the Purposes of § 1983.

Defendant's argument against preemption is based on meaningless distinctions of two relevant cases finding that § 1983 preempted civil restitution liens and a strained application of an irrelevant case that did not.

A. *Hankins v. Finnel* is Relevant and Persuasive.

Defendant attempts to distinguish *Hankins v. Finnel*, 964 F.2d 853 (8th Cir. 1992), by misstating that the "penal system" in that case "recoup[ed] the funds it paid out under the judgment." ECF 54 at 19. In fact, the State of Missouri paid the incarcerated plaintiff's § 1983 judgment, after indemnifying a state correctional officer, and then confiscated those funds with the intent to pay the State back for the plaintiff's incarceration costs. *Hankins*, 964 F. 2d at 854. The same is true here: The original funding source of Plaintiff's § 1983 settlement was the State of Florida's General Revenue Fund and FDC returned those funds to the General Revenue Fund via the cost-of-incarceration lien. *See* ECF 58-1 at 163, 174, 179; ECF 58-3 at 5; *Goad v. Fla. Dep't of Corr.*, 845 So. 2d 880, 884 (Fla. 2003) (legislative intent is "to afford a civil remedy to address the State's need to recover the incarceration costs of convicted offenders.").

Defendant deems it relevant that FDC "has no control" over how funds in the General Revenue Fund are spent, ECF 54 at 20, but this misses the point. The State of Florida is obligated to ensure the health and safety of its prison population. *See Estelle v. Gamble*, 429 U.S. 97, 103 (1976) (establishing "the government's obligation to provide medical care for those whom it is punishing by incarceration"); *Farmer v. Brennan*, 511 U.S. 825, 833 (1994) (explaining that the "government and its officials" have a duty to protect prisoners from violence). If the State of Florida can use cost-of-incarceration liens to recoup the monies it pays to operate its prisons, "neither the State nor its employees would have the incentive to comply with federal and constitutional rights of prisoners." *Hankins*, 964 F.2d at 861 (quotation omitted).

Defendant further tries to distinguish *Hankins* because there the State confiscated a § 1983 judgment award and here FDC confiscated a § 1983 settlement award. ECF 54 at 22. But this is a distinction without a difference. "The policies underlying § 1983 include compensation of persons injured by deprivation of federal rights[.]" *Robertson*, 436 U.S. at 590-91. Whether plaintiffs successfully settle or adjudicate § 1983 claims, damages make them whole and accomplish the compensatory goal of the statute. Also, the threat of having to pay damages—whether through a settlement award or judgment—serves § 1983's deterrence policy. *See Dobson v. Camden*, 705 F.2d 759, 764-65 (5th Cir. 1983)

(those acting under color of state law will be "less likely" to violate someone's federal rights if they "know that they will have to pay money if they do").

In addition, the Eleventh Circuit "favor[s] and encourage[s] settlements in order to conserve judicial resources." *Murchison v. Grand Cypress Hotel*, 13 F.3d 1483, 1486 (11th Cir. 1994). Defendant's position, if successful, would have the perverse effect of discouraging incarcerated people from accepting settlement offers. *See Blue v. Lopez*, 901 F.3d 1352, 1360 (11th Cir. 2018) (explaining that courts should avoid the "perverse result[]" of forcing a criminal defendant to "forego his right to move for a directed verdict in favor of preserving a later [Section 1983 claim]"); *see also Est. of Miller v. Cogoni*, No. 07-80249 CIV, 2007 WL 9706453, at *2 (S.D. Fla. Nov. 9, 2007) (refusing to apply a state statute that frustrates the policies favoring both settlement and compensation for § 1983 victims).

B. *Williams v. Marinelli* is Relevant and Persuasive.

Defendant likewise attempts to distinguish *Williams v. Marinelli*, 987 F.3d 188 (2d Cir. 2021) because there the State of Connecticut voluntarily indemnified a correctional officer despite a jury finding of "malicious and reckless conduct." ECF 54 at 25. Again, this is a distinction without a difference. The parties' choice to settle Plaintiff's § 1983 claims before judgment does not diminish the

compensatory and deterrent effects of the resulting damages, but allowing the State to claw back those damages does.

Also, contrary to Defendant's assertion, the State of Florida, through its Department of Financial Services, voluntarily paid the correctional officers' damages. *See* ECF 54 at 25 (claiming "Risk Management did not voluntarily pay the Florida corrections officers' judgment obligations" because it did so pursuant to state insurance coverage for § 1983 claims). Even though the State Risk Management Trust Fund is required to defend correctional officers against § 1983 suits, nothing requires it to settle them. ECF 58-2. And no claims may be "settled for monetary compensation without the prior approval of the Department of Financial Services." Fla. Stat. § 284.385(1). Thus, the State of Florida assessed its monetary risk of defending Plaintiff's claims at trial and voluntarily chose to settle instead.

But this settlement does not necessarily mean, as Defendant seems to assert, that the officers' conduct failed to meet the "malicious purpose" standard that would prohibit the State of Florida from indemnifying the officers under its liability coverage. *See* ECF 54 at 25 (claiming that without a jury finding, "Florida corrections officers did not seriously injure Plaintiff through malicious or reckless conduct."); ECF 53-10 at 2 (excluding from coverage "actions of insureds committed . . . with malicious purpose").

Even if that were true, Defendant again misses the point. The State has a duty to ensure its correctional officers do not brutalize incarcerated people. *See, e.g., Gates v. Collier*, 501 F.2d 1291, 1306 (5th Cir. 1974) (finding that the State of Mississippi is constitutionally prohibited from using "physical brutality and abuse in disciplining inmates"). If the State can voluntarily settle § 1983 cases and use liens to recoup damages, and correctional officers can escape all financial liability despite beating someone so severely that, as here, the victim loses an eye, there is no financial consequence to deter state actors from allowing or facilitating such brutality in the future. *See Williams*, 987 F.3d at 201 ("The deterrent effect of [a] § 1983 award is eviscerated if both the constitutional tortfeasor and his employer, the State, are relieved of the bulk of the financial consequences of the violation."). So, the State's confiscation of Plaintiff's settlement award conflicts "sharply with § 1983's goals, particularly the goal of deterring state officers from abusing prisoners in their charge in violation of their constitutional rights[.]" *Id.*

C. *Beeks v. Hundley* is Irrelevant.

Defendant's reliance on *Beeks v. Hundley*, 34 F.3d 658 (8th Cir. 1994) is misplaced. ECF 54 at 18-22. There, the State of Iowa used a cost-of-incarceration lien to apply the plaintiff's § 1983 damages to his victim restitution debt, as opposed to depositing them into the State's own coffers. *Beeks*, 34 F.3d at 661. The Eighth Circuit thus determined that § 1983's deterrence goal remained intact

because "the State does not ultimately receive the § 1983 proceeds." *Beeks*, 34 F.3d at 661. But here, FDC "deposited the funds into the State's general revenue fund." ECF 54 at 20. As *Beeks* recognized, "the goal of deterrence would be intolerably undermined if the State could recover reimbursable costs of incarceration from the 'very monies' it paid on account of the unlawful conduct of prison officials." 34 F. 3d at 661 (*quoting Hankins*, 964 F.2d at 861); *see also Williams*, 987 F.3d at 204-05 ("In *Beeks*, the state's actions reduced neither the § 1983 judgment debtor's burdens nor its own, and they therefore did not reduce the deterrent effect of the judgment in the way that Connecticut's actions did here."); ECF 58-3 at 5 (General Revenue Funds "are not earmarked or separated into accounts by their intended function or use.").

Moreover, the Eighth Circuit's *Beeks* analysis depended on the punitive purpose of a victim restitution debt, which does not exist here. 34 F. 3d at 662 (expressing reluctance to undermine victim restitution goals). In both Iowa and Florida, victim restitution is imposed as part of the sentence for punishment. *Id.* ("Restitution is a long-accepted form of punishment[.]"); *Noel v. State*, 127 So. 3d 769, 774 (Fla. 4th DCA 2013) ("[R]estitution to victims is a central 'penological interest' of Florida criminal law."), *decision quashed on other grounds*, 191 So. 3d 370 (Fla. 2016). In contrast, Florida courts impose civil restitution liens to reimburse the State for incarceration costs, not as punishment for criminal

behavior. *Goad*, 845 So. 2d at 884-85. Thus, unlike in *Beeks*, preemption of Plaintiff's civil restitution lien would in no way interfere with the "State's admittedly strong interest in its victim restitution program," or its role "as the primary regulator[] of crime and punishment." *Beeks*, 34 F.3d at 661-62 (distinguishing victim restitution from civil restitution debt).

In addition, *Beeks* turned on the "pre-existing" nature of the victim restitution debt, which does not exist here. *Id.* at 661 ("[T]he money was applied to the inmates' pre-existing obligations to the victims of their crimes."). Plaintiff was convicted in 2006, which as Defendant correctly asserts, made him liable for incarceration costs.[5] ECF 54 at 19; *Smith v. Fla. Dep't of Corr.*, 27 So. 3d 124, 127 (Fla. 1st DCA 2010) ("The plain language of section 960.293(2) provides that a life-sentenced offender is liable to the state for incarceration costs in a liquidated amount 'upon conviction.'"). But the Florida Legislature created a separate civil procedure that requires FDC to file a motion to create an enforceable cost-of-incarceration debt. Fla. Stat. § 960.297. Defendant chooses not to impose such debt against every incarcerated person, instead prioritizing individuals such as Plaintiff. ECF 27-3 at 6.

[5] The Second Circuit reasoned that such wide-spread liability is one factor that undermines the deterrent effects of § 1983. *Williams*, 987 F.3d at 202 ("[T]he fact that the cost-of-incarceration . . . debts at issue here, unlike other debts that may give rise to liens on § 1983 recoveries, apply broadly to a significant portion of the inmate population . . . , mak[es] it easier for officials to know *ex ante* that prisoners' civil recoveries will likely be reduced by operation of the Connecticut cost-recovery statutes.").

And here, Defendant not only waited eighteen years after Plaintiff's conviction, it waited until after FDC [redacted] paid Plaintiff's compensatory damages—to remedy in part correctional officers' alleged battery against Plaintiff—before imposing the debt and putting those funds back into the same revenue source. The Eighth Circuit was not faced with this same set of facts in *Beeks*, and its analysis in that case should not apply here.[6] Instead, the Eighth Circuit's preemption of a civil restitution lien based on analogous facts in *Hankins* should be instructive.

III. Preemption in this Case Supports Sound Policies.

Finally, Defendant exaggerates that finding preemption in this case would mean that the State could never attach a lien to any § 1983 proceeds, no matter the source, nor apply collected § 1983 proceeds to any type of debt. ECF 54 at 26-27. Not so.

Defendant's attempt to manufacture an absurd policy result obscures that the fundamental values underlying § 1983's compensatory damages are morality and fairness. *See Dobson*, 705 F.2d at 764 (Section 1983's compensatory goal "is a

[6] The Eleventh Circuit's purported "skepticism," as characterized by Defendant, in footnoted dicta about the *Hankins* decision, is also irrelevant because it turned on the State using § 1983 proceeds to pay a victim restitution lien. *See* ECF 54 at 18; *Rinaldo v. Corbett,* 256 F.3d 1276, 1281 n. 9 (11th Cir. 2001) ("We do note . . . that the Eighth Circuit has limited Hankins by holding that an inmate's § 1983 award may constitutionally be applied to a victim restitution lien imposed on an inmate's assets because such an application is not inimical to the goals of § 1983.") (citing *Beeks*, 34 F.3d 658)).

moral inquiry, involving concepts of fairness" and "rectification of past events."). It is immoral and unfair for the *State*, which is ultimately responsible for the conduct of its employees and contractors, to escape accountability by clawing back the monies that were intended to compensate Plaintiff for the serious injuries he suffered at the hands of the *State's* employees [redacted]. This basic injustice is the core of Plaintiff's claim; not whether Defendant can impose a civil restitution lien against Plaintiff, collect funds other than the relevant § 1983 damages, or apply other collected funds to Plaintiff's debts.

To maintain the compensatory and deterrent purposes of Plaintiff's § 1983 settlement award, there is no need to extend the policy implications for preemption beyond the core facts in this as-applied challenge.

CONCLUSION

For the reasons set forth above and in Plaintiff's motion for summary judgment, this Court should deny Defendant's motion for cross judgment and grant Plaintiff's motion**.**

Dated: December 9, 2025

Respectfully Submitted,

/s/ Kelly Knapp

Kelly Knapp
Florida Bar No. 1011018
Southern Poverty Law Center
2 S. Biscayne Blvd., Suite 3750
Miami, FL 33131-1804

Telephone: (305) 537-0575
Email: kelly.knapp@splcenter.org

Krista Dolan
Florida Bar No. 1012147
Southern Poverty Law Center
P.O. Box 10788
Tallahassee, FL 32302-2788
Telephone: (850) 521-3000
Email: krista.dolan@splcenter.org

Dante Trevisani
Florida Bar No. 72912
Email: DTrevisani@fji.law
Anne Janet Hernandez Anderson
Florida Bar. No. 18092
Email: ajhernandez@fji.law
Florida Justice Institute, Inc.
40 NW 3rd St., Suite 200
Miami, FL 33128-1839
Telephone: (786) 342-6911

CERTIFICATE OF WORD LIMIT

Under N.D. Fla Local Rule 7.1(F), I hereby certify that this memorandum contains 5,423 words.

/s/ Kelly Knapp
Counsel for Plaintiff Baez

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via the Court's CM/ECF system, which provides notice to all parties, on December 9, 2025.

/s/ Kelly Knapp
Counsel for Plaintiff Baez